

**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 3

**Panel Sessions held at
Séances tenues à**

**Riverlodge Recreation Centre
654 Columbia Avenue West
Kitimat, British Columbia**

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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 Kitimat (British Columbia), Tuesday, August 31, 2010
Séances tenues à Kitimat (Colombie-Britannique), Mardi, le 31 août 2010

JOINT REVIEW PANEL/LA COMMISSION D'EXAMEN CONJOINT

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

PRESENTATIONS/PRÉSENTATIONS

Haisla First Nation

- Chief Councillor Dolores Pollard
- Councillor Gerald Amos

Heiltsuk Tribal Council

- Chief Harvey Humchitt
- Mr. Frank Brown
- Chief Marilyn Slett

Gitga'at First Nation

- Mr. Kyle Clifton

Mr. Doug Donaldson

Kitimat Harbour Group

- Mr. Victor Maskulak
- Mr. Ron Burnett

Ms. Jain Peruniak

Mr. Tim Rice

Office of the Wet'suwet'en

- Chief John Ridsdale
- Mr. Mike Ridsdale

Mr. Michael Langegger

Mr. Daniel Danes

Mr. Gary Coons

Mr. James Cowpar

Mr. Kris Olsen

Friends of Wild Salmon

- Ms. Pat Moss

T. Buck Suzuki Environmental Foundation

- Ms. Jennifer Rice

PRESENTATIONS/PRÉSENTATIONS
(Continued/Suite)

Coastal First Nations
- Mr. Arthur Sterritt

Great Bear Initiative
- Ms. Leslie Williams

United Fishermen and Allied Workers' Union
- Ms. Joy Thorkelson

Mr. Rimas Zitkauskas

Kitimat Valley Naturalists Club
- Mr. Walter Thorne
- Ms. April MacLeod

Mr. Kelly Marsh

Mr. Daniel Mesece

by Mr. Merv Ritchie

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**Oral presentation
Chief Councillor Dolores Pollard**

--- Upon commencing at 9:25 a.m./L'audience débute à 9h25

556. **THE CHAIRPERSON:** Good morning everyone.

557. I understand that we're going to be honoured with an Opening Ceremony. So at this point, I would ask all of us to stand. Thank you very much.

(OPENING CEREMONY)

558. **CHIEF COUNCILLOR POLLARD:** I don't know which mic you would like me to speak at. My name is Dolores Pollard, the elected Chief Councillor for the Haisla Nation, for my presentation.

559. **THE CHAIRPERSON:** Welcome, Chief Councillor. Wherever you're comfortable.

--- **ORAL PRESENTATION BY THE HAISLA FIRST NATION:**

560. **CHIEF COUNCILLOR POLLARD:** I'm sorry that I have to speak here. I see you have all your media set up here but in our tradition, we really shouldn't have our backs to the traditional Chiefs; so please bear with me.

561. My name is Dolores Pollard. My traditional name is Gyanathlbathla of the Haisla Nation and I belong to the Beaver Clan.

562. And I'll let my fellow Councillor, one of the councillors, introduce himself for the record.

563. **COUNCILLOR GERALD AMOS:** My name is Gerald Amos, Gaadakhak, of the Beaver Clan and also an elected Councillor.

564. **CHIEF COUNCILLOR POLLARD:** I would like to thank the Heiltsuk Chiefs, Chief Ladies, Matriarchs, the community members that walked in with us. They're from all over in our territory. Thank you for walking in with us and giving us strength or strength to speak today.

565. I would especially like to thank the Heiltsuk people. I understand they were first on the agenda and the reason I'm speaking now is because they're following tradition that because you are in our territory, we are the ones that should speak first. And I think that's where there is a serious lack of the cultural tradition of the Northwest Coast People, and they know.

566. They knew right off the bat that it was wrong to come into Haisla

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Territory and speak first because that is huge disrespect to the Haisla People. Even though we're related up and down the coast, they know the cultures and traditions. So that is why I am speaking now. So I will make my oral presentation right now.

567. I felt it was really important as elected Chief Councillor to make a brief statement regarding the Enbridge Project that is proposed for our territory. I will not make a lengthy presentation but we will have a written submission given to you by the deadline.

568. But I thought it is really important that the Haisla people have a voice at these hearings regardless of how brief it is and we will not take your 30 minutes that you've allotted. Gerald Amos, Councillor Gerald Amos will have comments following.

569. But on behalf of the Haisla Nation, we nonetheless welcome the Panel to our traditional territory and we welcome all the guests and the fellow speakers that are here today to our traditional territory.

570. We do this despite the fact I mentioned earlier that the Panel did not follow traditional protocol and contact us to seek permission to enter and hold meetings in our territory.

571. I do acknowledge one of your workers from the National Energy Board did present me with a gift in the hallway, and once again, when you present gifts, you do it publicly because to do something in the hallway after the fact is even more demeaning to the cultures and the traditions of First Nations People in Canada.

572. You know, gift-giving is not a small thing. You can see our potlatch system which is the traditional way we do business. We do it in front of the whole community. We do it in front of all of our brothers and sisters from neighbouring nations. We don't go do it in a hallway. So although her intentions were great, it was even more demeaning that she did it in a hallway.

573. And just to make the point of the cultural sensitivity that is required when you're reviewing your project that they appointed a Joint Review Panel and I do acknowledge you have a First Nations representative on there, but that doesn't mean you're sensitive to the cultures and the traditions of the peoples' territories that you're going into.

574. A lot of oil and gas is really new to our territory and therefore, you guys are new. And it's really important that in your whole process, that you understand the cultural sensitivity and because these people belong to the bighouse and the longhouses of Canada, they understand, and that is why they gave the honour of

allowing us to speak first.

575. As many First Nations People that could walk in with us, that's what we do because that's how our cultures and traditions are. We're not disconnected. We're connected by our clan systems. We're connected by our longhouses and our bighouses. We're connected by our Elders and our families and the potlatch is where we do business.
576. We are here to highlight what we think are important issues that the Panel must address and additional information that the Proponent must be required to submit for review before any serious consideration of the proposed project is possible. You will be receiving a written submission as well that will provide greater detail than what I will say today.
577. However, we stress that this submission is only based on preliminary cursory review of the application and related materials. If you can imagine that Enbridge filed their application May 27th, 2010 and it's what, an 8,000 page read?
578. For you guys to be here today is just amazing because dealing with any government, any level of government, three months is pretty quick because to read all those documents and be here three short months later, three and a quarter months later, is amazing because we have only been able to take a brief read of it. So hats off to you for being able to read it that quick.
579. We expect that there will be many questions that will need to be answered and more additional information as this process unfolds. If you are not already aware from our correspondence to CEAA, the Canadian Environmental Assessment Agency, we have serious misgivings about the adequacy, as well as the legitimacy of the Joint Review Panel process, and the respective roles of the Panel and the National Energy Board.
580. Suffice it to say that the lack of consultation on the structure of the Panel, the terms of reference for the review and the inadequacy of the budget allocated for First Nations' participation in the JRP process, we had not engendered confidence that there is serious intent to give equal weight to the concerns and interests of those most affected by the proposed project.
581. We have significant experience participating in a variety of environmental reviews and quasi-legal forums and intend to fully participate in this process. However, the grossly inadequate budget allocated for our participation is insulting, demeaning and undermines our ability to meaningfully participate in the process. One way or another, this will have to be rectified.

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582. We were surprised by how few questions the Panel had included in your Draft List of Issues. We found that there are numerous additional questions that must be answered by the Panel as it conducts its environmental assessment of the proposed project and its public interest determination review. A more detailed list will be provided in our written submission but we will highlight some of the more obvious issues that must be addressed.
583. More questions must be answered about the need for such a project as proposed by the Proponent. Also, more information is required to evaluate whether there are alternatives to the project that better serve the Canadian public interest as well as local interests and Aboriginal rights and title.
584. In short, we think it is important to go back to square one and look at the premise for this project and whose interests really are being served.
585. With regard to the potential environmental effects of the proposed project, the Proponents should not only set out probabilities of accidents and malfunctions but should also explain clearly what happens when they occur.
586. The application suffers from significant information gaps about the potential environmental effects that would occur. The baseline information in the application is inadequate to accurately assess the environmental risks. Further, the application demonstrates a limited capability to mitigate significant adverse effects.
587. We have lived here for generations and we know what can happen here. We can see from the application that the Proponent does not appreciate what can happen or at least has not addressed these issues adequately.
588. Based on this, we have questioned -- we question the experience of the Proponent to undertake the proposed project. Furthermore, based on their compliance and safety record, we have to question the competence of the Proponent to successfully carry out the project as proposed.
589. We remind the Panel that all components of the proposed project would occur in Haisla Nation Territory. The Haisla Nation holds Aboriginal title to Haisla Nation Territory and our people exercise Aboriginal rights throughout our territory.
590. Our Aboriginal rights and title have not been ceded, surrendered or otherwise abandoned. Yet, the application fails to capture the nature of our Aboriginal rights, including Aboriginal title and how the proposed project impacts those rights.
591. The scale of activity contemplated even with no accidents or malfunctions

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will drastically alter habitats, fish and wildlife in our territory for years beyond the time when the oilsands have been mined out.

592. We know the products that would be transported -- we know the products that would be transported are capable of doing serious long-lasting damage. More information is required to assure us that the necessary technology, infrastructure or institutional frameworks exist to effectively mitigate the environmental impacts of the proposed project.
593. Much more information is required to assure us that the necessary technology, infrastructure or institutional frameworks exist to effectively mitigate any accidents or malfunctions.
594. We urge the Panel not to put the cart before the horse and to ensure that the necessary technology, infrastructure or institutional frameworks exist. We urge the Panel to be diligent in determining whether the proposed project can be undertaken with minimal risk to the environment and to those that depend on it.
595. Further, we remind the Panel that this project will infringe on our Aboriginal rights, including Aboriginal title, and that such infringement must be considered in the assessment of the proposed project.
596. With that, I have read through much of your documentation and it is really bothersome when I read -- when I read issues such as the public interest determination which is part of your mandate.
597. And for the Haisla Nation, what that says to us is that your Aboriginal interests -- it's throughout your document -- I never see anything that states the Aboriginals -- Aboriginal First Nations constitutionally protected rights and that is what we have and I really don't see that in any of your documentation.
598. We have now, instead of dealing with the Crown who has a fiduciary responsibility to deal with First Nations People, when it comes to consultation and accommodation, now that falls onto the Proponent.
599. And one of the really important things besides our Aboriginal rights and titles that have never been ceded is the very fact that now we have to try and deal with the Joint Review Panel and we have to do the consultation and accommodation with the Proponent, and at the same time the Joint Review Panel has to determine the public interest part.
600. So what that says is our constitutionally protected Aboriginal rights and title, we're just considered people, like the general public. Yet, we have that to

protect what we do have.

601. And there's much more that can be said but I know you do have a lengthy agenda and I will hand it over to Councillor Gerald Amos.
602. **COUNCILLOR GERALD AMOS:** Thank you, Dolores.
603. First of all, I want to acknowledge all the Hemas and the Mus Magithl from all the communities that have come to join us today, including Wakas who is behind me from the Haisla.
604. I think it's fitting that we're in Riverlodge here in downtown Kitimat in a place, in our history it is called Fenema Tsee (ph). Fenema Tsee (ph) is the place just behind us over here where in the days gone by, these masks that you see, the headdresses that you see being worn by the Haisla Hemas were carved out of living tree.
605. Fenema Tsee (ph). Just past Fenema Tsee (ph) down on the estuary of the Kitimat River was Hatlalisna (ph), the lower reaches of the Kitimat River and where it meets the ocean, the salt water. Hatlalisna (ph) in the old days was described as a dinner plate of Haisla People and every territory along the coast, these places exist and continue to exist; the dinner plate of the people.
606. In some areas, you've heard when the tide goes out, our table is set. That reality exists today and has been impacted already to a point where, if you come down to Kitimat Village, there's still a little sign there that says there's a crab advisory; don't eat the crab because they're polluted; it's dangerous to your health.
607. So we come here today to begin a process, as Dolores said, that we have serious misgivings about, to say the very least. But what we don't have misgivings about is the support from not only the Heiltsuk, the Tsimshian, including the Gitga'at.
608. We don't have any misgivings about that at all. The power that you felt through these songs is throughout this territory, this area that could be impacted by the project. And that includes non-First Nations people.
609. I don't wear this flag over my shoulder lightly. It's not simply a stunt. It's a message that we are part of Canada, although we do have unfinished business, as they say, with the governments of the day. I want to speak for Canada and for Canadians because I am one.
610. That could have ramifications for me, meaning I might get lynched when I leave here by my own people, but I felt it important to acknowledge that there are

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Chief Councillor Dolores Pollard

people here who feel the same way we do with respect to the misgivings about the process and about the potential impact to our territory, people from the town of Kitimat who are working hard to ensure that this process actually speaks for them.

611. So I wanted to say that and thank the Hemas and the singers from Heiltsuk for honouring us with your presence and for drumming the songs that you did. So thank you very much.

612. **CHIEF COUNCILLOR POLLARD:** Thank you, Councillor Amos.

613. In closing, I would like to thank the Heiltsuk people, Hemas and Mus Magithl, for blessing us with that entrance song and for your presence just being here today to give strength to the voice of the Aboriginal People of Canada, the voice that has been silent for too many years, the voice that has been silent when it comes to economic development in our territories.

614. When I say we have we have not ceded our territories, we have not, and yet development continues to occur without input from the Aboriginal people.

615. From the time -- when you think about the age of the town of Kitimat, it's not even 55 years old, and for 55 years we have stood back and we have watched economic development happen in our territory. He told you the story of the river. If you literally want to drive there or walk there, you'll see where our dinner plate is that could be impacted by this project.

616. For too many years, in the short 55 years that we've had contact directly with the direct neighbours of the town of Kitimat, we have absolutely gained nothing; a 60 percent unemployment rate that has been consistent. And in traditional times, unemployment rate was not a factor because we had our bighouses and our longhouses and we had our food right at our beach and that's what's in jeopardy because we have a boundary on where we can get our crabs.

617. That's what we have to protect and make sure with the inadequate funding that you're providing, we said we are committed to participating in the joint review process.

618. And the fact that this \$5.5 billion project is going to happen in our territory where the Haisla First Nation will experience the most impact of any First Nations because the proposed pipeline would cross our rivers, it would -- transportation -- the BLCCs will be in our waters and it will then impact the rest of the First Nations People that are standing before you. And the terminal with the tank farm will be right in our front yard.

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619. So to be impacted so hugely -- and I'm only speaking for the Haisla Nation because should there ever be an oil spill, all of us will be impacted.
620. But the reality is a \$5.5 billion project and we got \$300,000 for this phase of the project for which the phase is not determined in years. So for \$300,000, this phase could drag on for two years, three years, four years, who knows, and we are limited. It is dictated to us how much money we can spend on what.
621. Out of three pockets of funding, out of this phase, the Phase 2 you're in, we are allowed to spend \$30,000 on our legal representation. And believe me we can eat that up just trying to go halfway through the application that Enbridge submitted, maybe a quarter of it. There's how many volumes in what they submitted and to do a cursory review of it, we probably spent that \$30,000.
622. So to level the playing field, if you want to determine the public's interest, the first thing you need to do is level the playing field and give the Aboriginal people the money they need to adequately participate because I am in deep fear that the fate of my people and all the people here are in the three of your's hands.
623. And how many of you are from B.C., specifically the Northwest Coast where it will be the most impacted? I don't think any of you are from B.C. I think you're from Calgary and Ontario, and that really terrifies me that our fate is in your hands.
624. And our fate is in the hand of a Proponent who is charged with the consultation and accommodation that is meant for the Crown to do, not a Proponent that's already promoting their project through marine community advisory boards. Three-hundred-thousand dollars (\$300,000) does not allow us to participate in such things.
625. Anything that we say we have to be careful because we can't say "no" to the project because then that's viewed as our vetoing the project, but everybody else in the general public can have their say, yes or no, but Aboriginal people, we can't.
626. And is that fair? Is that in favour of our human rights? It's bad enough that we're banished to reserves with a number just like an animal, and it's time to stop because we're not going to stand back and allow our territory to be subjected to projects that could have potential adverse effects.
627. One of your stakeholders -- I read one of your stakeholders in your AGM of 2009 and what he said was that your project, the commodity, is the livelihood of many people around the world. Many people, it's their livelihood; they depend on it.

Opening remarks
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628. And what I want to say to you is your proposed project -- the Enbridge, the proposed project -- has a huge possibility of wiping out our livelihood. And our livelihood, our connection to the land goes deep. We depend on the land for our food, for our houses. We depend on it for everything, but the most important thing that we depend on the land for is to maintain our connection to our children and future generations.
629. If we don't have the ability to teach our children to fish and hunt, if we don't have that ability to teach them how to go hunting for moose, to go hunting for deer, to go crab fishing, to halibut fish, then our connection is gone forever because that's how tied we are and how much we depend on the land. It's not just for the resources that it offers us, but it's for our ability to teach our children for generations to come.
630. And with that I thank you for allowing me to speak and I thank all of you for being here, Hemas, Mus Magithl, [speaking in the native language].
631. Thank you.

(CEREMONIAL SONG)

632. **THE CHAIRPERSON:** Thank you very much, Chief Councillor Pollard and Mr. Amos.
633. Chief Councillor Pollard, you referenced in the beginning of your comments about our continued learning process about the cultural sensitivities in this area. I very much appreciate your comments and look forward to working with you and others so that we can ensure that we do learn and better understand.
634. Thank you also for taking this opportunity to give us your opening remarks -- to give us your remarks on the areas that we've come to consult with today. And also on behalf of the Panel and the Secretariat, we are honoured to be in this traditional land of the Haisla Nation, as well as the District of Kitimat, and we are also honoured by the Opening Ceremony.
635. I know that I can speak on behalf of my Panel mates to tell you it's touched us greatly. So thank you very much.
636. I want to thank everybody for taking the time to be here today. My name is Sheila Leggett and I'm the Chair of the Joint Review Panel established by the Minister of the Environment and the National Energy Board to consider the Enbridge Northern Gateway Project which was filed by Northern Gateway Pipelines Limited

Partnership.

637. I'd just like to take a couple of minutes for you and just have my Panel mates introduce themselves briefly as well so that you'll have a better understanding of who these three people are who are sitting in this room with you.

638. So I'll turn first to Kenneth Bateman, please?

639. **MEMBER BATEMAN:** Hello. Thank you for permitting the Panel to be here with you in the traditional Haisla Territory as well as the District of Kitimat.

640. My background for you to know is that I am an energy lawyer and an executive from the private sector. My experience has been in the area of energy and in the environment, as well as the regulatory area of law and business.

641. Thank you.

642. **THE CHAIRPERSON:** Thanks, Kenneth.

643. Hans Matthews?

644. **MEMBER MATTHEWS:** Good morning, everyone.

645. First of all I'd like to thank Chief Pollard for her opening comments and the welcoming by the Chiefs. I'd like to acknowledge that we're in the Haisla Territory and I thank you for your comments and they're very valuable to us. It actually helps us shape the process and that's why we're here today.

646. I am Anishinaabe from the Loon Clan, Wahnapiatae First Nation, and I've had lots of experience in dealing with my own community and other communities in Canada and I hope to bring that experience to the Panel in helping us move forward on a decision on this project.

647. Thank you.

648. **THE CHAIRPERSON:** Thanks, Hans.

649. As you know, I told you my name was Sheila Leggett. I'm a professional biologist and a professional agrologist by background. I've been involved in what people call environmental issues but in all sorts of aspects of the environment for more years than I might like to 'fess up to but for a good 30 years anyway.

650. In that time I have worked as a consultant. I've also, in the last nine years,

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Chairperson**

been a regulator. I worked on a variety of projects for a variety of different people as well as often times for a variety of interests at the same time.

651. I was previously on the Natural Resources Conservation Board for five years as a board member there, which is an Alberta Board, and have been on the National Energy Board for the last four years.
652. My roots go across Canada actually. I was born in P.E.I., I grew up in Quebec and I have also been based in Alberta for many years now and we have a son living in Vancouver and a daughter living in Ontario, so we're well spread out as a family across the country.
653. One of my roles as the chair of this Panel is to ensure that this session unfolds in an efficient and a respectful manner and I so appreciate the tone and the tenor that the Aboriginal groups have been able to set for us in starting this session and look forward to everybody's cooperation in continuing in that way.
654. I'd just like to go into just a couple of details. We've got a full room here and so I just point out to you that if there was a reason why we all had to leave the room that there are three sets of doors; there's the set of doors that we came in, there's the set of doors over on the right-hand side and then there's the set of doors here behind where we're sitting.
655. Also, the washrooms are near the facility reception desk and I just ask everybody at this point, for everybody's respect, if everybody could just take a minute and turn off your cell phones, Blackberries -- electronic gadgets, as I call them -- just so that we're not disturbing people when they're speaking.
656. Thank you for doing that.
657. On May 27th, 2010, as we've heard, Northern Gateway Pipelines Limited Partnership applied to the Board for what's called a Certificate of Public Convenience and Necessity and that's pursuant to section 52 of the *National Energy Board Act*.
658. They're looking for authorization to construct and operate the Enbridge Northern Gateway Project. That project would include two 1,172-kilometre pipelines between Bruderheim, Alberta and a new marine terminal here in Kitimat, British Columbia.
659. In addition to review under the *National Energy Board Act* the application requires an environmental assessment pursuant to the *Canadian Environmental Assessment Act*.

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660. As part of the process of creating this joint review panel, there were terms of references which were drafted to provide guidance. Those terms of reference required the Panel to do a few things and that is to issue a Hearing Order, to conduct information sessions on the process, and to conduct these Panel sessions on certain topics, which are the three topics that we're seeking your input on today.
661. In response to the comments that we heard from many people we decided that it would be most appropriate and useful if we were to hold the Panel sessions before we proceeded with any other steps of this process. So it was as a result of that that on the 5th of July we issued procedural direction which established the process that we're doing right now.
662. So what we're here today to do is to hear your comments on the three topics that are listed on the screen to your right and to our left. So that's the Draft List of Issues, any additional information which Northern Gateway should be required to file, as well as your comments on locations for oral hearings. Those are the topics that we're here to hear comments on today.
663. Now, it's my understanding that secretariat staff were able to get in touch with most, if not all, of the parties who are presenting today, so hopefully you had an opportunity to talk with them and to better understand what we're here to consult with you on today.
664. We know that many of you would like to tell us your thoughts about the proposed project and you'll have many opportunities to do this in the future. Before we can begin to hear your views about the project, though, there are some initial steps that we need to have completed and that's what brings us here today.
665. We're here today for one of those initial steps, which is the Panel sessions. The other steps which I talked about will follow at some other point.
666. The information that we obtain on the topics today will help us establish an appropriate scope of review and process, taking into consideration all the comments that we've heard expressed.
667. At some point after we have completed our three Panel sessions -- most of you probably know we were in Whitecourt a couple of weeks ago and we'll be in Prince George next week -- we'll be issuing a Hearing Order and it will set out our assessment process steps and how you can get involved in those steps along the way.
668. To help you determine how best to participate in these future assessment processes the Canadian Environmental Assessment Agency has designated Ms. Collette Spagnuolo, who I believe is in the room; she may not be. She would have

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been one of the individuals who greeted you when you came in today, to assist you.

669. Her job as your process adviser is to ensure that you have all the process information you need to meaningfully participate in this assessment. She'll be here throughout our sessions this week and I would encourage you to introduce yourself to her.
670. I'd also like to introduce you to the Panel Secretariat members who are in attendance. These are the people who work with us, the Panel, to create and deliver a process where all viewpoints are heard. In addition to helping the Panel they're here to help you and they're here to answer any Panel-related questions you have.
671. I'm not sure I'll be able to spot everybody so I'll read you their names and if you're in the room would you please raise your hand so that everyone in the room can know who you are.
672. Louise Niro on the right-hand side of the room; Nelson Peters; Alex Ross -- Alex is sitting down at the back of the room over here; Carol Hales at the back of the room by the window; Ruth Mills -- oh, Ruth Mills is over on the -- at the other side of the room. Thank you, Ruth. Carolyn Dunn, she's outside. Thank you very much. Kristen Higgins. Kristen is standing over by Ruth. Jessica Fung, over by Nelson.
673. As well, we have a court reporter with us today, Dale Waterman, who's over here, and you'll see that we have this booth off on the left-hand side of the room to you, and that's because we're webcasting this proceeding.
674. So if you were to go out website you would be able to scroll down and be able to connect in and you would be able to listen to this process live as it's unfolding, and it's for that reason that we have our interpreters here as well. So we have three interpreters who will be working to make sure that that service is provided, and they are Patricia Leguen, Jean-Pierre Beekat and Jacques Guthrie.
675. As well, we wouldn't be able to be talking like this if we didn't have a sound technician, and that's Darren Neufeld.
676. All participants who have registered to provide their comments today are listed on the daily schedule that's at the back of the room. If you're not present when your name is called, we'll call you again at the end of your scheduled session.
677. Now, you will have noticed, as we have, that we have a number of people who would like to speak with us today and we will do our very best to be able to accommodate that.

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678. We will be -- we've started to sit now. We'll take a break at some point and then we'll sit again at 2 o'clock and then we'll sit again at 7. So those are the times when we'll start the sittings because that's what we've told people and that's what they're expecting today.
679. What we'll likely do though is we will sit pretty continuously and just take breaks as required to do our best to be able to hear from everybody who's made their travel plans to speak to us today.
680. So one of the steps that we've taken, just so that we all stay upright and don't go into any serious blood-sugar lows, is that around noon we'll have some fruit and cheese plates coming in, and I imagine we'll just have them set up somewhere in the room and would invite everybody to just help yourself.
681. We will take some breaks, as I said, but we're very conscious of the fact that people have travelled distances to be able to speak with us, and it's our understanding that many people only had today to be able to speak with us.
682. If you find that you would be able to speak with us tomorrow or the next day and you're scheduled today, by all means let some of our staff know that and we can adjust the scheduling.
683. As you see, you've -- thank you very much for being here to be ready to speak with us. When we do call your name, if you could come to this table and then give us your presentation.
684. As we've mentioned in the Procedural Direction that we provided, you'll have up to about 30 minutes to present your comments. It's not a beat-the-clock kind of routine. It's with respect to making sure that we can hear from people who want to speak with us and also have the opportunity to hear what your comments are.
685. In that vein, if you've already provided us with written comments, there's no need to repeat or to summarize those comments. We'll consider all of your written comments as well as your oral comments.
686. As well, if somebody else has come before you and they've presented similar comments to what you would like to say, you can just tell us that you're in support of those views as well and that will be on the record and we'll be hearing it today ourselves.
687. If you have any written material that you've brought that you want to

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supplement your oral comments that you're providing today, if you could provide it to our staff at the back of the room or outside at the registration desk, we'll make sure that that material gets posted on the public registry. And if you did have any written notes that you are talking from today, it would be appreciated if you would allow us to have those as well, just so that we can ensure accuracy with the court reporter.

688. Just to finish off by saying that this project has attracted much attention from all viewpoints and, as a Panel, we're here to ensure that we understand your position about the three areas for comment that we've come to talk to you about today. So we're looking forward to starting to hear a lot less of me and a lot more of you talking.

689. So with that, let's proceed and Chief Marilyn Slett, Chief Harvey Humchitt? I hope I've pronounced your name correctly. And Mr. Frank Brown.

690. Are all three of you planning to speak today? So if I could just get you, for the court reporter, to one by one just spell your name for the record and then after that our formalities are finished with and we're here to listen to you. Thank you.

691. So Chief, could we start with you please?

--- ORAL PRESENTATION BY THE HEILTSUK TRIBAL COUNCIL:

692. **CHIEF HARVEY HUMCHITT:** [Speaking in the native language]. My name is Chief Wikvilba Wakas. I'm one of the Hereditary Chiefs of the Heiltsuk Nation. I speak on behalf of the Heiltsuk people and our Hereditary Chiefs.

693. We are the main descendants of the Heiltsuk-speaking people who inhabit the area of approximately 6,000 square miles in the Central Coast. Today, I am here to speak of a grave concern regarding the proposed Enbridge Northern Gateway Pipeline to Kitimat.

694. We are convinced that the threats the oil tankers pose to our natural resources are huge and our people will be affected by that. We believe increased tanker traffic in the rugged Central Coast of B.C. will destroy our sea resources and our lands.

695. Our people, the Heiltsuk people, rely on all sea resources: animals, birds, clams, cockles, prawns, cod, salmon, halibut, seaweed -- different types of seaweed.

696. I would like to ask a couple of questions about the proposed line. I'm wondering, when Enbridge completes the project, if they do complete the project, where along the way does responsibilities change from -- say, what happens when the

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oil goes into a tanker? Who's responsible for the oil tankers or the oil in the oil tankers? Who's responsible for that?

697. We haven't seen any information on that and we would like to know because if we have an oil spill it will destroy a lot of our sea resources that we rely on.
698. The other question that I have is has there been consultation to other First Nations that will be affected along the Central Coast and the North Coast? I would like to extend an invitation to the Panel to come to Bella Bella, where you can hear the concerns of our people; the concerns around the sea resources that we harvest to sustain ourselves.
699. What will we do when a tanker runs aground? Who's going to be responsible for the clean-up and how do you propose to clean up the rugged coast of British Columbia where the tides and the rivers and the winds -- the weather is uncontrollable.
700. If you have an oil tanker run aground it will affect many different communities throughout the north and Central Coast and we feel that a spill will be difficult to contain. We need to see some insurance where if we lost access to our resources that we would be taken care of.
701. I would like to go to a Commission that was held in 1913. It was the McKenna-McBride Commission that was held in August of 1913. Bob Anderson, one of our leaders, addressed McKenna-McBride stating:
- “We are the natives of this country. We feel we own it all. We will never change our minds in that respect. And after we are dead, our children will hold the same idea. We own this land and we need to have something to say about it.”*
702. That came from one of our leaders in 1913 and we are the grandchildren of those people, and we're expressing the same concerns when we look at the proposed project that Enbridge is involved with.
703. We support the rest of our First Nations people that are opposed to this project -- the Gitga'at, the Haisla, the Tsimshian, the Nuxalk, the Nuuchahnulth, the Kwakiutl.
704. I'd like to close by thanking the Haisla for allowing us in your territory so that we can speak to you about our concerns. But before I finish, I would just like to thank you for allowing me the time to express to you the concerns that I have.

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705. And one of the things that I have -- one of the main concerns I have -- when we have the problems and we address the problems amongst First Nations people, our Hereditary Chiefs are asked to speak and we listen to each of their comments and collectively we decide what is the best solution. I find that this process is flawed because we don't have that ability to have the rest of our Chiefs speak to this process.
706. Again I would like to invite you to Bella Bella so that you can hear the concerns that we have. We live on the ocean; the ocean is our breadbasket. And if anything happens to it we lose it all. And we're not the only ones that use sea resources. It is used by many people.
707. In our recent past, we have witnessed a lot of tourism, people that fish for different species of fish in the ocean. And again, I would like to invite you to Bella Bella so that you can hear from the rest of our chiefs.
708. Pata-suka (ph).
709. **THE CHAIRPERSON:** Thank you, Chief. And thank you very much for your kind invitation. We'll look forward to following up further on that to find out how we could do that.
710. Thank you.
711. **CHIEF HARVEY HUMCHITT:** We just wanted to ask again about the responsibility for the oil tankers. If, when the oil is transferred to oil tankers from the depot here, the terminal here, who is responsible for the oil after it leaves here or when it arrives in the tankers? We want to be really clear on that.
712. Thank you.
713. **THE CHAIRPERSON:** Thank you Chief. And I believe there are representatives from Enbridge who are here. Could you identify yourself, please?
714. And so Enbridge would be the proper place to pose your questions on those kinds of details about their application and their plans.
715. **CHIEF HARVEY HUMCHITT:** I guess I'm looking at the second part of your list there. Usually I'm not -- I'm not used to following a list of items that have been presented to me. I usually speak from my heart and that's where I'm speaking from. And with the additional information we require that in case of

litigation and follow-up that we need to do when an oil tanker runs aground in the Central Coast.

716. Thank you.
717. **THE CHAIRPERSON:** Thank you very much, Chief.
718. Chief Marilyn Slett, are you going to speak next? Okay. Thank you very much. Mr. Brown.
719. **MR. BROWN:** My name is Ah-klaus (ph). My ancestral and my English name is Frank Brown -- F-R-A-N-K B-R-O-W-N. I currently work for the Heiltsuk Tribal Council as the Director of our Integrated Resource Management Department.
720. I would like to speak to the two questions around the environmental assessment and the question with regards to the public interest determination. I think our Hemas spoke quite clearly about the concerns and our position with regards to the fact that we have nothing to gain and everything to lose if this project proceeds.
721. There has been much deliberation in our community. Our Chiefs have met -- our hereditary leadership and also our elected leadership. And we are very, very concerned. I would like to speak to the Draft List of Issues with regards to the process.
722. In the process it speaks to Aboriginal interests, commercial interests, land owners and land use as one particular area, as the potential impacts on the project or from the project. And we need to clarify to this Panel that all three of those areas cannot be segmented.
723. The Heiltsuk people from Bella Bella are the only tribe in Canada that has a commercial Aboriginal right to harvest and sell herring roe on kelp or seafood that has been recognized by the Supreme Court of Canada under Section 35.1.
724. We have grave concerns with regards to our FSC food, also protected under the Canadian constitution and as defined by the Supreme Court of Canada. We're very concerned that the work that we have done, the 16 years that we've been involved in attempting to reconcile our commercial Aboriginal fishing rights with Canada and prior to that the nine years of court and nearly the million dollars that was spent by two of our members to advance -- to affirm the rights. And the Supreme Court of Canada vindicated our position.
725. We're not prepared to put this at risk. We have a defined commercial Aboriginal right. And so as far as the Aboriginal interest goes, please don't separate

the two. That's a point with regards to process -- because there is an economic component to our Aboriginal title and rights.

726. We have moved forward with the Government of British Columbia through the signing of a Reconciliation Protocol Agreement that recognizes the duality of title, the duality of title -- the duality of Crown Title and the duality of Heiltsuk Title along with our neighbours, our friends and our relatives along this great coast.

727. We have signed this protocol because the weight of the Supreme Court decisions -- 20 Supreme Court decisions that recognize our title. We have agreed that we will not fight in the courts over this title but rather negotiate through the implementation of the Reconciliation Protocol Agreement.

728. On your *c.v.*'s it makes reference to your backgrounds in the energy sector. As a part of our protocol agreement, we are actively exploring energy opportunities not only to meet our community needs but also to provide for the general public's need.

729. So we're not here to be unreasonable. We are not here to say that we're not open-minded to have this conversation. What we're here to say is that we are not prepared to lose everything and gain nothing in return.

730. We cannot go there. As the original stewards of the land we have a responsibility, as our Hemas referenced to, that we will also look back -- or we will look forward into the future generations as we reflect back on the Chief Bob Anderson's comments to say that we will not deviate from staying our course. We have over 11,000 years of continuous occupation based on carbon-14 dating, continuous occupation within our traditional territories.

731. We have been here for a long, long time and in our minds last year British Columbia celebrated its 150th birthday. We have a long history and we have survived on our traditional lands and sea because of the commitment to stewardship and we have transferred that forward with the Government of British Columbia.

732. We have an Order-in-Council that was ratified with regards to our land use plan. We're aggressively moving forward with our marine use plan, where there's a recognition with the duality of title, and we are not prepared to allow decisions to be made without our direct involvement and our direct input into this process. We will provide a written submission.

733. In our minds this is not a consultation because it is inadequately resourced.

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We need our Aboriginal title and rights. I made specific reference to our commercial Aboriginal fishing rights, that they be dealt with. We're not like the rest of Canada. In British Columbia they made treaties all across this country until they came to the Rocky Mountains and they stopped making treaties.

734. Gerald Amos from the Haisla reflected on the unfinished business that Canada has to deal with with First Nations in British Columbia.
735. We are not treaty Indians. There's very few and far between. So we have the duality of title and as title-holders we expect a full consultation. If there is going to be an impact and this proceeds, then we expect that -- we expect a full consultation accommodation.
736. If there's going to be an infringement, that infringement has to be a justifiable infringement and then out of that we expect to negotiate an impact benefit agreement and I think that has to be spelled out very clearly on a go-forward basis.
737. That has to be built into this process; there has to be a protocol that speaks very methodically to our unseated aboriginal title interests.
738. Sne kal yëgh.
739. **THE CHAIRPERSON:** Thank you, Mr. Brown.
740. Chief Marilyn Slett, please.
741. **CHIEF MARILYN SLETT:** Good morning. My name is Marilyn Slett. I'm the elected Heiltsuk Chief Councillor.
742. **THE CHAIRPERSON:** And would you mind just spelling your name for the record ---
743. **CHIEF MARILYN SLETT:** Sure.
744. **THE CHAIRPERSON:** --- to make sure we get it correctly?
745. **CHIEF MARILYN SLETT:** M-a-r-i-l-y-n, S-l-e-t-t.
746. **THE CHAIRPERSON:** Thank you very much.
747. **CHIEF MARILYN SLETT:** You're welcome.
748. The Heiltsuk territory is located on the Central Coast of B.C. You have

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heard this morning about our sacred relationship to our land and marine resources. We have seven concerns that we wanted to draw to your attention this morning. Our Hemas Harvey Humchitt has invited the Panel to Bella Bella.

749. I just wanted to reiterate and draw to your attention our current population is approximately 2,300. We have a lot at stake with this project and we put forward to this Panel that Bella Bella be a location for an oral hearing.
750. Another concern in relation to consultation that we have is the Northern Gateway Application was released in early July 2010 -- I believe that was on July 6th. The eight volumes are very technical and the Heiltsuk Nation requires both expert and legal advice to review the information.
751. It is difficult to have meaningful consultation without adequate funding and an adequate timeframe to review the application. Appropriate funding is essential to a fair and balanced consultation process to ensure a level playing field. This was also entrenched in the *Platinex* decision. We also wish to inform the Panel that a meeting with the coastal First Nations does not satisfy consultation to the Heiltsuk Nation.
752. One of the other concerns or things that we've been hearing is the talk of an environmental bond. Northern Gateway has not proven to the communities that the project is safe and the environment will be protected. There will be upwards of 220 oil tankers per year. This is essentially 220 chances of an environmental catastrophe.
753. On that issue of risk to the environment, we have heard about the notion of an environmental bond that would be satisfied should there be an oil spill. It is our view with the best construction and the best operating practices these alone still cannot eliminate the risks.
754. Canada and Northern Gateway cannot compensate the Heiltsuk for our way of life; it is immeasurable. One of the other concerns that we have is the 80-kilometre project corridor.
755. The arbitrary decision made by Northern Gateway to focus consultation activities with Aboriginal communities located within the 80-kilometre -- with either side to the project corridor and the Kitimat terminal is a serious procedural deficiency.
756. Ensuring there is meaningful consultation with the northern and Central Coast communities is the government's legal responsibility. We also remind the Panel that administrative inconvenience does not excuse a lack of meaningful

consultation and it's also entrenched in the *Mikisew* court decision.

757. We also note that the Heiltsuk are not listed in section 52 of the Volume 5B entitled, "Aboriginal Traditional Knowledge" and that is another deficiency in the application.

758. So in closing, Heiltsuk citizens have Aboriginal rights and titles to the waters located in the Central Coast. We harvest the marine resources; it is vital to our way of life. The marine resources sustain our wellbeing; they are part of our culture and a part of our traditions. And we go on record here today that we have never surrendered our ancient rights to these lands and to these waters, nor our duty to look after them.

759. We will take all precautions to protect our rights and our interests, including legal. We urge the Panel to say no to this project. It is not a question of if but a question of when and where and how it will impact the environment and our indigenous way of life. We oppose the Enbridge Northern Gateway Project and the crude oil tanker traffic in the Central Coast and the pristine coastline of B.C.

760. Thank you.

761. **THE CHAIRPERSON:** Thank you, Chief Slett.

762. If I could get you to just stay there for a minute, there may be that my Panel mates have a couple of questions for you, just so that we can make sure that we understand your messages that you're bringing to us today.

763. Mr. Bateman?

764. **MEMBER BATEMAN:** I do have a question and thank you to each of the Chiefs for providing insight that will be of benefit to the Panel.

765. I do have a question for Chief Marilyn Slett. You have made the comment that the application is deficient with respect to traditional knowledge. Can you assist the Panel in having a better understanding of what you believe would be required and what that process might look like?

766. **CHIEF MARILYN SLETT:** Well, the Heiltsuk have engaged in a traditional-use study over the past close to 20 years and we have been recording our oral history for much longer than that.

767. When I mentioned that there was a deficiency in the application, the Heiltsuk have not been consulted with by Enbridge -- Northern Enbridge Gateway.

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We have a lot at stake in terms of the project going forward, so we are here to ensure that Northern Gateway and the Government of Canada, you know, engage in meaningful consultation with all First Nations along the coast that have Aboriginal interests and title to their traditional lands.

768. **MEMBER BATEMAN:** That's helpful. Thank you.
769. **THE CHAIRPERSON:** Mr. Matthews.
770. **MEMBER MATTHEWS:** Right, thank you, Chiefs, for your comments.
771. I was interested in your comment with regard to the scope of consultation with regard to the 80-kilometre corridor.
772. Can you suggest a process that the Panel should look at in terms of looking at the scope of that consultation; some recommended approach?
773. **CHIEF BROWN:** I think what we'd want to do is we want to, based on the travel route, look at the tides and the winds and make a determination based on the analysis of those natural ecosystems to set the biological limits accordingly, rather than an arbitrary 80-kilometre number because what we're concerned with is impacts directly to the resources -- lands and resources within our territory.
774. So I think there is some computer modelling that we could utilize and of course we know quite a bit more after the oil spill in the Gulf and how they are tracking oil spills, and in Valdez Sound, so we can learn from those horrific accidents unfortunately.
775. So that's what we would want to do and we would obviously need the time and the resourcing to advance that work, and that's why we requested, you know, you to come to the community and do what we would determine to be adequate consultation and accommodation of our Aboriginal interests.
776. Sne kal yegh.
777. **THE CHAIRPERSON:** Thank you very much for taking the time to share your comments with us today.

(CEREMONIAL SONG)

778. **THE CHAIRPERSON:** Mr. Kyle Clifton? Is Mr. Kyle Clifton here?
We have a pretty full room, so it can be hard to -- oh, thank you.

779. One of the comments I didn't make in our opening remarks was just to let you know that in order for you to have an opportunity to get to know the whole Panel a little bit better, rather than just listening to me speak, we're all going to be taking the opportunity to chat with various parties, and so Mr. Matthews is going to help you get settled and get you lined up to provide us with your comments.
780. **MEMBER MATTHEWS:** Welcome, Mr. Clifton.
781. As you know, we have three questions that we're interested in hearing today on the board there, so please share your comments with us. Thanks.
782. **MR. CLIFTON:** Thank you. My name is Kyle Clifton, K-Y-L-E C-L-I-F-T-O-N. My traditional name is Wakotem Haida (ph), from the Eagle Clan of the Gitga'at First Nation. I am currently working for my community as the marine use planning coordinator and I just wanted to give you first a little bit of background about the Gitga'at First Nation.
783. The Gitga'at First Nation have lived in their traditional territories on the North Coast of British Columbia since the beginning of time. Our history is based on our access to our many natural resources surrounding us. Our present is dependent on the use of these resources, which form the base of our culture and our economy. Our future will be ensured through the protection of these precious resources because without them we have nothing.
784. The proposed pipeline development and following tanker shipping of crude oil from the Enbridge Gateway Project is threatening our future. If this project goes through and a major incident occurs it will mean the end of our people. For this reason I am here to represent the opinion of my community and we want to voice our concerns with this JRP process.
785. I could spend my next 30 minutes just sitting here going through all the things that could hurt us but I understand -- from what I understand, that's more for the oral hearing phase of the process so I'm here just to, as a representative of my community, present the glaring omissions that we saw from the application.
786. I'll ask some questions of you today that I don't really expect to be answered but I just hope that they'll be represented in the next round of documentation handed out to us.
787. By no means do I consider myself a technical expert on any of these topics but if you have questions I'll answer them the best that I can.

788. This presentation shouldn't be considered as the complete list of all the issues we have with the process. It's just a partial list of all the things we see significantly lacking in this application.
789. The first thing I'd like to comment on is that in previous meetings with CEAA members of our staff had understood that there would be an information request period where we would be able to request information and then have an appropriate amount of time to formulate a response.
790. And it's also my understanding that this type of meeting hasn't really been done in previous rounds that have been completed. So we were just wondering if this is going to replace some of that information exchange process, or is this just to get everybody going?
791. In terms of the Draft List of Issues, the potential impacts of the proposed project, the first thing I'd like to mention is the consultation. The consultation process that we have seen so far is completely inadequate. Enbridge and many First Nations seem to have fundamentally different definitions of what consultation is.
792. To the First Nations, when you hear the word "consultation" it means coming together at a meeting and having an exchange of ideas and then trying to work together to make sure that both sides are happy.
793. That is what we expect out of consultation but Enbridge so far has just -- consultation to Enbridge seems more like telling the appropriate First Nations what they're going to do, without looking for any input back from the First Nations. So we see that as something that is definitely lacking in this process.
794. In terms of environmental effects, we've already seen the effects that fuel spills can have on our resources and we do not want to see the results of a major hydrocarbon spill on the coast. There is no way that our people could deal with this, regardless of the capacity training and equipment we may receive and we would not be able to recover and a significant incident could mean the end of our people.
795. The spill response system that has been proposed will never be accepted by the Gitga'at First Nation because of a gross inability to truly clean up a spill. If there is a spill in the water, a successful clean-up today is considered a 10 to 15 percent recovery of oil, leaving 85 to 90 percent to kill whatever it comes in contact with.
796. To us, world class, as has been mentioned in the application -- world class to the Gitga'at is not good enough. We would like you to come up with a Gitga'at class of response and clean-up and to us that standard means 100 percent recovery

and a zero percent chance of impacting on any of our marine resources on which we so critically depend.

797. We would also like the Panel to take into consideration that if this project goes ahead, that they are accepting the consequences of what a spill would do to the Gitga'at First Nation.
798. In terms of the additional information that we would like to see -- first, Aboriginal rights and title. The effect that this project will have on Aboriginal rights and title were completely missed in the application.
799. There is no discussion at all on the effects the project will have on our rights and title; for example, how tanker traffic will impact our ability to harvest our traditional foods, because we are not going to be able to use the waters the same if there's a huge monster ship with a couple of tugboats and other accompanying vessels going through the territory.
800. This is a significant omission and indicates that this whole process has not truly considered or understood how to even begin working with the indigenous people on the coast.
801. There also needs to be a review of Enbridge's environmental record. There should be an assessment of the environmental record of the proponent in terms of how they abide by environmental regulations, how they have responded to incidents, and how they have dealt with people who have been impacted.
802. Cumulative effects. There's a couple of things that have to be looked at in terms of cumulative effects. They have only been looked at in confined channel areas, for example, Principe Channel or Kamano Sound. But what about the open waters within our traditional territory?
803. We also have rights to a bit of offshore water in the Hecate Straits and if there is a spill out there, that's not going to affect just our territory. It's also going to affect, have great impacts on the territories of all of our neighbours.
804. Another cumulative effect we would like to have considered is the effect of all the projects planning tanker shipping through Kitimat to make sure that they are tallied up or compounded so that we can look at all that is being proposed today collectively.
805. In the past few years of having discussions with other groups with experience in oil and gas is that we hear so many stories where the people are told, "We have just this one little project that's going to go through. You won't even

notice us." And then the floodgates for the similar types of project open for similar projects once the precedent is set. We think it's important that both the carrying capacity and planned capacity of this route is looked at now so we are able to look at all that is being planned.

806. We need to know this because 220 ships a day, when you look at it over a year -- they keep mentioning to us, whenever we've talked, that it's less than one a day. But what about ships from the other tanker projects that are being planned? What about future expansion in the tar sands? Will that mean more oil being brought out to the coast?
807. And what about companies like Kinder Morgan? It is our understanding that if the Enbridge project goes through that Kinder Morgan will be following close behind in wanting their own pipeline out to Kitimat.
808. And what about the shipping companies who will transport the oil? Like my colleagues from the Heiltsuk, we need to know who these companies are, their safety records, and who is responsible to clean up the oil if there is a spill. There needs to be somebody completely accountable to cover all the expenses to clean up after something happens.
809. In the original Enbridge proposal from a few years ago, they thought they could get away with not consulting with us because there they said, "We're only responsible for the oil until it leaves the dock. And so you're going to have to talk to the shipping companies, which basically means we're going to build the pipeline and then get the shipping in order and you can talk to them after it's done. And that's your consultation."
810. And to us, that's not consultation. That's just doing it and then making us deal with it.
811. In terms of baseline data, there needs to be baseline data collected so we aren't in court for 20 years like the residents of Alaska dealing with the fallout of the Exxon Valdez. We need to know what work will be done to get baseline stock assessments completed before this project goes through.
812. In terms of traditional knowledge, our understanding is that the Panel has an explicit mandate to take into account our traditional use of the territory. There will need to be significant effort put into the use of -- into the understanding of both our traditional ecological knowledge and our traditional use to ensure that our rights as indigenous people will not be infringed.
813. There's also nothing or very little about socio-economic effects. There's

not enough in the project application about the socio-economic effects and to us the definition of socio-economic is not just to take into account the few jobs that will be created when building or running the project.

814. What happens to the coastal villages where nobody will be employed? The cultural activities are part of the socio-economic landscape of the community. Food harvesting and processing and feasting and other events are at the heart of our culture.
815. I would like the Panel members to think of your communities. You likely have friends and parks and other facilities that you use in your home town, that you and your family use. And every community has its problems but in all of those problems, you never have to face the destruction of all that you know from a major project.
816. The Panel needs to think about how coastal communities will deal with ships. In our community, people are out on the boats every day, travelling somewhere and especially fishing. Having tankers in our waters will make us change our usage patterns to ensure our safety on the water.
817. No-one can guarantee us that there will be no spills. If the Panel recommends the project then in effect you are forcing us to live in fear, which will have effects on both our health and our economy. And who has a right to risk the destruction of any community?
818. For 200 days a year we're going to wake up in the morning wondering if this is the day our community dies. Does any company have the right to make us live this way?
819. Our health as a community is another major thing that has to be considered; increased stress from having to monitor these vessels as they are travelling through and whether or not they will make it this time. As a result, there will also need to be a baseline done on our community health because if there is an accident the shift away from our traditional foods is likely to be detrimental to our overall health.
820. There's also the increased risk for new sectors of our economy. If the pipeline is built, how will coastal communities deal with developing new marine industries that are at increased risk of failure because of the tanker traffic?
821. We are interested in creating a new sustainable economy that supports our people while having little impact on our resources. It is difficult to create a sustainable economy when we are forcing change by adding additional strain to the

environment.

822. Site visits. The Panel should also plan on doing some site visits to include coastal communities likely to be impacted by this project as well as communities that have already experienced major spills near their communities such as those in Alaska, the Gulf of Mexico and Korea. It is important for the Panel to understand how we are living now and how we will be forced to live after something happens.
823. In terms of reconciliation, the federal and provincial governments have an obligation to reconcile Aboriginal and non-Aboriginal interests with respect to this project. And what is the Panel's role in the reconciliation process?
824. In conclusion, the bottom line is that this application is very inadequate and you are nowhere near being able to issue the Hearing Order. Until issues such as these are addressed properly, a Hearing Order should not even be a consideration.
825. For the location of the oral hearings, the Gitga'at First Nation is one of the communities that is most likely to be harmed should an incident occur on a tanker. For this reason, we feel it should be mandatory that there be a hearing held in Hartley Bay. This is the only way the Panel will get to see what is being forced upon us and what we will lose if this project was allowed to proceed.
826. Thank you.
827. **MEMBER MATTHEWS:** Thank you, Mr. Clifton.
828. You asked a question of the Panel and I just wanted to answer it. With regard to the hearing process, we -- I think that's great that you clearly outlined many issues that the Panel should consider into -- and I am too there, and I think this is an excellent opportunity, this forum that we're having today. And we'll take that all back with us and there may be revisions to the application based on your input, okay.
829. And the other step, of course -- or the hearing process which we will invite you back to further characterize those issues once the application is complete, so we welcome your comments on that.
830. So I don't know if my colleagues have any questions.
831. **MEMBER BATEMAN:** Mr. Clifton, I have a question.
832. You had indicated that there is a need for more information on socio-economic effects. Could you share with the Panel what you believe would be an effective process to gather that information?

833. **MR. CLIFTON:** I'm not sure. I'm not an expert in socio-economics. My wife is in the back of the room who would probably be able to answer this question a lot better than me, as she is the socio-economic planner for our green-use planning process.
834. But I think it's more of a -- probably just getting out and talking to the people and seeing the levels of what we have now and what we'd be looking at in the future and the way we'd have to change -- the different things we would have to look at should there be tankers in our territory.
835. **MEMBER BATEMAN:** Thank you for sharing that.
836. **THE CHAIRPERSON:** Thank you, Mr. Clifton, for your comments.
837. We are going to take a break now because, apparently, our internet connection isn't working; so we're not being able to successfully webcast.
838. We'll also be able to see if we can adjust the chair situation to be able to accommodate more people in the room.
839. So we're going to take a break. It's 11 o'clock now and we'll try to start again at 11 -- 11:20 should give us the time that we need to take care of the technological difficulties.
840. Thank you very much, everyone.
- Upon recessing at 11:01 a.m./L'audience est suspendue à 11h01
--- Upon resuming at 11:24 a.m./L'audience est reprise à 11h24
841. **THE CHAIRPERSON:** There are seats available, so everybody can be comfortable.
842. As you know, we're tight for schedule to accommodate everybody who wants to speak today and so we need to move along.
843. So I'm going to call at this point Mr. Doug Donaldson, please. Is Mr. Donaldson in the room? Thank you.
844. And just as we're getting underway, I know there's lots of people to chit-chat with and that sort of thing, but it's difficult for the Panel to be able to hear what the presenter is saying, so if I could just ask everybody to be quiet as we get underway?

845. Thank you very much.

846. Mr. Bateman?

847. **MEMBER BATEMAN:** Mr. Donaldson, thank you for attending today. Will you please spell your name for the record?

848. **MR. DONALDSON:** Doug Donaldson, MLA, Hazelton, B.C. D-O-N-A-L-D-S-O-N.

849. **MEMBER BATEMAN:** Thank you.

850. And do you have any comments on the topics that we're here to discuss today?

--- ORAL PRESENTATION BY MR. DOUG DONALDSON:

851. **MR. DONALDSON:** I sure do. In fact, I've got comments on all three, so I'll just proceed.

852. First of all, I want to say thank you to the Panel and to the three of you for showing up, and the staff. I'm on the Select Standing Committee on Finance for the province so I know the kind of attention it takes to be a panellist and so I congratulate you on that.

853. I thank the District of Kitimat for having us here today and thank the Haisla Nation on whose traditional territories we hold this meeting, and it's a privilege and an honour to be speaking here and being allowed to speak on their traditional territories.

854. As I said, I'm the Member of the Legislative Assembly for Stikine and the constituency of Stikine, that is a little to the east and the north of here. I'm from Hazelton -- is where I reside, and Stikine constituency is one of the biggest in the province.

855. It begins on Hungry Hill which is just east of Houston, runs along Highway 16 to Cedarvale which is just after the Highway 37/16 junction and then runs up Highway 37 to the Yukon border and, in fact, to get to parts of the constituency, we have to drive into the Yukon and then back down into B.C. So it's a huge constituency and I represent it as Member of the Official Opposition in Victoria.

856. Although I've closely looked at the maps and although the oil pipeline

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does not -- it doesn't appear to directly pass through the constituency of Stikine, it's just south, the potential impacts are many for the people who live in the constituency I represent and, potentially, on the connection that people have to the land and to extended family.

857. We call ourselves "members of the fish nation", both non-First Nations and First Nations in Stikine. We're very dependent on the salmon resource for our own well-being, for economic well-being, for ecological well-being.
858. I understand and I know this a procedural direction forum and I'm very happy to show up to that. A former mayor of Smithers once told me -- I was on municipal council in Hazelton and he was the mayor of Smithers at the time and I think this has been said before, but it was the first time I heard it was from him -- the world is run by those who show up.
859. So I'm happy -- and I'd like to think that that is the case. I hope that's the case and it's not in -- behind closed doors and in back rooms that runs the world, but by those who actually participate and engage. So I'm happy to participate and engage in this forum.
860. I would like to put it in the context though of what I've said and what I've heard from the North Coast First Nations and the Wet'suwet'en and others upstream who've done their due diligence over the last four years on this project, as well as other non-First Nations in my constituency and further afield in the province who've said the risks are too high for this particular project, compared to the benefits for the people who live here.
861. I've said that in the legislature during -- bringing up this topic in the spring sitting of the session, so I'll say it again here, but I realize that those comments perhaps will be more apt for later in the process and I'm going to direct my comments today to the three topics for discussion.
862. I have to apologize that perhaps some of my comments might overlap between one and two and that was somewhat because the Northern Gateway submission was a bit overwhelming. It was very, very extensive and I understand that it's over 10,000 pages and that Enbridge Northern Gateway has used that and said that as a sign of their seriousness.
863. And I acknowledge that, but I also acknowledge that, you know, the number of pages isn't necessarily the defining criteria. I mean, if that was the case then, we'd see -- every novel we would see written would be like War and Peace, right, it would be gigantic. It's not just the size but it's the content, and it also reminded me of -- I used to be in the field around consultation, a consultant, and

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sometimes when a big report would get delivered, there would be jokes about “oh, you’re getting paid by the pound here of your report” not the content.

864. But that’s not to take away that there is some good material in there and I’ll try to address that today.
865. The Draft List of Issues I want to address are quite specific and I’ll start with -- I believe a comprehension cost-benefit analysis on the local economy -- meaning the northwest -- needs to be more fleshed out as a list of issues, and that should include the value that the local economy relies on, which is the value of the wild salmon resource, and that’s put at risk by this project.
866. It’s a sustainable resource and the value economically lies -- and I think this needs to be part of the issues -- is in the sport fishery, the inland commercial fishery that’s been established and is ongoing, the commercial fishery -- coastal and also the traditional use of fish that’s often overlooked in economic considerations just because oftentimes there’s not monetary value associated with it. In other words, not necessarily exchanging of dollars but the traditional use of fish is definitely a large part of the economic makeup of what we are.
867. Also, the value of clean water I think needs to be one of the draft -- or one of the list issues looked at by the Panel and the value of clean water to all aspects of the local economy and liveability of the region. And in fact, I believe that was a determining factor in the decision that a Joint Review Panel made on the Kemess North Mine application of a couple of years ago. So water, clean value of water -- that needs to be an issue.
868. Another issue that I think needs to be included is alternatives. Alternatives to the project is one of the considerations that the Panel, I see here, is supposed to look at and I think we need to look at routes that already exist for the transportation of the oil resource; that would mean not creating new disturbances on the landscape and not just alternatives to what the Proponent says is to the route that they are proposing but the existing alternatives for transporting oil from Alberta to ports -- and those exist today and what could be done with those routes that perhaps could be an alternative to the model being proposed.
869. Cumulative effects -- they’ve been touched on but I have a science background and I think the cumulative effects issue needs to be further addressed in the Panel. And that’s cumulative effects on the entire watershed.
870. Precautionary approach is mentioned in the Proponent’s application but that’s just in regards to their proposed activities. I think as a Panel you need to broaden out your view and look at activities on the land-base that have occurred, are

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planned to occur and are occurring now that will affect the ecosystem. So whether it's through logging, mining, power lines, these have to be brought into the issues as a total approach to looking at this project as well.

871. So, you know, there's a threshold principle that's well established in ecology and that's looking at -- well how far can we go before the system crashes and often times that's a difficult line to draw but the precautionary principle would be to draw that line far enough back from the threshold to ensure that we have healthy ecosystems that we all depend on in the Northwest.
872. There's one concern I have about -- and it's not obviously about you as panellists but it's the constraints you have as the Panel and I would typify it as a reductionist approach. And I know the Chair has a science background so that would be the Baconian-Cartesian tradition, Richard Bacon and René Descartes who, founders of the modern scientific approach but their founding ideas are still -- we see now and it's around reducing everything in nature to -- for instance, the makings of a small pocket watch. And if you could just dissect everything down to the smallest possible item then you would understand the entire system.
873. I think we've become a little bit better informed about how ecosystems work in that approach and that there's interaction synergies is what biologists call it. And I think, you know, we know that in traditional knowledge because we've -- we know the saying the whole is greater than the parts and so just by analyzing particular parts doesn't mean that you will have a definitive answer on what the whole is.
874. And the way I see that infused into the Panel's mandate is -- for instance, I think the tar sands development has to be part of the issues, not just the pipeline, not simply how the oil is transported once it reaches the port but also the head end.
875. And if you just use a magnifying glass on the pipeline alone, again, it's not going to give the entire picture of what's going on. So I think the tar sands development has to be part of the issues. As well, we have a federal government and a provincial government who've made some pretty strong commitments around greenhouse gas emissions.
876. We haven't seen the action following up on those commitments but if they're truly -- if we're truly to take them at their word then I think this project -- you have to take a step back and look at what are the impacts to the stated mandates around greenhouse gas emissions in Canada and B.C., because if we don't do that we know we live in a biosphere where we can't limit our greenhouse gas emissions just to our own neighbourhoods that were impacts by others and others impact us.
877. And I think that that bigger picture has to be an issue if we really want to

believe what the current federal and provincial governments are saying about greenhouse gas emissions.

878. There's also something going on called the review of the *Provincial Water Act*. This is an Act that's 20 to 30 years old. It definitely needs revision and the current government has undertaken that process by starting public consultations this year, in the winter. Those will be ongoing into next year and I would guess -- I'm not in charge of the legislative agenda -- but I would guess that we'll see legislation on that, perhaps in 2011.

879. So revisions to the *Water Act* are going to be widespread. I mean water is part of every ministry almost, you know, whether you're using it in industrial applications or drinking it for health or whatever. But the new *Water Act* will be, you know, addressing issues of use and protection and I think that -- again, the Panel on the list of issues needs to be aware of that and decide timing-wise, is it more prudent to wait for the results of that Act before furthering this process because it's going to have implications on this process. Water is a big part of the Proponent's impact on the route.

880. You've heard about Aboriginal title. The Proponent has included in there, the efforts they've made, consultation through various decisions since 1997, the *Delgamuukw* decision which was part of the Gitksan and the Wet'suwet'en going to the Supreme Court of Canada, the *Haisla* decision, the *Ts'ilhqot'in* decision, more recently laid out that it's a government to government role.

881. You know, companies such as the Proponent find it in their best interest to take on some of these efforts and I think it's because there's a void there but I believe that Aboriginal title as a government to government role -- that's not something people have made up. It's the Supreme Court has said -- this is what governments need to do; it's not part of a Proponent's responsibility.

882. So I think that needs to be addressed in the draft -- or in the list of issues and you'll no doubt be hearing more about that later on.

883. I also wanted to point out as a potential issue is the Mackenzie Valley Pipeline. When they were conducting their reviews -- oh gee, I don't know what was that, probably 30 years ago now, right -- they had a sustainability framework that wasn't based on a single lens. And I think in these times we often get focused on the economic lens, and rightly so because of the media and the issues around the economy.

884. However, there's more than one lens to looking at a project and I think -- I know in the Mackenzie Valley proposal -- a lens was used around maximizing health

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benefits. Like that's another lens, is the health lens on a project for instance and the interplay between a project and health of the people who live in the region, not just from minimizing environmental impacts but maximizing a benefit.

885. So I think, again, that's -- I would encourage the Panel to use more than the predominant lenses that are being used within -- within looking at this proposal.
886. So that was it on Draft List of Issues. I have some specifics about additional info that I believe Northern Gateway should provide. The first is an analysis of a large spill on the Maurice River system.
887. I was able to find their example of a spill on a coastal system and that was Hunter Creek but I believe -- I believe that it's incumbent upon the Proponent to provide information on what many would think of as worst case scenario when it comes to the oil pipeline. And the Maurice River, I believe, has the conditions, the topography, the coarse woody debris in the riverbed that would -- would qualify for a worst case scenario if there was a significant oil spill.
888. They use a 2,000-cubic-metre criterion for a large spill. I'm not sure what that translates to into the Imperial system. I know that in Michigan recently was an 800,000 gallon spill and I'm not sure if this was the -- as reported today in the Detroit Free Press, a front-page article and that's in Michigan as you know.
889. So I don't know what 2,000 cubic metres relates to in Imperial gallons or U.S. gallons but I would like to see an analysis of a large spill on the Maurice River in the worst case scenario, so something that has happened to Enbridge before which is an 800,000 gallon spill. That would be a worthwhile analysis because I think to make an informed decision people need to see what the worst case scenario could be.
890. Similarly, I think an analysis of a large tanker spill in the entrances of Douglas Channel from the Hecate Strait, I didn't find that analysis in the documents provided by the Proponent, so I think that's important for people to know and to do a proper cost-benefit analysis -- is to see -- or an impact-benefit analysis is to see the worst-case scenario, so there's nothing to hide. I'm sure they can run the numbers and show us what that would like immediately after the spill and into the future.
891. Additional information required, again, by the Proponent is oil spill and oil recovery specific, so they talk about a general oil spill response plan and a pipeline oil spill response plan. However, the Proponents outline that:

"...before operation of the pipeline Northern Gateway will complete a project-specific oil spill response plan for NEB review."

892. Well, I would submit that I think for people in the northwest especially to make an informed decision on this project and for the Panel members too, that those kind of oil spill response plans need to be in place before the operation of the pipeline. In fact, they have to be in place before I would think that the Panel can do its work to any significant degree.
893. Those strategies, the oil recovery strategies that are in the report right now, appear to be off-the-shelf kind of things. I would like to see a much more detailed one and that's why the analysis of a large spill on the Maurice River or at the inlets between Douglas Channel and Hecate Strait would be good examples.
894. You know, they talk about shoreline clean-up strategies, mechanical flooding, flushing, vegetation cutting. Let's paint the picture of what that would actually look like in a real scenario and then we can decide a little bit more informed-wise about what would be the response and if it's possible.
895. Location for oil hearings. Well, I would suggest that you go to as many communities as possible and especially in Stikine, the constituency I represent. I would say Telkwa, Smithers, Moricetown, Hazeltons -- there's several communities in the Hazeltons that could be accommodated with one location.
896. And then I just want to point out that villages like Gitsegukla, Kitwanga, Gitanyow, Kispiox -- these are Gitxsan villages in the area I represent -- people don't have transportation oftentimes, very limited access to vehicles. There is virtually no public transit.
897. So I would think that if one of the factors and matters that you're considering is community knowledge, then I would encourage you to go to as many of the small communities as possible where these transportation issues are a problem.
898. Finally, I looked through the material that the Panel -- that was presented. One of the quotes that jumped out at me was that you, as the Panel, is to assess whether significant information in the application -- whether there was significant enough information in the application to initiate the joint review process.
899. I'd submit that the gaps that I've indicated with the Proponent's submissions, as well as the bigger issues -- the parallel processes that are going on, whether it's Aboriginal title, whether it's the *Water Act*, whether it's, you know, bigger pictures on the tar sands development; they point out that there's enough significant gaps for me to say that I don't think you need to proceed to issue a Hearing Order.

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900. I appreciate that you've taken your own route to getting there by doing this Panel first, but I don't see a rush to get to the Hearing Order. I think there's a lot of information that needs to be supplied and a lot of the issues that need to be analyzed a bit more before we get to the Hearing Order stage, and especially if you want that community knowledge factor, as is part of the criteria that I see.
901. So that's my submission today.
902. **MEMBER BATEMAN:** Thank you, Mr. Donaldson.
903. **THE CHAIRPERSON:** Thank you very much, Mr. Donaldson.
904. Next on our list is Mr. Victor Maskulak and Mr. Ron Burnett, representing Kitimat Harbour Group.
905. Thank you very much for being here today. If you could start, as everybody has, with spelling your name for the record, and then after that organize yourselves in whatever way works for you to present your comments. Thank you.
906. **MR. MASKULAK:** My name is Victor Maskulak, M-A-S-K-U-L-A-K.
907. **MR. BURNETT:** Ron Burnett, R-O-N, B-U-R-N-E-T-T. No "e" on the end.

--- ORAL PRESENTATION BY THE KITIMAT HARBOUR GROUP:

908. **MR. MASKULAK:** Panel Members and ladies and gentlemen, my name is Victor Maskulak. My co-presenter is Ron Burnett. We're both members of the Kitimat Harbour Group. We have seven members, all volunteers, hired or semi-retired, who meet weekly to discuss and investigate development opportunities for our community of Kitimat and/or the region.
909. We believe that the Enbridge Northern Gateway Project, following the review process, will be a great economic benefit to Canada because it provides access for petroleum to the world markets. Canada is an exporting nation and we depend upon this revenue for taxation to ensure our high standard of living can be maintained and to provide for the social services which we cherish.
910. **THE CHAIRPERSON:** Mr. Maskulak, I'm sorry to interrupt you, but I'm having a little bit of trouble hearing you and I'm not sure if it's just me.
911. If I could ask everybody who's in the room, would you please refrain from having conversations within the room? If you want to talk, please go outside, but it's

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really difficult for everybody I think to be able to hear what the presenters are saying. And I wonder, as well, if we could just maybe get the sound up a little bit.

912. So I'm very sorry if I've interfered with your flow, but I just want to be able to hear what you're saying. Thank you, everybody.
913. **MR. MASKULAK:** My portion of this presentation will deal with the pipeline route between the proposed tunnels in the east and the Kitimat marine terminal in the west, starting in the eastern section and working west. Refer to Volume 1, Figure 2-1, which is a map of the tunnel location in relation to the creeks, rivers and mountain peaks.
914. The small creek in the middle of the diagram is labelled "Holt" and is shown flowing into the Calawah River. This is the same name of the creek to the west which flows into the Kitimat River, upon which this application proposal is based. Consideration should be given to amending this label by removing it, as it can be confusing and misleading to the untrained eye.
915. From the exit of the Holt Tunnel, the pipeline enters the Kitimat River drainage and follows a logging road located on the valley floor for approximately 36 kilometres.
916. There is another pipeline that is approved for construction to follow the same route. This pipeline is a natural gas line proposed by Pacific Trails and it contains the feedstock for the proposed liquefied natural gas converting plant located south of the Northern Gateway marine terminal in Kitimat.
917. Our concern is about the physical location of these pipelines and the relationship to the watercourses which parallel the entire route. One, is it possible to have three access roads? Two, could these rights-of-way be shared?
918. We are particularly concerned about the location of these rights-of-way for the next four kilometres below the exit to the tunnel. An additional concern is the guarantee of future access to undeveloped resources and public access to wilderness areas.
919. The Applicant is seeking an interim licence of occupation leading to a statutory right-of-way agreement. The application states that the entire pipeline route will be accessed by an all-weather road but, we ask, will other parties have free access to the same right-of-way?
920. Another concern we have with the 36-kilometre section is the lack of block valves. The last block valve is located in the exit to the Holt Tunnel. The one

is located 40 kilometres to the west near the Clearwater pump station. These two major creeks -- there are two major creeks crossing the section, those being Hunter Creek and Schist Creek, and a number of intermittent creeks. The application states that most major creek crossings will have block valves but this preliminary proposal does not include any within this section.

921. We ask what is the risk assessment evaluation for any potential interrupted flow problems? The application states that the National Energy Board standards will be met or exceeded. We're assuming that these standards contain regulations about the location and duration for block valves and/or let-down stations.

922. Under section 2 of the application, under the heading "Terrain" it states, and I quote:

"... that the project could have a cumulative effect with other planned pipeline projects. However, based on the assumption of satisfactory joint planning and operation, the effects are expected to be minimal."

923. We request that the certificate that you issue makes it mandatory that all stakeholders be involved and if necessary that the NEB approve an arbitrator to resolve any conflict.

924. The next area of concern is the access to and through the Kitimat marine terminal area. This is within Volume 6B, figures 2.2, 2.3, and 2.4. This is a very complex situation. There is a long list of challenges.

925. One, the access road must cross private land. Two, a bypass road may be built to circumvent the terminal area. Three, security of infrastructure is required to ensure a safe terminal operation. Four, security from the daily public access is required.

926. Five, uninterrupted vehicle access is necessary to the proposed liquefied natural gas plant. Six, vehicles access to allow the future development areas along the foreshore; in other words the development of the Kitimat foreshore is south of the area in contention.

927. Seven, this is an established timber harvesting area and seasonal access is required. Eight, two petroleum pipelines are located within this area. Nine, one natural gas pipeline must be located through this area. Ten, year round access to recreational areas is required. Eleven, all of the above is within the District of Kitimat boundaries.

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928. The terminal is located on broken terrain but access for the pipeline's hydro line and bypass road must cross over very steep hillside; rocky hillsides. It appears that the final access route has not been decided. However, if a bypass road is built, the Applicant shows a permanent excess rock cut disposal area located on a very steep hillside.
929. We are assuming this excess large volume must be excavated to build the road and pipeline trenches. This is a large area and we feel it does not meet the visual quality guidelines that all resource developers in British Columbia must follow. We suggest that this material be moved offsite and it be recycled as aggregate.
930. My observation is the proposed bypass road juncture into the permanent road does not allow for safe travel of personnel carriers or heavy logging trucks. We want assurances that whichever access road is to be utilized that the design standards for grades and curvature are for the safe all-weather road for any type of vehicle traffic.
931. And in conclusion, our town of Kitimat was established in the 1950s when the Aluminum Company of Canada developed the potential of producing hydro to manufacture aluminum. In some circles this was considered an engineering and construction marvel. We feel that this entire project will receive similar recognition in the future if it proceeds.
932. Thank you for the opportunity and thank you for coming to Kitimat to give us this opportunity for our thoughts and concerns on the project and I reintroduce the chairman of our development group, Mr. Ron Burnett.
933. **MR. BURNETT:** Thank you. Thank you, Vic.
934. Did you want to ask Vic any questions while they were fresh in your mind?
935. **THE CHAIRPERSON:** I think if we could hear from you ---
936. **MR. BURNETT:** Perfect, all right.
937. **THE CHAIRPERSON:** --- that would be terrific and then we'll approach the questions after that. Thank you.
938. **MR. BURNETT:** Thank you.
939. I'm dealing with a little more specific topic. It probably crosses the

boundaries of 1 and 2 and this is a proposed coastal utility corridor public road. A focus of the terms of reference for the Enbridge Northern Gateway Pipeline has specifically identified the need for the project to demonstrate how it is meeting the principles of sustainability.

940. For our community, the principles of sustainability are rooted in economic, social and environmental components of the project. For the purpose of this presentation we want to focus on one aspect, economic, and brush on another, which would be the environmental.
941. Since 1987 the Kitimat Chamber of Commerce has been promoting a public highway to connect the town of Houston and Kitimat B.C. to promote development by offering an alternative and shorter route for shipping goods from the interior in Alberta to a port with an abundance of opportunity for expansion.
942. The proposed highway would open up potential for development throughout the whole region. Various studies have been conducted but the construction cost was prohibitive for the limited amount of traffic at those times.
943. Recently a range of pipeline companies have studied the various pipeline routes to the coast in anticipation of developing world markets. In 2005, Enbridge chose Kitimat as its western terminal for the proposed Northern Gateway pipelines.
944. In May of this year, Enbridge made application to the National Energy Board to develop two pipelines from northern Alberta to Kitimat, where a large tank farm will be located to service bulk tankers.
945. Kitimat LNG has also chosen Kitimat for its pipeline terminus and conversion plant. This application has been approved by the Province of British Columbia and the federal Environmental Review Board.
946. In 2006 the Kitimat Port Development Society received funding from the Western Economic Diversification, Canada and the B.C. provincial government to study the potential of constructing a publicly accessible common carrier bulk port in Kitimat. This study was very positive but transportation infrastructure must be improved to ensure that Kitimat is economically accessible to the various exporters.
947. Our harbour group feel that the pieces of the development puzzle have now come together with the submission by Enbridge to construct a pipeline through the Coast Mountains. Our proposal is that the federal and provincial governments construct a public highway between Houston and Kitimat and any developer uses this corridor or portions thereof for access. Due to the difficult terrain there is only one opportunity to locate a two-lane highway through the Coast Mountains in this area,

therefore the pipelines must share this right-of-way or portions of it.

948. The requirement of this project to open up the north to a new traffic route for commercial traffic will ensure that a sustainable and competitive industrial base will be established, preserving existing employment and attracting entirely new opportunities to the entire northwest.
949. To detail the route, we have used Enbridge's own map dated August the 18th, which we will leave with you as Appendix A. Starting in Houston, this highway will follow an existing two-lane gravel road for 41 kilometres, then a one-lane logging road for 40 kilometres to hook up with Enbridge's KP-1252. A new road will be required for 35 kilometres. This is the section through the Coast Mountains and it includes two tunnels, being seven kilometres each, under Mount Hope and Mount Nimbus.
950. The total distance of new highway from Houston to Kitimat is 153. It is a further distance of 32 kilometres from Kitimat on existing highway; the total distance of 185 miles between Houston and Kitimat, a savings of 142 kilometres one way. This will make a significant savings in trucking costs and carbon emissions.
951. In summary, the existing road from Kitimat to Houston is 327 kilometres; the proposed road is 185. The savings is 142 kilometres, or 284 on a round trip. The good news is that we don't need 185 kilometres of new road, there's already existing road that could be improved -- there's 118, sorry, kilometres that already exists. It's 35 kilometres of new road. Unfortunately, that's through the coastal mountains and could be just a little expensive.
952. **UNKNOWN SPEAKER:** And how do we know how long it takes one person to get there? There's no road there.
953. **MR. BURNETT:** We would like to see more information available regarding the opportunities created if this road were to become a reality. Specifically, identify the economic development potential. We know there's huge forestry potential, we know that there's lots of beetle kill to be dealt with in there. There's mining potential and there's certainly tourism.
954. There's an existing mine there, Huckleberry Mines, which is a Moly-Copper property which is 123 kilometres southwest of Houston, so that's almost due east and very close to Camano which is just south of here. They are currently hauling their ore to Stewart for transportation offshore, so that means 123 kilometres going back east to Houston to get on Highway 16. It's another 200 -- or another 120-125 miles to Kitwanga. And then they head north to Stewart which is about another 270 miles for a total of just over 500 kilometres in order to get that ore from Huckleberry

to Tidewater to send it offshore.

955. If this road were to become a reality, that distance would become somewhat less than 100 kilometres and we think there's a huge potential to open up other opportunities like that.
956. Secondly, it brings the rest of the province and Canada 142 kilometres or a couple of hours closer to the Pacific Northwest which really is part of the Pacific gateway that both the province and the federal government have bought into consistently.
957. Three, the impact on traffic both private and commercial -- Prince George is becoming more and more of a medical referral centre for this part of the country, we're all part of the same health region now. And this road would make it probably two, two and a half hours closer for those that are travelling by car or by the -- there is a bus that is provided by the health authority to transport people to and from Prince George.
958. Interestingly, it would also make Terrace and Prince Rupert closer to the interior by almost the same amount.
959. And four, we need far more information on the reduced pollutants. None of our group are experts or even close to being scientists in the carbon issues but I did manage to get some information from Vanstar Transportation who run probably the biggest fleet of trucks in the province and throughout the whole province. And they run mostly Volvos which are generally considered to be pretty efficient.
960. And what I discovered was that the typical semi trailer unit consumes 59 to 75 litres of diesel per 100 kilometres travelled, depending on the load, the terrain, and the weather. That works out to about 67 litres average per 100 kilometres and if you take that over the 284 kilometres that's travelled, that's 190 litres of diesel that would not be consumed in a return trip from Houston to Kitimat.
961. The other information I was able to get from Volvo, that equates to about 500 grams or just over one pound of carbon monoxide. We don't know whether this is significant or not but we suspect it is quite significant and we feel that that's one of the areas where we need some additional information because it could have a huge impact on other things that our governments are trying to achieve.
962. We believe that should the project proceed there is an opportunity to build additional infrastructure over and above the pipeline itself that is of the best interest of the region, the province and Canada, and more work needs to be done to identify and quantify it.

963. Thank you.
964. **THE CHAIRPERSON:** Thank you, Mr. Burnett.
965. Thank you very much. We have no questions for clarification. And thank you for your presentation.
966. **MR. BURNETT:** Enjoy your lunch.
967. **THE CHAIRPERSON:** If you could leave the exhibit with -- or the appendix that you talked about with one of our staff. Can somebody identify themselves? Or even just at the registration desk outside. Thank you.
968. Ms. Jain Peruniak.
969. **MEMBER BATEMAN:** Ms. Peruniak, thank you for attending today. I understand that you're here from Moricetown. Please spell your name for the record.
970. **MS. PERUNIAK:** Is it on? Okay. J-A-I-N P-E-R-U-N-I-A-K.
971. **MEMBER BATEMAN:** You have agreed to share your comments with the Panel.
972. **MS. PERUNIAK:** First of all I want to thank you for the opportunity to speak today. Given the restrictive terms of reference for this meeting, I'm here to speak to one issue only and raise its profile.
973. My comments will drift between one and two and just to hit three, I would like to say as a resident of Moricetown, which is a Wit'suwet'en reservation up the Skeena system, that I really think the Panel should hold a hearing in Moricetown because the planned route goes through hundreds of miles of Wit'suwet'en traditional territory. And Moricetown is the largest Wit'suwet'en community. You should hold a hearing there.
974. First I would like to make a couple of quick comments. Number one, I understand the mandate of the National Energy Board is to regulate the movement of energy resources across provincial lines; and number two, I further understand the National Energy Board has never rejected a project once it has reached this stage. It would appear the deck is completely stacked against those of us terribly disturbed by this project.
975. Even with these limitations, I am perhaps naive enough to hold out some

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small hope that we can influence the parameters of this project. My request is that the Panel thoroughly completely and exhaustively analyze why oh why must this be the God-given route for the pipeline? I don't buy it and I don't believe this Panel will have served the citizens of this area as they deserve if you do not delve deeply into the issue of the route.

976. I am neither a pipeline nor an oil politics expert but I do have a little common sense. You are aware that as we speak tar sands crude is already moving across this province in a pipeline to the coast where it is shipped out in tankers. This pipeline was no doubt approved by the National Energy Board.
977. Common sense would suggest that if we have already compromised the environmental integrity of the province with this pipeline, surely the intelligent thing to do would be to concentrate the environmental risk rather than decentralizing it into many different new areas.
978. I believe the province could be approached to expand the statutory right-of-way for this existing pipeline to accommodate additional lines. And Howe Sound is perhaps a better location than Kitimat to receive ships of condensate. This alternative is both technically and politically feasible.
979. An even better route would be as follows: rather than look westward from the tar sands to the Rocky Mountains and the coast ranges, it would make considerably more sense to look southward across the treeless, flat open expanses of oil-friendly Alberta which created this stuff in the first place. A pipeline to the Montana border could be built in a flash with much less environmental impact than the proposed route.
980. The terminus of this route could be in Cherry Point, Washington, which has already been ruined by oil refineries and has oil tankers plying its waters. But I am dreaming. There is no way U.S. authorities would approve such a route. The U.S. Environmental Protection Agency currently has no positive words to say about Enbridge following the Michigan Pipeline meltdown.
981. In closing, I would like to ask, if our American friends to the south do not trust the record or capabilities of this company, why should you?
982. Thank you.
983. **MEMBER BATEMAN:** Thank you, Ms. Peruniak.
984. **THE CHAIRPERSON:** Mr. Tim Rice.

985. Thank you very much, Mr. Rice. Just for consistency, could you please spell your name for the record?
986. **MR. RICE:** My name is Tim Rice, T-I-M R-I-C-E.
987. **THE CHAIRPERSON:** Sorry, we're ready to hear your comments. Thank you.
988. **MR. RICE:** Okay. My name is Tim Rice. I work and live here in Kitimat.
989. I moved here for employment with Rio Tinto Alcan in 1996. I'm also a Reservist with the Canadian Forces here and I previously worked 18 years with the Canadian Grain Commission down on the waterfront of Vancouver Harbour.
990. I also spent five seasons working as a ski instructor and a ski guide in Saas Fee, Switzerland in the Swiss Alps and I've instructed part-time in Cypress Mountain, North Vancouver. I'm married and have four children.
991. I enjoy all these outdoor activities around here -- hiking, canoeing, kayaking. I'm also enjoying working in industry and the outdoors.
992. Not very long ago Kitimat was the envy of British Columbia with the highest average salaries and the lowest tax. There was a time when Kitimat was contributing 11 percent towards the GMP of British Columbia. Since then we have now lost two of our three industries. Real estate prices have dropped 15 to 20 percent; our taxes just went up 20 percent and our services are being reduced due to cutbacks.
993. Kitimat is now a town that could use some industry and with my experience of travelling overseas I believe Canadian federal and provincial governments have some of the highest worker and environmental protection standards in the world.
994. Outside of Canada there are some countries -- virtually there are no standards. You know, quick example -- I was driving down a highway in Zimbabwe and we saw something ahead on the highway. I asked my brother "What's this?"
995. He goes, "Oh it's a centre line painting crew". So we zip by on the highway, plus 100 kilometres an hour and there's a few guys standing there in the centre of the road, no barriers, no flags, with a paintbrush painting the centre line of the highway.

996. And there's other countries that have no environmental standards whatsoever. A good example is most third-world countries still burn leaded gasoline, no catalytic converters. The air is black with exhaust.
997. So we are in a different world and we're very capable of marrying environmental protection with industrial development.
998. In the 18 years on the -- with the CGC on the Vancouver waterfront I witnessed tanker traffic carrying every substance known to mankind in very tight quarters, coming and going with no incidences whatsoever, including oil and gas. Tanker traffic is a very safe form of transportation.
999. Now if government reviews deem this project has merit, with one main condition -- of course the First Nations, it's -- you know -- you can't go ahead with any project unless benefits outweigh the risks. So I have to agree with them.
1000. If there's no benefits to them how can they accept -- even though I believe the risks are infinitesimally small with this project with the science and technology, if they have no benefits that is still more risk than benefit so -- and their problem is definitely -- their concerns have to be answered.
1001. But other than that, if those conditions are met I would support -- which would be the largest private investment in the history of British Columbia.
1002. Now the Draft List of Issues, I don't really know where mine would fit in here. I'd just -- you know, basically just the safety of the tankers, the question that could be looked at in a Draft List of Issues, would be how many spills have there ever been since they've gone to double-hulled ships?
1003. And (b) would be how many spills from tankers with a pilot aboard, married to super tugs and escorted by a second super tug; (c) would be compare pipeline steel strength and system protection compared to pipelines installed back in the sixties.
1004. Maybe a few months ago they probably didn't even have to take this into account but obviously of course to the -- considering the Kalamazoo spill they're going to have to educate the population; how much safer this technology is nowadays.
1005. Number two -- additional information which Northern Gateway should be -- well I've got nil for that. And three, locations for the oral hearings -- is that for this type of Panel review or is for future hearings?

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1006. **THE CHAIRPERSON:** It would be for future processes associated with the review of this project.
1007. **MR. RICE:** Okay, I guess I don't really have to say that Kitimat, B.C. should be kept as an oral -- as a location for oral hearings in the future.
1008. And that's all I have to say.
1009. **THE CHAIRPERSON:** Thank you, Mr. Rice.
1010. We have no questions for clarification. Thank you very much for your presentation.
1011. **MR. RICE:** Thank you very much.
1012. **THE CHAIRPERSON:** Chief John Ridsdale and Mr. Mike Ridsdale?
1013. **MEMBER MATTHEWS:** Good afternoon, Chief and Mike.
1014. For the record, could you please repeat your name and spell your last name, please?
1015. **CHIEF JOHN RIDSDALE:** Good afternoon. My name is Chief Namoks, that's N-A-M-O-K-S. My English name is John Ridsdale, that's R-I-D-S-D-A-L-E.
1016. **MR. RIDSDALE:** My name is Mike Ridsdale; that is M-I-K-E R-I-D-S-D-A-L-E.
1017. **MEMBER MATTHEWS:** Please proceed and share you comments.

--- ORAL PRESENTATION BY THE OFFICE OF THE WET'SUWET'EN:

1018. **CHIEF JOHN RIDSDALE:** The fact that the Wet'suwet'en need to announce that our participation is under protest in absence of an EA participation agreement and consultation agreement with the Crown to address the project's impacts on our Aboriginal rights and title.
1019. I have to state that in the opening statement of *Delgamuukw* court case in 1989 it stated:

"The Wet'suwet'en Hereditary Chiefs have watched their land

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being stripped bare. They have seen the destruction of fishing sites and spawning grounds and the extinction of salmon stocks. They have protested and resisted whenever possible; they have enforced their own laws. They have continually insisted on the recognition as peoples with authority over the territory in which they have exercised stewardship for many thousands of years.”

1020. A little Wet’suwet’en background for you. The Wet’suwet’en are a hereditary government over the title 22,000 square kilometres of unceded territory. The Wet’suwet’en are one of three hereditary governments. They are the Gitanyow, the Gitksan and the Wet’suwet’en.
1021. The Wet’suwet’en are made up of five clans, 13 house groups that govern the 38 territories on the 22,000 square kilometres.
1022. The Wet’suwet’en are a hereditary system that fall on matrilineal inheritance model where title and rights are inherited through the mother’s children. The five Wet’suwet’en clans are the Laksilyu, Small Frog Clan; the Gilseyhu, Big Frog Clan; the Gitdumden, Bear/Wolf Clan; Tsayu, Beaver Clan; and Laksamshu, the Fireweed Clan who are spread out in all five communities, Bands of the Wet’suwet’en people.
1023. They reside in Hagwilget, Moricetown, Broman Lake, Burns Lake, Nee Tahi Buhn and Skin Tyee, as well as seven urban rural centres: Grassy Plains and Burns Lake, Topley, Houston, Telkwa/Smithers and Vancouver and the Lower Mainland.
1024. Now, a little description of our Inuk Nu’at’en, that’s our own law, but certain governance laws and customs bestow duties and responsibilities upon House Chiefs. The House Chiefs have a sacred responsibility for the safety and well-being of all house group members, especially our children who are cherished and nurtured as future leaders of the proud Wet’suwet’en.
1025. The House Chief is the highest political authority in Wet’suwet’en society. However, the Chief does not act alone; there are sub-Chiefs who must be consulted, along with the Elders of the House. When decisions are made they are made by consensus. This tradition of reaching decisions by consultation and consensus is another aspect of traditional practices. Our governance centre is our Batlats, our feast hall.
1026. **MR. MIKE RIDSDALE:** Again, I’d like to reiterate that we are here under protest of not having an EA agreement or an agreement with the Crown. So with that notice we also say that the office of Wet’suwet’en have to press upon the

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Crown, the JRP Panel and the Proponent to recognize and respect our ancestral rights to and over the lands.

1027. The Wet'suwet'en are a distinctive self-governing people comprising of a number of houses clans who adhere to an over-arching set of Wet'suwet'en laws.
1028. The Joint Review Panel may not see our way of having to speak on our rights and title but it is interwoven with our culture; everything is connected. Wet'suwet'en people have known this for generations.
1029. This is how we connect to our lands and our resources is connecting with our rights and title, putting it forefront. It's as you look at an ecological model, everything is connected in a circular manner and those cycles are also what is in -- with Wet'suwet'en so in there we also talk of our rights, titles and interests.
1030. When we speak of the rights and title to the land through our discussions with government and industry, we speak of everything connected, embedded into our rights and title. We believe in clean energy and climate change priorities. We are progressive and are not anti-industry.
1031. One of these statements also is that -- conclude into this is is a letter from the U.S. Congress members:
- "Studies have found tar sands oils to emit three times more greenhouse gas pollution than traditional oil. Refining tar sand oils also produces higher levels of criteria pollutants exacerbating local air quality and public health issues."*
1032. The views of the Wet'suwet'en are that if a project does not adequately account for a cumulative effect, the residual effects of the project must act in combination with the residual effects of, in this case, greenhouse gas emissions through the human actions that may be preventable by our decisions.
1033. The Office of the Wet'suwet'en promotes our rights and title over our territories on resource development, but to ensure that our people's health, culture and way of life in the future is not harmed. The need for the project to pass through Wet'suwet'en territory, in our view, is not there. It will only cause harm and impede our way of life within our territories.
1034. This governance system that we have, and structure, ensure that our oral recordings and continued transmission of the Wet'suwet'en history, language, customs and laws is followed to this present day. There is no benefit for the Wet'suwet'en in having this pipeline cross our territories. The primary purpose of the proposed work

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can be utilized through an existing pipeline to the south without expansion north.

1035. Under what is entitled "Economic Feasibility of the Proposed Facilities", the knowledge that the studies that were done have to be taken with consideration of - - conditions are subject to change and so studies should be open to the question based on accuracy of those studies and accuracy of up-to-date studies.
1036. Markets change so do investors. Through the course of the JRP hearings investors may become aware that the instability of their investment and back away, as they should. What is the fallback contingency of the product, if that should happen?
1037. Feasibility studies do not have to take into account all costs related to impacts on First Nations' interests. Once the impact on our way of life occurs it will decimate the cornerstone of our lifestyle, our food sources, our sacred identity through song and filter into our future generations. So these are the impacts that we look at as First Nations.
1038. Can the ultimate cost of the project be tallied when we don't know what the outcomes are? If there is a cost system to quantify then use the ecological economics, a system that accounts for cost associated with ecological damage and resource depletion.
1039. At least we should be able to get a sense of some damages caused by the disturbance, pollution and loss of biodiversity. And that's what I ask that the JRP panel look at, is including the ecological economics, and that will quantify a lot of systematic impacts to the First Nations as well.
1040. Under Aboriginal interests, determination of the fiduciary duty; the Crown's fiduciary duty to consult was on Wet'suwet'en land use and resource development projects that may potentially infringe on Wet'suwet'en title rights and interests.
1041. Fiduciary means that the Crown owes trust-like obligation to the Wet'suwet'en people. The relationship between the government and First Nation is trust-like. Any break to that trust relation may cause hardship on the First Nation due to the broken bond, then any consideration in determining whether the infringement of the actions taken by the Proponent will be skewed by the actions of the acting representatives of the Crown.
1042. Does the Crown have sufficient directives to fulfil the fiduciary duties when dealing with the Wet'suwet'en during the courses of these proceedings? And that's the question I put forth to the JRP.

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1043. Conducting a strength of claim; this means having that strength of claim, has the JRP and the Crown representatives reviewed the evidence that were accepted as rights title evidence for the strength of claim during the *Delgamuukw* stairway court case. This was part of the Supreme Court hearings for the right-of-way on the proposed route.
1044. To give you a sound decision-making conclusion we're asking that you -- or we will be asking that the Crown conduct this strength of claim, and we have asked them that in the past and will be putting it forward to them again and again, until they hear us and get it right.
1045. All evidence is public record, available, and it's up to the Crown to ensure that they have this evidence available to them and the JRP in relations to the strength of the *prima facie* case in support of the Wet'suwet'en title rights and in relation to that portion of the Wet'suwet'en traditional territory that will be affected by the project, as well as assess the potential impacts to the rights of title from the project.
1046. Remembering that the fiduciary relationship of the Crown and Aboriginal people also means that where there are any doubt of, or ambiguity, with regards to what falls within the scope of the Wet'suwet'en title should shed any doubt or ambiguity must be resolved in favour of Aboriginal peoples.
1047. **CHIEF JOHN RIDSDALE:** I just want to make three points here on the *Delgamuukw* case, and it was *Delgamuukw v. British Columbia*. In that one it gave the rights to exclusive use and occupation of the lands, the right to choose uses for the land with consultation and consent, the right to economic component of the resources.
1048. The recognition of Aboriginal title by the courts results in the recognition of First Nation's inherent right to govern land use, the concept of Aboriginal title, ownership of the land itself and the right to choose how Aboriginal title lands are used.
1049. In other words, the recognition of Aboriginal title by the courts results in a recognition of First Nation's inherent right to govern land use. The Wet'suwet'en government has a deep physical and spiritual connection to the land, a binding link between title and governance. It is illustrated in both our histories and present-day connections to the land.
1050. **MR. MIKE RIDSDALE:** When you look at the determination of sufficiency, when the proposed approach of the consultation process was formulated, it was done without consultation with the Wet'suwet'en peoples as to what steps should occur in the process itself as required by the courts.

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1051. Again, we are a distinct society with a uniqueness with the land that we are caretakers of. Having the strength of claim would provide sufficient credible and reliable evidence to assess impacts against the Wet'suwet'en interests and as long as it is credible information to the approval of the Wet'suwet'en hereditary chiefs.
1052. In determining sufficiency, what are the benchmarks and factors that are looked at by the National Energy Board, the Joint Review Panel and the Canadian Environmental Assessment Agency? The reason we ask this is we need to know the quality of the information given and requested. We would like to request comments on sufficiency of information given, including the strength of claim.
1053. The Office of the Wet'suwet'en have a territorial stewardship plan in place that will address issues pertaining to the commercial interest of -- on a confidential basis towards resource development, economic development and land use in our traditional territories in a way that is respectful of the traditional Wet'suwet'en governance, practices and values.
1054. Under land use; our association with the land occurs at both a physical and spiritual level. The land provides for all of our requirements, including our needs for economy. This association gives the purpose of the Wet'suwet'en people and our government to protect the land, which in turn ensures the health of our people. It is our duty to take care of the land and resources because it takes care of us and our next generation.
1055. You heard from speakers earlier today that they were telling you that the land before them is their dinner plate. Well, that's true with all First Nations; our land is our dinner plate, it provides everything for us.
1056. When you look at the recognition of the Wet'suwet'en and the governance system that we have in place, you look at past agreements that we had. We had the Accord of Respect and Recognition signed in 1994 by then Premier of B.C. Michael Harcourt, Minister of Aboriginal Affairs John Cashmore, and Attorney General Colin Gableman, and Delgamuukw Earl Muldoe and Gisdaywa Alfred Joseph.
1057. In this Accord, Her Majesty the Queen and the right of the Province of B.C. while asserting its ownership and jurisdiction over and in the same territories has announced its recognition of Aboriginal title and the inherent right of Aboriginal self-government.
1058. Then you see the general protocol agreement in the land use planning that we signed in 2003 by then Minister of Sustainable Resource, Stan Hagen and five Wet'suwet'en Hereditary Chiefs.

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1059. Whereas the parties along with the Government of Canada signed the Protocol Accord on lands and resources in April of 2000, one goal of the Accord is Wet'suwet'en involvement in lands and resource planning and management. This is a requirement in decision-making processes.
1060. So in those declarations and those agreements it's showing that we do have our entitlement and our rights to the land and in partaking in these here decision-making processes.
1061. The recognition of the UN Declaration -- the United Nations Declaration of Rights of Indigenous Peoples, September 2007, came out recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derived from the political and economic and social structures and from the cultural, spiritual traditions, histories and philosophies, especially their rights to the land, their territories, and their resources.
1062. Under your environmental effects, Chief Namoks will speak first.
1063. **CHIEF JOHN RIDSDALE:** According to our laws, like caring for wildlife, each House Chief was a manager, a harvester and a conservationist of his/her territory. The Chief assigned portions of the territory to the individual families under his/her jurisdiction.
1064. These areas were rotated yearly to promote resupply in a particular area. A family took what they needed for food, clothing and shelter, of the wildlife harvested, nothing was wasted. And the impacts of this pipeline will surely affect that.
1065. **MR. MIKE RIDSDALE:** When you look at the greenhouse gases that were mentioned earlier about the U.S. statement, due to the refining fuel from bitumen creates more greenhouses than conventional crude, it was found that it would perform the emission of 27 million more tons of carbon dioxide a year. That's equivalent to seven coal-fired power plants.
1066. And when we look at the chemical footprint, a chemical profile of the oil that will flow is needed to be able to recognize this specific oil should this project ever go through. This is including the tar sands oil that has vastly more aluminum, copper, nickel, lead, titanium and vanadium than other forms of oil.
1067. In a timberline and the alpine regions, there are areas that are used for -- in these here timberline and alpine areas that are used as teaching grounds that are sensitive to Wet'suwet'en, as stated by Gisdaywa Alfred Joseph. Areas most important to the Wet'suwet'en wintering grounds and timberline or where the people

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get their food, clothing and blankets, these areas are the -- where the groundhog lives. These are areas that are open to the clans as they need to get those things for clothing and food.

1068. Berry picking is another place in the basin. The alpine is a very important place. Gitksan and Wet'suwet'en come there for their supplies for the winter. The timberline is accessible to all nations due to the quality of the animals. Mining always sets up in these areas. We need to tell the mining companies of those areas and make them aware, as well as the pipeline route, that they are not welcome to these areas because they are very spiritual to us.

1069. In the salmon section, the Nanika-Morice and Maxan stocks, the DNA unique stock identification on certain runs has to be done in cooperation with the Wet'suwet'en. The sockeye, Chinook, chum population assessments and determination of critical habitat needs -- these are stocks that are -- these systems are very -- critical sustenance needs for the Wet'suwet'en in identifying where and what portions of the river system that they use is vital to rebuilding efforts that we are currently doing. Any impact to those stocks will impact our livelihood and our very existence.

1070. Under the Uncowitz (ph), the woodland caribou and the mountain goat populations in the areas are at species at risk levels and their habitats are reduced to very small regions. The Wet'suwet'en have been working to rebuild these populations to where we can have a secured level of food. Mountain goat and caribou populations trend locally and regionally over the past 20-30 years are not well understood.

1071. The Wet'suwet'en are concerned about reports of severe declines in these populations from some sources. If the goat and caribou populations are declining, this may be linked to some extent to increased activity brought on by industry, access roads, forestry, mining, exploration which have stimulated regional activities, including extensive mineral exploration and the development of the pine beetle kill programs.

1072. So efforts are needed to establish more reliable estimates on goat, caribou population trends to implement strategies that would stabilize the population numbers in areas around the existing access areas.

1073. We're worried because these are systematic areas that we tend to use as food and getting our clothing on and these declines in these populations are reducing the amount of harvestable animals that we can actually get and it might be at a point where we may not be able to harvest ever again.

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1074. In where it says “the proposed method of financing” is it appropriate? Low probability extreme impact events should -- and this also relates to the environmental effects. They need to look at and inform us at the probability of low probability, extreme impact events in the proposed pipeline.
1075. Since the recent rupture breaks occurring with Enbridge’s pipelines, it may be that the company on both sides of the provincial border will have to spell out much more detail in their accounts to extent to which they have insured against potential disastrous liabilities.
1076. If the oil pipeline company and their associated shareholders find that the pipeline now becomes financially impossible because of regulatory hurdles or the cost of insurance, then the result will be further disadvantaged to them and they need to relate that to us.
1077. These low probability extreme impact events are something that is never discussed in these proposed pipelines and we’d like to have it more explained and looked into. If you look at the Kalamazoo, that was a systematic of low probability and extreme impact event.
1078. **CHIEF JOHN RIDSDALE:** I’d like to comment on a design construction and operation. Is the general route of the pipeline location of the proposed facilities and the siting of the marine terminal appropriate?
1079. As Wet’suwet’en, we don’t believe so and the answer is no. Wet’suwet’en people have spoken in the governance centre, the potlatch, our feast hall, and are united in stating that they are opposed to this project according to our Inuk Nu’at’en which is our laws.
1080. I want to make it clear. Our job is to carry forward the words of our leaders. None of the companies that come into our territory hold any title or rights. That belongs to the Nation because we have the right to decide what happens in Wet’suwet’en territory.
1081. Is the Applicant’s consultation program for the project adequate? There is no consultation program in place for the Wet’suwet’en.
1082. Is the design of the proposed facility suitable? We’d like to know what is the capacity the Applicant to safely build and operate the proposed facilities in the range of physical conditions along the rocky and coastal mountains and at the Kitimat terminal.
1083. **MR. MIKE RIDSDALE:** So one of the other questions; is the proposed

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plans and measures of emergency preparedness and response appropriate? When you start looking into that, you have to look back into the National Energy Board themselves. They're creating a remediation process guide as we speak and in that guide it's a guide on remediation of how they might take care of a spill or when they decide when a Proponent has done the cleanup to the best of their ability, to the guidelines of the National Energy Board.

1084. If discussions towards this document that affects pipelines and companies around spill occurrences, then this information also has to be discussed during the application phase due to its ramifications to this project.
1085. The National Energy Board proposal is troubling in that it perpetuates the problems associated with policy of goal-oriented regulation. Companies are allowed to do what they want to avoid contaminating the environment but when they do contaminate, they can rest assured that the National Energy Board will sign off on their response.
1086. In other words, the National Energy Board's protection of the environment is limited to stepping in after the contamination has occurred in order to validate the steps the company has taken to address the contamination. There is still nothing in place to ensure that the contamination does not occur in the first place.
1087. Is this an acknowledgement on the part of the National Energy Board that there is nothing that can be done to prevent spills that will inevitably occur as a pipeline infrastructure ages and corrodes?
1088. Under the -- I'm sorry.
1089. **CHIEF JOHN RIDSDALE:** Under terms and conditions, what terms and conditions should be included in any decision the Panel may issue? Well, review the strength of claim on individual First Nations rights and title in the given area of impacts in the proposed work.
1090. Accommodate the First Nations by taking the recommendations of the First Nations on the proposed project. Additional information, our kungax, this is our laws of respect for the animals.
1091. The Wet'suwet'en know that they must treat the animals correctly if they are to continue to enjoy their bounty. If they do not treat them correctly, the animals will not come back to them or can harm them. If they treat them well they can attain special spirit powers from them. All these are our ways which are continued today.
1092. **MR. MIKE RIDSDALE:** When you look at the additional information

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that is required, we also need you to look at the Pacific lampreys. Department of Fisheries and Oceans Science Branch has done some work on the Skeena Run lampreys back in the seventies but nothing more than anecdotal information recently.

1093. The Wet'suwet'en have seen declines in the lampreys within our territory. We are worried about the impacts of hydrocarbons on lamprey amoebocytes rearing areas due to their habitats in the sandy/silty areas where oil tends to settle. This stock is reaching a critical point and it's upon us to look after them.
1094. Another issue is the genotoxicity. This is caused by exposure to various chemicals and other agents related to hydrocarbons and polycyclic aromatic hydrocarbons such as benzo[a]pyrene -- benzo[a]pyrene, sorry, and the First Nations are highly susceptible to this and they tend to have high levels of hydrocarbon exposure through smoking of food that we tend to eat at all times, resources such as smoked salmon and other foods. So our level is already at an almost critical level and you add more hydrocarbons to that level and it becomes at a critical stage where it is a health hazard.
1095. Territorial restriction. Members of the Wet'suwet'en Nation have traditionally relied heavily upon areas of access for traditional harvesting, gathering. Infringement onto that use in such a way as to have an effect on the title and Aboriginal rights may breach its fiduciary duty at common law. Given this potential effect, even the removal of our accessible lands is, in my view, subject to further consultation.
1096. One of the questions that I have is what is the width of the proposed right-of-way? What is the width of the National Energy Board's safety zone beyond the right-of-way? Is there an overall distance of the right-of-way and safety zones -- distances that this has to be considered in the loss of territory, including the access roads that the Wet'suwet'en Nation will not have access to?
1097. The loss at any rate will be a hardship to the Wet'suwet'en people. Ultimately these access points would also allow people into the region of the territory that the Wet'suwet'en only had access to for sustenance and ceremonial purposes through the use of ancient trail systems. This easier access allows hunters to harvest tabola (ph) at resources or areas of rearing of young that were protected by the elders and the chiefs in the past, and now they'll be easily accessed and those stocks will be decimated.
1098. **CHIEF JOHN RIDSDALE:** And I'd like to close off with locations for your meetings. Like, it was described earlier like you've got to go into places where you're going to get the response from people. Well, within our territory we have the main communities of Burns Lake, Houston, Smithers, and Moricetown. Moricetown

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is the largest reserve in the Wet'suwet'en territory, so we'd like to suggest Smithers B.C. and Moricetown.

1099. And Sne kal yëgh.
1100. **MR. MIKE RIDSDALE:** Sne kal yëgh.
1101. **MEMBER MATTHEWS:** Good, thank you Chief Namoks and Mike.
1102. I think you raised a -- I certainly appreciate you coming here and sharing your comments concerning your views on the government process and hearing you out and I hope that this -- your participation here will -- the information you provided will help us in determining the sufficiency of the application, and that's the very reason why we initiated these Panel sessions.
1103. It's unusual for the Board or for us to take this step and we felt that it wasn't up to us to determine the sufficiency of the application, so it's your input -- the notes, your records, that are going to help us.
1104. The only other question I have is that you mentioned that there is a -- much of the material was of a confidential nature; confidential in terms of the ecosystems, Wet'suwet'en law. I'm hopeful that some arrangement can be made where that information could be used in a confidential basis to help us make a decision with your guidance.
1105. So with that, and then I also -- we also look forward to having potentially other hearings in Moricetown and Smithers, so we'll look forward to your guidance on having them.
1106. Okay, right. Thank you.
1107. **MR. MIKE RIDSDALE:** I'd like to also mention that, you know, when we give evidence in a way that is pertaining to working with other governments, we say that things are confidential.
1108. There is times that you do songs in our traditional manner that all recording devices are turned off so that nothing is recorded but you may hear it and in that way we do things under their ba lats system and our governance.
1109. **MEMBER MATTHEWS:** Do my colleagues have any questions for clarification? Okay.
1110. Thank you very much.

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1111. **THE CHAIRPERSON:** Thank you very much.

1112. I think that there might have been some fruit and cheese that's arrived in the room. So I'm going to suggest we take a 20-minute break and just let everybody stretch their legs and so it's 10 to 1 now, according to my watch. Let's be back here ready to go again at 1:15.

1113. Thank you, everyone.

--- Upon recessing at 12:50 p.m./L'audience est suspendue à 12h50

--- Upon resuming at 1:21 p.m./L'audience est reprise à 13h21

1114. **THE CHAIRPERSON:** Thank you very much, everyone. Welcome back. I hope everybody was able to get a little bit of sustenance from the fruit and the cheese at the back of the room.

1115. If I could get everyone to just take their seats -- who are planning to participate this afternoon.

1116. We've now had eight other people who would like to speak with the Panel who hadn't registered before and, as we're all aware in this room, we have a pretty full schedule today. I understand that there is an individual who's travelled, Mr. Daniel Danes from Hartley Bay, and we're going to try to see if we can find the time to hear from you this afternoon.

1117. My approach with the other parties, we want to hear from everybody who's taken the time to come and speak with us. I think there's two options. One is that you can sit through the sessions and as we find opportunities to have additional people appear once we've dealt with the parties; once we've listened to the parties who've already registered we'll work you in.

1118. The other alternative that I would just draw your attention to on the schedule is that we have a fair bit of time on Thursday, both in the morning and in the afternoon. So if you wanted to have more certainty about when you would be able to speak to the Panel, I would suggest you see the staff and they'll slot you in for either the 9 o'clock or the 2 o'clock session on Thursday.

1119. So I just wanted to give you those two options so that we're not tying you down to be here and then you're not necessarily able to know when you're going to be able to speak.

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1120. So with that being said, we'll proceed on with our list that we've got here and so ask Mr. Michael Langegger to come and chat with us?

1121. **MEMBER BATEMAN:** Mr. Langegger, thank you for participating today. Would you please spell your name for the record?

1122. **MR. LANGEgger:** M-I-C-H-A-E-L L-A-N-G-E-G-G-E-R.

1123. **MEMBER BATEMAN:** Thank you. Please proceed with your comments.

--- ORAL PRESENTATION BY MR. MICHAEL LANGEgger:

1124. **MR. LANGEgger:** Thank you. I'd like to thank the Board for hearing my presentation.

1125. The vast majority of public First Nations and federal opposition party do not support the construction of an oil condensate pipeline proposed to span across the province and/or tanker traffic that would result along the coast of British Columbia.

1126. The oil industry at large has a gross environmental track record reputation and history of leaving behind a wake of destruction and devastation. Most often, it's communities like ours, environment, fish and wildlife, social values and local economies that suffer, often extinguished when things go wrong in the extraction and transport of crude oil.

1127. The voice of public and non-governmental organizations in opposition of the Proponent's proposal and tanker traffic has been loud and with merit. The risk to public, their long-term energy needs and the environment simply do not outweigh the questionable risks and benefits of the Proponent's proposal.

1128. Enbridge has made every effort to persuade public to the contrary, with the vast majority simply not buying into the propaganda. The Proponent touts economic benefit by using terms such as "man-years employment", "tax revenue generated", focusing on a construction phase that will generate a short-term boom in a biased and misleading manner.

1129. People want ---

1130. **THE CHAIRPERSON:** Mr. Langegger, I'm sorry to interrupt you, but I wonder if you could just slow down a little. I'm just having a hard time following you and others in the room might be as well. You've got lots of time, take your time, and we really want to hear what you have to say.

1131. **MR. LANGEgger:** Okay. Thank you.
1132. **THE CHAIRPERSON:** Thank you.
1133. **MR. LANGEgger:** People want straight answers and expect the information to be realistic, understandable and defensible.
1134. Is the Proponent exaggerating and inflating projected employment opportunities and economic benefit in an effort to sway public support? I believe the long-term employment, economic and public benefits touted by the Proponent to British Columbians will fall way short of what is being claimed. What has not been ethically researched, reviewed and presented by the Proponent is the loss of employment and opportunity that will occur, resulting from the proposed project.
1135. For example, if the condensate line were put in place, what would become of long-term employees currently responsible for loading condensate onto rail cars. If the condensate pipeline were constructed, these full-time jobs would no longer be required, resulting in employment and economic loss for our community.
1136. Coastal British Columbia is world-renowned for its fresh- and tidal-water fisheries and has provided renewable, recreational, food, economic employment benefits to Kitimat and its broader communities for decades. The Proponent's proposal will threaten and negatively impact many local businesses that rely on tourism and the recreational fishery.
1137. We should not be compromising renewable resources with high-economic, social, cultural, recreational sustenance and tourism value in exchange for an industry with huge environmental risk, questionable gains to the public and has an expiry date, non-renewable.
1138. The Proponent places emphasis on the taxes it would pay, benefitting the public. What it does not share with the public is the many tax breaks, subsidies, deferrals, grants and other benefits it and supporting oil companies gain at taxpayer expense. Will the tax benefits to the public be as fruitful as claimed?
1139. I believe the public has not been provided defensible information, with the Proponent only indicating one side of the tax equation, misleading the public of their true tax benefit.
1140. The economic and employment benefit to the public resulting from the exported oil is far less than that -- than if the raw product generated a value-added product. Federal and provincial governments must not shift the responsibility of

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maximizing Canada's raw resources providing a maximum benefit, economic value, tax generation and employment for Canadians.

1141. Why would government or NEB support increased export of Canadian raw resources? To do so would be a neglectful shift of public assets, benefit and interest to that of multi-nationals and foreign interests.

1142. This, without a doubt, is not in the best interests of the Canadian public. Legislation must be implemented or improved to further limit the export of Canada's raw resources, ensuring Canadians, not multi-nationals and foreign interests, gain the maximum benefit from them.

1143. The Proponent claims to be an environmental leader using the latest technology. One just has to look at Enbridge and supporting oil companies' past and current track record. They are far from environment leaders. Their history of noncompliances or breaches in the wake of environmental devastation speaks for itself.

1144. Enbridge's recent excursion, a four million litres of oil spilled on the Kalamazoo River, should sound alarms. Imagine this on the Kitimat River, devastating an entire ecosystem; species of salmon and trout, wildlife, local economy, habitat, marine environment, potable water supplies and many resident values negatively impacted if not extinguished entirely.

1145. Oil recovery and clean-up technology is often touted by the industry, yet today only about 10 percent of large oil spills can be recovered. Clean-up efforts have become more a media blitz to give the public the false perception of effective action and recovery.

1146. Crude oil not only collects on the surface of water but also within the water table and on the riverbed and ocean floor. What technologies exist to effectively recover oil within the water table and bed? There is none to my knowledge.

1147. The Proponent claiming to have the ability to effectively protect the environment and clean up a large oil spill, particularly in the marine environment, is false.

1148. The Proponent requires Crown lands that are currently accessible to, and used by, public. Public access and use of Crown lands in question must be allowed to continue and be guaranteed. Should a pipeline be constructed, will public access to these lands and recreational opportunities continue? Will the public have the ability to use the pipeline right-of-way? What is the Proponent's intent?

1149. Enbridge, as part of its proposal, must address tanker traffic and associated risks. What the Proponent doesn't clearly address or inform the public is exactly what their legal and liable responsibility will be should a tanker incident occur.

1150. The Proponent deviates from answering this question by using the term "corporate responsibility" rather than "legal and liable responsibility". Corporate responsibility is non-binding and can change like the bathwater to suit their, not the public's, interests.

1151. The public interest must be protected and the Proponent's legal and liable responsibility made clear regarding their pipeline, storage facility, after product leaves it, enters tankers and travels through Canadian waters. If an Exxon Valdez type of incident occurred, what would the Proponent be responsible for on a legal and liable standing? The Proponent must guarantee the public that such a catastrophe will not occur. Are they ethically, and with due diligence, able to do this?

1152. Current and past history of oil industry spills negatively impacting the public is abundant, whilst the hunting, angling and associated food and recreational opportunities, property value loss, heritage, culture, tradition and social values eroded, land and waters contaminated, increased health risks and so on.

1153. Asserting this is invaluable to the public, will the Proponent guarantee residents that their proposed pipelines, tank farm and tanker traffic will not hinder, negatively impact or extinguish such values? How will the Proponent compensate non-commercial residents if an oil spill and/or land water-based spill occurred? Can our sensitive coastal environment, waters, land and associated habitats be returned to their former state? Can this be done effectively? How long? Within my lifetime or will generations be negatively impacted.

1154. Past history of oil-related incidents provide many of the answers, most often with the public not industry shouldering the long-term costs and negative impacts. The Proponent states within its proposal that environmental timing constraints will be identified by Northern Gateway:

"If the construction schedule cannot change to accommodate the timing constraints, the mitigation measures will be discussed and resolved."

1155. The creation of such a loophole in the Proponent's proposal is unacceptable and it sheds light on their true attitude towards the environment. This is a clause -- if this clause were allowed to exist, would it be exploited by the Proponent to reduce construction costs and timelines? Will construction time constraints trump

proper mitigation and environmental protection measures?

1156. The oil industry's dismal environmental track record speaks for itself and should provide the answers. What is the National Energy Board's position on this issue and how will it ensure that mitigation measures, public interest and environment are not set aside to accommodate the Proponent's construction timeline or to accommodate cost-savings measures?
1157. Today the Canadian public is socially conscious about the long-term sustainability and health of their environment. Efforts have been made to be more efficient, lessen our carbon footprint and lessen our dependency on oil.
1158. This has also moved to a political front, with government promoting energy efficiency and implementing increased taxation on British Columbians in an effort to curb usage. This calls to question the need of the Proponent's project and the export of oil to new markets.
1159. With the North American market for oil projected to decline due to public and government efforts, is it ethical for the Proponent and supporting oil companies to hinder this by increasing oil production and export to foreign interests? From a Canadian perspective, there's simply no need for the Proponent's project. Only Enbridge and supporting oil companies will reap the true benefits, not the Canadian public.
1160. Enbridge has initiated a series of community advisory boards, CABs, one based in Kitimat. This consultation process is to be independent from Enbridge, and is not, with the Proponent holding the reins of control.
1161. Today, the Kitimat CAB is dominated by pro-Enbridge and industrial developments supporters, Enbridge staff and contractors that gain to benefit from the Proponent's proposal. As a result, the Kitimat Community Advisory Committee make-up is far from balanced, with very little true community involvement, members and input.
1162. Is such a make-up and direction by design? Does the Kitimat CAB process truly represent the community and differing perspectives as a whole? Does this CAB process have merit or is it designed to further promote the Proponent's proposed project? Have many residents, First Nations and NGOs chosen other routes of consultation to voice their concern? Is this because they feel the CAB process is biased, unbalanced and not representative of the public interest? Will the NEB conduct a review of the CAB consultation process ensuring that is balanced, not biased, and free of Enbridge control?

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1163. British Columbia consists of many unique ecosystems that support an abundance of fish and wildlife. Residents revere and have a close bond to their environment, outdoor recreation and fish and wildlife values that foster a strong heritage, culture and tradition that's invaluable and must not be compromised. The Proponent's proposed project places us all at risk.
1164. Protection monitoring and enforcement are grossly lacking in British Columbia, with only a handful of conservation offices in each region. This often leads to the government promoting industry to police and monitor itself. The "fox monitoring the henhouse" approach never works and certainly does not ensure the public interest and environment is properly represented and protected.
1165. Today, ministries and trusts that serve the public interest are starved, lacking resources to properly review, manage, consider, protect, monitor and enforce many aspects of the Proponent's proposal. Government is entrusted to ensure the public interest is properly, ethically and with all due diligence represented. How can government assure this if it continues to neglect and fails to provide the effective resources required?
1166. The National Energy Board must grasp the seriousness of the provincial and federal governments' neglect in regards to environmental protection, monitoring, fish and wildlife management, policing and enforcement.
1167. Are public assets and interests being properly represented, as entrusted to do so by government? Many NGOs and citizens question this and their concerns have merit. For many residents, hunting and angling opportunities provide an important organic food source.
1168. The Proponent's proposed project will place the area's fisheries and wildlife at risk and likely degrade the food quality and quantity of these populations. What guarantee does the Proponent provide that this will not occur? Given the Proponent's environmental and non-compliance failures, does any commitment made by them have merit?
1169. The Northern Gateway Pipeline Proposal is not in the British Columbian or Canadian public's interest, nor is there an immediate need for it. The Proponent's proposal does not respect, entrench and ensure Canada's long-term energy needs, maximize the public value of the resource or support social and environmental concerns. But what it will do, if allowed to proceed, is compromise Canada's long-term energy security, environment, fish and wildlife and the many values they support.

**Oral presentation
Mr. Daniel Danes**

1170. The Proponent's proposed project not only exports Canadian oil but also exports Canadian jobs and public benefits with it. It is my sincere hope that the outcome of the National Energy Board review denies the Proponent's proposal. It simply does not serve or represent the Canadian public interest.
1171. I thank the Panel for their time.
1172. **MEMBER BATEMAN:** Thank you, Mr. Langegger. I do have one question.
1173. I've understood you to make comments with respect to MED impacts for purposes of risk-benefit analysis and also to make comments of the need for particulars to compensation in the event of some type of a situation. Is it your position that that type of information would be needed in the course of a hearing or is needed in advance in order to complete the application?
1174. **MR. LANGEgger:** I would say it's needed in advance. Public should be able to review those aspects prior to the application of a hearing.
1175. **MEMBER BATEMAN:** Thank you for sharing your comments.
1176. **THE CHAIRPERSON:** Mr. Pilkington, just to make sure you're not wanting to present? Okay, thank you. I didn't know.
1177. **THE CHAIRPERSON:** Ms. Janie Wray, are you ---
1178. **UNIDENTIFIED SPEAKER:** She didn't make it today.
1179. **THE CHAIRPERSON:** She didn't make it? Okay. We've heard that she was here and wasn't here. So I just wanted to make sure we were -- okay, thank you very much.
1180. Mr. Daniel Danes? Thank you, please come forward.
1181. **MR. DANES:** (Off mic.)
1182. **THE CHAIRPERSON:** Absolutely yes, thank you very much, sir. So if we could just get started by having you spell your name for the record and then we'll proceed from there.

--- ORAL PRESENTATION BY MR. DANIEL DANES:

1183. **MR. DANES:** It's Daniel Danes, D-A-N-I-E-L D-A-N-E-S, and I'm from

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Hartley Bay. I didn't know I was going to be at this meeting till last night, but we brought some of our Elders with us and I am project manager for Hartley Bay Hatchery for the past 31 years. I raise coho for a living.

1184. Our concern is for the future of our grandchildren. If we have an oil spill here in our territory it'll wipe out our seafood. To the native people the ocean is like their fridge. If you want something to eat you hop on your boat and you go out and get it. You can't do that in Alberta or any other place unless you're living on the coast here. That's why the coast is so valuable to us; it is like our fridge where we keep our food and we go out there and we get fresh food any time we want.
1185. Now, if we had an oil spill here that will take that away from us. We won't have no seaweed, no salmon, no shellfish to go and eat. What do we do then? What's there for our children and our grandchildren? There's no future.
1186. That's why our community is really dead against Enbridge coming in here with barges, with tankers and them having an oil spill and wipe out our source of food.
1187. We have been gathering food on the coast here for centuries and we don't want that taken away from us. We feel a threat to our environment and our source of food if we have supertankers coming into this area.
1188. What we want to know is what kind of plan does Enbridge have if they have an oil spill? Do they have a place for us to get our seafood because I don't think so.
1189. You look at what's happening today in this world. A good point is what just happened in Mexico -- the spill they had in Mexico. Now, they won't show publicly how it's affecting the local people down there. I already know that the fishermen down there have got no fish to catch, they got no shrimps and prawns to fish for anymore because oil has polluted their waters.
1190. What's going to happen here if we have an oil spill? Where do we go for our food? I mean, is Enbridge going to supply us with food if we run out of food? I don't think so.
1191. **THE CHAIRPERSON:** Mr. Danes, if I can just interrupt you for one minute.
1192. If we could have only one person talking in the room at a time, I'd very much appreciate it. So if you want to have other conversations, please feel free to step outside.

1193. Sorry, Mr. Danes, I just want to make sure we can hear you. Thank you.
1194. **MR. DANES:** The other thing I'd like to point on is the Valdez spill. Now, a lot of that wasn't publicly brought to the public what happened to the people that live up there. Some of them have committed suicide. That one community that they moved, the mayor of that town, he committed suicide and there's going to be a lot of that happening up in this area if we have an oil spill in our area. Our source of food will be taken away; we have no place to go. We rely on the ocean for our food.
1195. I have a pretty good-sized family right now and in the summertime and the spring is when we collect our food from the ocean and preserve it for the winter. I'm almost done for this coming winter's food for myself and my family.
1196. Now, if we have an oil spill, what are we going to -- where do we go? What do we preserve? There's nothing there. Even animals on the land will have nothing to eat. There'll be no more deer. There'll be no more moose. There'll be no more ducks. We eat that food; we have been for centuries.
1197. What I'd like to know is what Enbridge will do if we have an oil spill. How will they feed us? We sure can't eat that oil, there's no way of cooking it.
1198. Anyway, I want to thank you for letting me say a few words. I'm speaking on behalf of the Village of Hartley Bay.
1199. Thank you very much.
1200. **THE CHAIRPERSON:** Thank you, Mr. Danes.
1201. Mr. Danes, would you mind -- Mr. Danes? Would you mind just coming back? Mr. Matthews just wanted to make sure that he'd understood your points and he just had a question of clarification for you. Thanks very much.
1202. **MEMBER MATTHEWS:** Thanks for coming back.
1203. Anyways, I just wanted to -- in regards to the application -- am I on? Okay.
1204. With regards to the application, it sounds like you'd like to have more information contained in the application on the impacts on the Aboriginal food source, and that you would like the application to look at other examples around the world on how issues were addressed.

1205. Is that correct?
1206. **MR. DANES:** Yeah.
1207. **MEMBER MATTHEWS:** Okay, thanks a lot.
1208. **MR. DANES:** Okay, thank you.
1209. **MEMBER MATTHEWS:** Thank you.
1210. **THE CHAIRPERSON:** So we are technically ahead of schedule if you don't count the inconvenience -- unfortunately -- we caused people who came this morning to speak and you had to wait.
1211. So I would suggest that we continue on if that's okay. We'll see how we're doing with --- okay, thank you. We'll see how we're doing with people who are here.
1212. Is Mr. Gary Coons here?
1213. **UNKNOWN SPEAKER:** Yes.
1214. **THE CHAIRPERSON:** Oh, terrific. Thank you. So would you mind going 10 minutes ahead of time instead of waiting until 2 o'clock?
1215. **MR. COONS:** Oh, I think I can do that.
1216. **THE CHAIRPERSON:** Thank you very much.
1217. **MEMBER MATTHEWS:** Good afternoon, Mr. Coons. Thanks a lot for jumping ahead and we welcome your comments. So if you would care to state your name and spell your last name for the record, please?
1218. **MR. COONS:** Thank you. Gary Coons. G-A-R-Y C-O-O-N-S.
1219. **MEMBER MATTHEWS:** Now, if you could proceed and help us answer those three questions, that would be great. Thanks.
- ORAL PRESENTATION BY MR. GARY COONS:**
1220. **MR. COONS:** Thank you so much, and I sort of planned a summary of what I'm going to try to relate to and it's in front of you. Thank you.

1221. And I'd like to acknowledge that we're on Haisla territory and thank the Haisla for this opportunity, and thank the Panel for coming here and giving all of us an opportunity to look at some of the issues relating to the Northern Gateway Pipeline project.

1222. I'm Gary Coons. I'm the MLA for the North Coast; I live in Prince Rupert. And in the agenda it says I'm the B.C. Government representative and I represent the government but in the Official Opposition so -- and proud of it -- so at this point-in-time we are not representing the B.C. Government.

1223. And if you look at the riding I represent, it's Prince Rupert/Port Ed, the four villages Lax Kw'alaams, Metlakatla, Hartley Bay, Kitkatla, Haida Gwaii, the Central Coast from Klemtu, Bella Bella, Bella Coola Rivers Inlet. A wide diverse region that's fairly dependent on the resources -- the vital resources that our waters and land supply us.

1224. As stated in the terms of reference for the project and just to clarify with people, you know, the application is filed, the Panel determines if there's sufficient information and, if so, a Hearing Order is put forward. If not, the process will not proceed until the required information is filed.

1225. In my brief presentation today, I'll look at a number of the issues; information that I believe is incomplete and data that needs filing to ensure a fair and thorough understanding of this project.

1226. And I'm sure you have had quite a day today with the opening ceremony and going through the honourable and respectful nature of First Nations tradition and culture. And there's a lot of emotion, a lot of passion, a lot of concern about this project and so I'd like to start off with looking at the VECs.

1227. Basically, the valued, environmental and socio-economic components and in Volume 6(c), in Section 3.32 on page 319 -- and just for people out there that aren't too sure what VECs are, VECs are the valued environmental and socio-economic components -- and the application states the following:

“VECs related to the regional economic and social effects of the project will be made available at a later date.”

1228. And I have a real concern that this deficiency has to be addressed in this -- in the documents before us and the VECs that have to be available are the regional population changes; regional employment opportunities; effects on well-being and delivery of protection and social services, community services and infrastructure;

health conditions and health care services; traditional culture; and regional transportation.

1229. And so my first point is I believe that in Volume 6(c) that the VECs have to be put before the public before we can make an informed decision.

1230. The second part I'd like to look at in Volume 6(c) are the cumulative effects, and on page 480 in Volume 6(c) under "Socio-economic Conditions" in 4.2.9, it says -- there's a paragraph in there talking about:

"In terms of cumulative effects, the project is expected to increase human health risks, but the assessment shows that the increases will be minor and indistinguishable from the current risk levels."

1231. And the application says:

"Therefore, the cumulative effect is not significant."

1232. And I beg to differ with that, and I'm sure a lot of people out there who are concerned about this project have a concern about cumulative effect, especially when part of the process for you to consider as a Joint Panel during the Joint Review.

1233. As far as under Section 16 of the CEAA, the *Canadian Environmental Assessment Act*, it says -- and this is part of the information that we got --

"The environmental effects of the project including the environmental effects of malfunctions or accidents that may occur in connection with the project, and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out."

1234. And as a Panel, you need to look at the significance of the effects referred to above. I believe that you need to look at that and I don't think the concern about cumulative effects and upstream effects are taken into account with the application before us.

1235. And as we know, or most of us know, you know, and question whether this review is taking into account the cumulative environmental effects associated with increasing oil sands productions which is another project or activity that is going on in conjunction with the pipeline and tankers on our coast.

1236. You know, and we need to know what are the upstream impacts of tar sands development with this project. And I have read and I've been told that this

project -- it's calculated that production associated with this project in front of us would produce 25 million barrels of toxic tailings, consume the same volume of natural gas as 1.3 million households do in a year, and consume the same amount of water annually as a city of 250,000 people.

1237. And I honestly believe that we cannot ignore -- and you as a Panel cannot ignore -- the impacts and the increased greenhouse gas emissions that will result from these other projects or activities that are in combination with the project before us, especially when in B.C. we have the B.C. Climate Action Charter which 178 communities have signed onto. So it seems like a real yin-yang situation where we are concerned about the environment but we're supposedly proceeding with projects that are on the contrary.

1238. My second part are First Nations issues and I believe there are a few concerns about ATK, Aboriginal Traditional Knowledge. And as far as the project before us, it will be and will traverse Crown land and traditional territory and what we've noticed is that there is a real problem.

1239. What I've noticed in the application before us -- that there is a concern with the Proponent getting and moving forward on Aboriginal Traditional Knowledge. And at this point in time, it seems that there's been over 60 Aboriginal groups identified for engagement and only 17 studies are available in the package before us.

1240. I believe that before we move forward there has to be -- it's incumbent on the Panel and on the Proponent to ensure that all of the First Nations, all 60 First Nations, have the opportunity and the funding to move forward with the ATK program.

1241. And as required by the filing manual, Northern Gateway must incorporate Aboriginal Traditional Knowledge into the application and must exercise due diligence in obtaining and incorporating such reports. So I see that this section with ATK is lacking and it must be dealt with in a comprehensive manner.

1242. I'm going on to Volume 7C and as we all know there's 8,000 pages and many volumes and so I've given you a summary and trying to keep my comments hopefully directed towards where I want to go.

1243. And in Section 7, basically the concern that we have is with the food, social and ceremony fisheries. And it says on page 716 in the report that FSC fisheries are important to coastal Aboriginal communities and are often a major component of their diet. Targeted species include -- and it lists a bunch of them. FSC fishing occurs throughout Kitimat Arm. Exact locations and relative importance

of the locations are not known.

1244. And I believe again that it's incumbent on the Proponent and on the Panel to ensure that we do know the exact locations and relative importance of FSC fisheries to First Nations up and down the coast that might be impacted by this project.

1245. I'm moving on to Traditional Marine Use, and I'm going to look at Section -- I'm still in Volume 7C. I'm looking at Section 8.31, page 8.4. And again it looks like there is unfinished business in here and deficiencies that must be addressed before a hearing order is issued.

1246. If we look at the baseline conditions of traditional marine resource use and this is a quote from page 8.4,

"There is currently very limited information on Aboriginal use of fish, wildlife, and vegetation resources for communities in the region."

1247. And again, there's very limited information and I believe that we have to know what that information is and it's incumbent for the Proponent to do their due diligence on that.

1248. Okay. I'm now looking at page 910 in Volume 7C which is Section 9.5.32 and it's on Mitigated Effects on the Human Environment. And it talks about heritage resources and traditional marine uses in the intertidal and shoreline regions could be affected during summer. And it talks about, and I'm reading right from page 910 --

"Aboriginal groups would be particularly sensitive because of their long association with and dependence on the sea for food, transportation, social and ceremonial purposes..."

1249. And this is a quote,

"...because detailed information regarding traditional use in these areas has not yet been provided, conclusions regarding effects on harvesting and cultural resources have not been reached."

1250. And again I believe under the legislation and under the Act that it's incumbent on the proponent to do their due diligence and work closely with First Nations to ensure that everything that is necessary for us to make decisions is included. So I believe this is -- this deficiency precludes one from properly assessing

the application.

1251. The next volume I'd like to get into -- and I'm going into Volume 8A. And I'm going to look at TERMPOL. And just for people out there, TERMPOL stands for Technical Review of Marine Terminal Systems in Transshipment Sites.

1252. And on page 1.1 in the introduction to 8A, it basically says Northern Gateway is completing a wide range of studies for review under the TERMPOL review process and this volume provides in summary form the results of the studies. And again, what we have before us are summarized studies and analysis and I think that it's incomplete and there should be a full documentation of what studies were reviewed.

1253. Also on page 1.6 in Volume 8A it says,

“Northern Gateway informed Transport Canada in March of 2009 of its intent to complete detailed TERMPOL studies in support of marine transportation associated with the project.”

1254. And these will be submitted to the TRC in Q2 of 2010. And it talks about several additional studies and documents will be prepared before the start of the terminal operations.

1255. And I think this project is too vital, too important to those that live on the coast and First Nations that depend on the resources to have studies that are currently underway and several additional studies and documents that will be prepared. And we need them before us in order for us to ensure that we have the information to make wise decisions.

1256. I'm continuing with 8A and I'm going to look at the OPEP which is the Oil Pollution Emergency Plan and the OPPP which is the Oil Pollution Prevention Plan.

1257. So as I said I'm in Volume 8A under “Overview and General Information” about marine transportation on page 470. And it says under 4.7.12.1:

“The Kitimat terminal will be an oil handling facility as defined in Section 2 of the Canada Shipping Act and will need to develop an oil pollution emergency plan and an oil pollution prevention plan to comply with the Act.”

1258. And further down on page 470 it says:

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“Northern Gateway intends to further develop a marine OSRP” which is an Oil Spill Response Plan “and a Kitimat terminal Oil Spill Response Plan as umbrella documents that is needed for their plan.”

1259. So we’re missing vital information concerning pollution emergency plans, pollution prevention plans and oil response plans and I think it’s incumbent as I have stressed previously that this must be dealt with in a comprehensive -- in a comprehensive order for people to make wise decisions.

1260. And on page 4.72, -- no on page 4 -- yeah, 472 of Volume 8A it says:

“Northern Gateway intends to submit the terminal OSRP (Oil Spill Response Plan) including the OPEP (the emergency plan) and the OPPP documents to Transport Canada and to the NEB at least six months before the Kitimat terminal begins handling bulk oil.”

1261. I personally believe that’s unacceptable that we -- the Proponent is going to submit documents about vital components of marine safety six months before operations start, especially when on page 487 it says: *“The cornerstone of the contingency planning process is a general oil spill response plan”* and it is not available to us.

1262. On page 489 it says:

“A detailed marine OSRP (Oil Spill Response Plan) has not yet been prepared.”

1263. And it goes on -- you know -- in this volume about the deficiencies and the information that is necessary before we move forward to a hearing and I believe the -- you as a Panel -- you’re required to consider the OPPP, the OPEP, the OSRP, yet these are not provided in the application before us and they must be prior to proceeding to a hearing.

1264. Again I got -- I’m going into Volume 8C, the last volume that I’ve had the opportunity to glance at and I’m going to be looking at the QRA which is the quantitative risk analysis and this is in the preface to Volume 8C and it talks about the quantitative risk analysis and that it will be finalized in Q2 of 2010.

1265. And again, I believe that that is something that must be in this documentation before us before we move on to a hearing.

1266. And again, I do have to -- as I’m going through Volume 8C and looking at

some of the additional information that they should be required to file I go into the next volume, Volume 8C, compared to Volume 8D where Volume 8A -- you know, I talked about the OPPP and the OPEP and again it says in Section 1.1 in Volume 8C,

“An oil pollution prevention plan, an oil pollution emergency plan are being prepared and would be implemented to manage risk relating to hydrocarbon spills that might occur during vessel transport in Canadian waters.”

1267. And, you know, we cannot sit here, we cannot be in a position to make decisions when there are incomplete documentation provided in the proposal before us.

1268. They talk about, on page 5.1, in Section 8C, Incident Prevention and Response:

“Northern Gateway has developed an OSRP (Oil Spill Response Plan) concept founded on the vision of creating a model for response capability for the project-related activities.”

1269. I believe that those of us that live on the Coast, the First Nations whose original territories, the pipeline and tankers are going to be travelling through deserve more than a concept, an oil spill response plan concept and they need the concept before us and you know, before a Hearing Order is issued.

1270. The last point I want to bring up that needs some more clarification and should be required to be filed is dealing with emergency response plans and I'm still in Volume 8C, 5.2 on page 53. It says:

“The title response approaches and capabilities prior to commencement of marine transportation associated with the project Northern Gateway will complete project-specific emergency response plans for review by the National Energy Board and Transport Canada.”

1271. So prior to the commencement of marine transportation we're going to get an emergency response plan for the project. I believe that's totally unacceptable and that is something that is missing from this and must be identified and be addressed.

1272. So I guess those are additional information that I believe need to be filed by the Proponent prior to going to a hearing but I do have some comments and some thoughts about broader policy questions and issues within the draft list that I've got before me and that you've given us.

1273. And I believe that the Panel should not make a decision without considering the broader policy questions such as our energy future -- you know -- where are we going with the development of tar sands? Is it wise and prudent to pursue a crude oil pipeline to ship tar sands oil when we should be on a transition mode away from dirty fossil fuels?
1274. I think it's incumbent on the Review Panel and the Proponent to look at the impact of this project, the cumulative impacts. I think there's significant risks posted by lifting the existing moratorium on oil tanker traffic. Even though it's a policy it's not a written -- it's not a legislative document; it's a policy that's been going on for decades, through many Prime Ministers and Premiers.
1275. Even a minor oil spill on the Coast could dramatically affect coastal communities, the fishing and tourism economies, human health, cause severe and lasting damage to wildlife environment. And we've heard this concern earlier today. What about the -- what about the liability for oil spills from tankers and pipelines; who is actually responsible?
1276. The last broader policy question and issues within the draft list I believe is First Nations. Many First Nations affected by the Enbridge project strongly oppose it. The 10 First Nations that are encompassed within the North Coast riding all oppose tankers on our coast line and the Enbridge project.
1277. Many people have mentioned to me that the JRP was developed without First Nations having any choice to the process. The JRP disregards First Nations' right to govern, manage and make decisions in their territories and before this project can be approved in their territories it is believed international law affirms that Canada must have consent of First Nations.
1278. As I move forward to my conclusion -- I'm sure a lot of people are looking forward to that -- I'd like to look at Number 3, the locations for the oral hearings. And I believe, as we've heard before, from the health sec in Bella Bella, from Hartley Bay that there must be a wide -- a wide stretch of region and territory to hold hearings in, as many places as possible, in the north, in the south, otherwise the process may shut people out.
1279. In building the Northern Gateway Pipeline, it affects all British Columbians, the majority of whom do not live within reasonable travelling distances. So I believe hearings should be held -- numerous hearings should be held in the Lower Mainland and Vancouver Island, up and down watersheds that could be affected, including the Skeena, Fraser and Mackenzie rivers, who would be affected by downstream and upstream effects of pipeline construction and spills.

1280. I believe on central and northern Vancouver Island communities there will be exposed to the risk of oil spills, and up and down the coast throughout Haida Gwaii, both along the tanker route, and I believe in smaller communities and First Nations communities it's incumbent to have hearings there in Nisga'a territory, Tsimshian, Haida, Kitasoo, Heiltsuk, Nuxalk, Wuikinuxv -- those within my riding -- and obviously Prince Rupert. I believe that there must be a hearing in that community.
1281. And in conclusion, I hope I have put forward some thought-provoking issues that I thought that needed to be filed, and I thank you for the opportunity in travelling to Heiltsuk territory and to the northwest, and I hope I'm clear in my position on the status of the application as filed.
1282. It is not complete in the areas that I have identified to you, and I do believe that you, the Panel, must consider this application, the cumulative effects of this project and especially with the combination of other projects or activities that are being carried out.
1283. It's imperative that the people of British Columbia, the First Nations whose traditional territories will be impacted and the communities who are concerned are listened to. They are the ones that are taking all the risk and seeing no benefit. And once again, thank you so much.
1284. **MEMBER MATTHEWS:** Okay. Thank you, Mr. Coons. We certainly appreciate your comprehensive description of your views on the application and I especially liked the specific references to sections of the application. That really helps us out as a Panel in taking another look at those sections and reviewing the application.
1285. So any of my colleagues have any questions?
1286. **THE CHAIRPERSON:** Just, Mr. Coons, if you could make sure that you see the staff to see how your written information would get on the registry, that would be great, if you choose to put it on the registry.
1287. **MR. COONS:** Okay. Thank you.
1288. **THE CHAIRPERSON:** Thank you.
1289. Mr. James Cowpar and Mr. Kris Olsen?

**Oral presentation
Mr. James Cowpar/Mr. Kris Olsen**

1290. **MR. OLSEN:** Thank you for hearing us together.
1291. **MR. COWPAR:** Thank you very much; James Cowpar, Skidegate Band Council.
1292. **MR. OLSEN:** Kris Olsen, municipal councillor, Village of Queen Charlotte.
1293. **THE CHAIRPERSON:** If we could just get you both to spell your names for the record?
1294. **MR. COWPAR:** Last name C-O-W-P-A-R.
1295. **MR. OLSEN:** First name K-R-I-S, Kris; last name Olsen, O-L-S-E-N.
1296. **MEMBER BATEMAN:** Thank you both for attending today. Please make your presentation and divide up your speaking as suits you.
- ORAL PRESENTATION BY MR. JAMES COWPAR AND MR. KRIS OLSEN:**
1297. **MR. COWPAR:** Thank you. At this time we're here to just -- straight to the point. We're asking that a local oral hearing be held on Haida Gwaii.
1298. **MR. OLSEN:** We're choosing to stand together because we want to show that Haida Gwaii is united in this issue and we feel that an oral proceeding on Haida Gwaii should occur so that members of our island community have a chance to voice over the concerns of the issue of the marine transportation of crude oil along the coast of British Columbia and Haida Gwaii, as the uncertainty associated with this project threatens our economy and future opportunities for generations to come in our way of life.
1299. When looking at the maps of this project on the pipeline, we often find ourselves not even included on the pipeline route and we feel that the pipeline and tanker route should be included together so that one can have a full understanding of the scope and breadth of this project.
1300. **MR. COWPAR:** I think that summarizes our -- concludes our presentation at this point.
1301. **MR. OLSEN:** So we're please requesting that you hold oral hearings on Haida Gwaii.

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Ms. Pat Moss

1302. **MEMBER BATEMAN:** Thank you. The Panel will certainly take that into consideration in its decision process. Thank you both for attending.
1303. **MR. COWPAR:** Hawa (ph).
1304. **MR. OLSEN:** Hawa (ph), merci and thank you.
1305. **MEMBER MATTHEWS:** Thanks for the -- I'm taking that as an invitation that we're welcome to have our hearings in your community and I'm pleased to see you brought one of your future generations with you, so that says a lot to us as well. Thanks. Thank you.
1306. **MR. COWPAR:** That's my daughter, my Elizabeth, so I'm starting her early.
1307. **MEMBER MATTHEWS:** Okay, good. Thank you.
1308. **MR. COWPAR:** Thank you.
1309. **THE CHAIRPERSON:** Thank you very much.
1310. Mr. Pat Moss? I'm sorry, I apologize; Ms. Pat Moss, if that's correct. Are you Pat Moss? Thank you very -- please accept my apologies.
1311. And just while you're getting organized, I'd just also like to ask everybody, when you're speaking take your time, there's no rush, and it helps our language interpreters who are in the booth be able to keep up with you and make sure that your words are being accurately transmitted across the webcast. So thank you very much for taking that into consideration.
1312. Ms. Moss, could we start with having you spell your name for the record? If you press the white button then you'll have -- you control the mike.
1313. **MS. MOSS:** It's Pat Moss, P-A-T M-O-S-S.
1314. **THE CHAIRPERSON:** Thanks very much. Please go ahead.
- ORAL PRESENTATION BY MS. PAT MOSS:**
1315. **MS. MOSS:** I'm the coordinator of Friends of Wild Salmon, which is a coalition of community groups, First Nations, commercial fishing organizations and sport fishing clubs. You've already heard from a number of our member and you'll be hearing from more over the next couple of days, but I have some general comments to

make on behalf of the coalition.

1316. The coalition was formed about six years ago out of concerns regarding fish farms moving into northern B.C. waters and the threat that that created to wild salmon on the Skeena and other northern rivers. After we were successful in getting a moratorium on fish farms in the north, we began working on other issues that threatened wild salmon and since the beginning of 2009 we focused our work on the Enbridge project.

1317. Our initial concern was to ensure that there was a full public inquiry before any decision was made on the project. In the late 1970s, the first time a supertanker port at Kitimat and pipeline to Alberta was proposed, the federal government established a public inquiry and appointed an independent commissioner, Dr. Andrew Thompson, to inquire into that issue.

1318. Hearings were planned for every affected community to listen to people speaking in their own communities and in their own ways. Communities were empowered to participate and were provided with resources so they could participate effectively and gather community evidence. The inquiry's hearings were open and invited everyone who wanted to participate, not just lawyers and experts, and of course the project Proponent participated too.

1319. And I should just mention, incidentally, that I was involved with the hearings at that time and that's how I ended up coming to northern B.C. in 1978, so this is from my personal experience of how the Oil Ports Inquiry operated then, and we saw it as the kind of model that we wanted to have this time around when, 30-plus years later, a proposal again came up to put a supertanker port at Kitimat.

1320. The inquiry was asked not only to address the individual Kitimat project but the broader concerns of Canadians about oil tanker traffic on the West Coast. Dr. Thompson was clear that the environmental and social effects of the proposed oil port had to be considered simultaneously with the bigger question of whether such a port was necessary for Canada's energy future.

1321. Before the inquiry could complete its work, the oil company withdrew the Kitimat proposal and the Oil Ports Inquiry was adjourned. The Canadian government anticipated that there would be another northern pipeline proposal in the future, though, and when the inquiry was adjourned the government made it clear that the Oil Ports Inquiry could be reactivated if that were to occur.

1322. This was the kind of public inquiry that Friends of Wild Salmon wanted to see undertaken on the Enbridge project.

1323. We received huge support in this request and over 2,000 submissions were made to CEAA during their comment period on the proposed terms of reference and we also have a further 1,300 declarations calling for a public inquiry and I'm going to table those now.
1324. Now, in relation to the specific questions you've asked to be addressed in these public meetings I have the following comments. Regarding the issues to be considered we believe any review of the Enbridge Gateway Project must consider the big picture policy issues required to ensure that informed decision can be made about the pipeline.
1325. Those include: The inquiry should consider B.C. and Canada's energy future and whether it is sensible to build a crude oil pipeline to ship tar sands oils through B.C. at a time when Canada must begin the transition away from fossil fuels.
1326. Two: The inquiry should consider the impact of tar sands expansion and related pipeline infrastructure on climate change and Canada's international commitments to reduce greenhouse gas emissions. The tar sands are Canada's fastest growing source of greenhouse gas emissions.
1327. The dramatic growth of the tar sands is driving the perceived need for additional pipelines and is accelerating impacts on water, air, and land. For these reasons climate change and the impacts of tar sands development should be a critical factor in making a decision on the Enbridge Pipeline proposal.
1328. Three: The inquiry should consider the significant risks associated with lifting the existing oil tanker moratorium and whether oil tanker traffic should be allowed at all in B.C.'s sensitive inside waters. Even a minor oil spill on the coast would dramatically affect coastal communities, the fishing and tourism economies, human health, and cause severe and lasting damage to wildlife and the environment.
1329. The inquiry should consider the accumulative impacts of other energy and resource development projects and additional coastal shipping that might result if this project goes ahead.
1330. If consideration of these big picture questions is left out of the environmental assessment process then the federal government will have limited information on the consequences of such a project when it makes its decision about the pipeline. This is not a recipe for making the best choices for our energy future.
1331. On the subject of where the hearing should be held we believe that there should be hearings in all communities on the pipeline route and in all coastal communities that would be affected by tanker traffic. It is important that the Panel

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travel to small communities and First Nation communities since the cost of physically travelling to larger centres can be very expensive. For instance, travel from Haida Gwaii and many of the coastal communities is only possible by air or boat.

1332. In addition, there should be hearings in other areas affected by the project, such as communities of the Skeena, Fraser and Mackenzie watersheds who could be impacted by pipeline construction or a spill. And since this is a provincial issue it is critical that there also be hearings in the Lower Mainland and in Victoria.

1333. It is of great concern to us that these early meetings are being held in only three places; one in Alberta and two in Northern B.C. The locations are about 600 kilometres apart and involve considerable travel for people in order to make presentations.

1334. The fact that there are no meetings being held in the bigger population centres of Vancouver and Victoria is a concern too as it suggests that the Panel may not consider this project to be of broad provincial interest.

1335. A project of the magnitude of the Northern Gateway Pipeline calls for a decision making process that is similarly broad in scope. The Panel must hear from all affected communities and consider the project in the context of the much larger policy questions raised by the Proponent of a major new oil pipeline and oil tankers on the coast.

1336. Thank you.

1337. **THE CHAIRPERSON:** Thank you very much, Ms. Moss.

1338. Yes, thank you very much. We have no questions of clarification. And I would suggest again that you talk to the staff if you want to have your written material put on the public registry and find out how to do that.

1339. **MS. MOSS:** Okay.

1340. **THE CHAIRPERSON:** Thank you very much.

1341. **MS. MOSS:** Thanks.

1342. **THE CHAIRPERSON:** Mr. James Mack and Mr. Noel Pootlass?

1343. Mr. Mack? Mr. Pootlass?

--- (No response/Aucune réponse)

1344. **THE CHAIRPERSON:** Okay. Ms. Jennifer Rice?

1345. Thank you.

1346. **MEMBER MATTHEWS:** Good afternoon, Ms. Rice.

1347. Could you, for the record, could you just state your name, your full name and how to spell your name? Thanks.

1348. **MS. RICE:** Hello. My name is Jennifer Rice, J-E-N-N-I-F-E-R R-I-C-E.

1349. **MEMBER MATTHEWS:** Okay. And please go ahead and answer all three questions.

--- ORAL PRESENTATION BY MS. JENNIFER RICE:

1350. **MS. RICE:** All right.

1351. So I'm answering all three questions in the order of Number 1, Number 3 and then Number 2.

1352. So I think for Number 1, I think the list of issues needs to address TERMPOL. My understanding of the TERMPOL process is that it is a voluntary process. The documents Transport Canada may request of Enbridge are kept confidential with no public access.

1353. There is no duty for Enbridge to consult with the public, nor does the government have a duty to allow for public consultation and input. I think these practices are outdated and undemocratic and need revision.

1354. Does the TERMPOL process need to be made mandatory and does it need an overhaul in updating to meet the conditions of modern times? Should it not be a transparent process like the rest of the NEB process in evaluating the impacts from Enbridge's proposal?

1355. Considering the record amount of comments made to the Canadian Environmental Assessment Agency in regards to tanker traffic and oil spills is it not in the public interest to have the TERMPOL component of the Gateway project evaluated with the same level of scrutiny?

1356. Despite the federal government's position that a moratorium on crude oil tanker traffic in North Coast waters does not exist it has existed in the minds and hearts of the people who live on the B.C. coast.
1357. I should mention I'm from Prince Rupert, so this issue is very dear to me and the people in my community.
1358. So community fuel needs along the coast are served by tug and barge and they're not served by oil tanker. There are significant risks posed by lifting the existing moratorium on oil tanker traffic in B.C.'s coastal waters. While the effects of oil spills will be looked by the JRP it needs to consider the broader impact of changing this long-standing policy.
1359. What are the potential cumulative affects of allowing crude oil tanker traffic in North Coast waters that have not seen crude oil tanker traffic before?
1360. Liability for oil spills from tankers and pipelines -- who is on the hook for potential spills and can any amount of compensation address the devastation that an oil spill will cause?
1361. Do current oil spill pollution funds adequate fund the real costs of an oil spill in the marine environment? It is my understanding that the International Oil Pollution Compensation Fund, (IOPC) and Ship Source Pollution Fund are grossly inadequate for covering the costs of a major oil spill. Realities of why pays for major oil spills needs to be addressed.
1362. Climate change -- climate change is real and a global occurrence. Is it not time to start incorporating broader sustainability issues into the environmental assessment such as, does it even make sense to consider building another oil pipeline when scientific evidence proves that we are long past due our move from climate changing fossil fuels?
1363. The impacts of pipelines in regards to greenhouse gas emission emitted because of tar sands expansion. Reports estimate that tar sands production would have to increase by 30 percent in order to meet the capacity of the Northern Gateway Pipeline Project. Is this logical?
1364. How these pipelines and expanding tar sands production needed to fill the pipes will impact climate change commitments provincially, nationally, and internationally needs to be addressed. For example, how does this proposal mesh with B.C.'s climate action charter and Canada's commitments under the Kyoto Accord?

1365. Lastly, the end use of the product; the diluted bitumen to be shipped is not a benign substance but a climate altering negative input. The emissions from the product used overseas will impact the health and wellbeing of Canadians and should be taken into account.
1366. Furthermore, in British Columbia, we pay a carbon tax to curb our addiction to fossil fuels in order to reduce climate change impacts. It seems counterintuitive and counterproductive to penalize British Columbians while simultaneously encouraging more fossil fuel consumption in markets that lack a climate change policy altogether.
1367. Hearing locations; building the Northern Gateway Pipeline would affect all British Columbians, the majority of whom do not live within reasonable travelling distance to Kitimat or Prince George which is our only two options to participate in these meetings that we're having today.
1368. Numerous hearings should be held and in numerous locations. This is just not another pipeline for the National Energy Board to assess. The consequences of approving this pipeline are colossal and a reflective opportunity for public engagement should be provided.
1369. Meetings need to be held where the vast majority of British Columbians reside which is the Lower Mainland and southern Vancouver Island. They need to occur up and down the affected watersheds of the Skeena, Fraser and Mackenzie Rivers, and not just those communities in direct line with the pipeline route but those communities that would be affected by downstream and upstream effects of pipeline construction and any pipeline spills.
1370. On central and northern Vancouver Island where communities may be exposed to the risk posed by tankers such as oil tanker spills up and down the Coast communities along the proposed tanker route as well as any other coastal communities that may be exposed to the risk of oil tankers. This includes Prince Rupert, Port Edward and the communities of Haida Gwaii.
1371. As far as additional info needed, I feel for a proper environmental assessment to commence and a Hearing Order be issued. I feel more information is needed in the following areas: In-depth examination beyond the CCAA and the OWA, that's the Confined Channel Assessment Area and the Open Water Area.
1372. A thorough and comprehensive inventory and analysis of oceanographic conditions, physical, chemical and biological, and an in-depth inventory analysis of marine species in all life stages, their habits and their habitats beyond the confined channel assessment area and the open water area needs to be conducted.

1373. It is not adequate to submit general overviews and lists of species in these areas. We know from past oil and gas activities and oil spills that unless the exact circumstances prior to the oil and gas activity or the accident or the oil spill was well document, liability is limited.
1374. As far as I'm aware oil spills are not confined to lines drawn on maps and do not behave accordingly. Should an oil spill extend beyond the boundary of the CCAA how will Canadians know what marine species and habitats are affected and how will proper compensation be awarded for damage to these species and habitats without prior baseline information being documented in detail?
1375. Enbridge's application in its current form provides overviews and general information and lacks localized specifics in regards to marine species and habitats.
1376. Socio-economic studies; now, I mean the thing is 8,000 pages long so perhaps I am simply unable to navigate to the correct area of the mammoth-sized application but it appears Enbridge has not provided adequate information on current socio-economic conditions other than general overviews.
1377. While they have provided data as to what they project will contribute economically and a few regional district stats, they have failed to describe the current economic and social conditions to the fullest degree.
1378. What mitigation measures will be in place to ensure that an oil spill from a pipeline or tanker will not negatively impact existing social conditions and economies? Should mitigation measures fail, how will communities be compensated?
1379. And very importantly, how will the emotional wellbeing of northern, coastal and First Nations communities be affected should an oil spill occur? Long-term social studies have shown post-traumatic stress, increases in suicide and substance abuse in Prince William Sound communities from the Exxon Valdez oil spill.
1380. What can communities expect should a similar spill occur and what services will be in place to deal with these issues? Is detailed baseline data of the socio-economic and cultural values of northern and coastal British Columbians not needed to determine what is at risk? And ecosystem values need to be considered as well.
1381. Aquatic invasive species; the project description includes discussion on prevention of the spread of aquatic invasive species from ballast water discharge but

there is little mention in the application -- or no mention, sorry -- in the application of mitigation for the prevention of the spread of aquatic invasive hitchhikers. Those are the aquatic invasive species that attach themselves to the hulls of ships.

1382. Aquatic invasive species attach themselves to the hulls of ships and proliferate often abolishing native species. According to the Department of Fisheries and Oceans Canada aquatic invasive species have already been responsible for significant devastation to some native fish species and fisheries and annually the problem is responsible for billions of dollars in lost revenue. International ships introducing aquatic invasive species into Canadian waters are a documented pathway for introduction of aquatic invasive species.
1383. What mitigation measures will be in place to prevent the spread of AIS or aquatic invasive species via the 225 tanker hulls that will be visiting and servicing the Northern Gateway Pipeline?
1384. I'm almost done.
1385. Tanker vetting; throughout Enbridge's application and promotional materials we are continuously reassured that:
- "All tankers will be required to have double hulls, double bottoms and separate ballast tanks and must observe speed restrictions and operational safety limits."*
1386. How will these promises be guaranteed to British Columbians and Canadians? What laws are in place to enforce this?
1387. And lastly, on the oil spill response plans and the qualitative risk analysis, I note the Coastal First Nations and other organizations have submitted written comments, as well as Gary Coons' oral submission went into great detail in regards to incomplete oil spill response plan and the draft QRA.
1388. Considering the public concern regarding risk from oil spills and the record amount of comments made to the Canadian Environmental Assessment Agency in regards to tanker traffic, these components need to be complete in final form before a hearing order is released, as addressing these issues, I think, are uppermost on the minds of British Columbians and Canadians.
1389. And that completes my oral presentation.
1390. **MEMBER MATTHEWS:** Okay. Well, thank you, Ms. Rice.

1391. Okay I think -- okay.
1392. The only other thing that I was just thinking about -- when you mention baseline studies, just while I have you here is -- would that include baseline community health, flora and fauna? Like what would be the extent of that baseline study that you're talking about?
1393. **MS. RICE:** Well I talked about it in two areas when we're talking about the marine component. I think, for example, we need to know all the different genetic strains of the juvenile wild salmon. I think we need to know their habits and their habitats, their time of year that they utilize the various waters. And then as far as baseline data that needs to be done as far as socio-economics go I think it needs to be really thorough, really in-depth and not just sort of Stats Canada stats and B.C. stats.
1394. **MEMBER MATTHEWS:** That answers my question, yeah.
1395. Okay, well thanks a lot. That's great, thanks.
1396. **THE CHAIRPERSON:** Mr. Arthur Sterritt? Messrs. Percy Starr and Frank Johnson and Ms. Leslie Williams representing Coastal First Nations and Great Bear Initiative?
1397. Are the parties who registered to represent Coastal First Nations and Great Bear Initiative in the room?
1398. Oh, thank you, okay. Thank you very much.
1399. Oh my, it looks like it's nap time. Is it more convenient if you talk to us at another point? We don't want to wake up little one. It's good, okay.
1400. **MEMBER MATTHEWS:** Mr. Sterritt, welcome.
1401. Would you please introduce yourself and spell both surnames for the record?
1402. **MR. STERRITT:** My name is Art Sterritt, A-R-T S-T-E-R-R-I-T-T and Leslie Williams, L-E-S-L-I-E W-I-L-L-I-A-M-S.
1403. **MEMBER MATTHEWS:** Thank you both for attending today.
1404. **MR. STERRITT:** And Silas is with us too.

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1405. **MEMBER MATTHEWS:** Great to see. What we'll do is invite you to present as you both see fit.

--- ORAL PRESENTATION BY MR. ARTHUR STERRITT:

1406. **MR. STERRITT:** Thank you and thank you to the Panel for inviting us to speak.

1407. I'm somewhat confused because I got a note saying no notes, right, these are supposed to be oral presentations, and everybody that I've seen come up here has had a written presentation so I was scribbling away at the back.

1408. And quite frankly, getting me to make an oral presentation is a bit perilous because I come from a society which does oral presentations; that is what our people do. But you have to be a bit lenient when we do that, as you may have seen with some of our Chiefs; it isn't correct to interrupt and when we begin those narratives they generally have a conclusion that we're trying to reach.

1409. So hopefully I can stick to the topics and give you information that you need in order to make decisions about whether to proceed with this hearing.

1410. So first of all, my name is Art Sterritt and I am the Executive Director for the Coastal First Nations.

1411. I'm sure that is somewhat confusing, seeing as how most of my members -- not all but most -- have made presentations to you as individual First Nations. And the reality is that the Coastal First Nations are an amalgamation of 10 separate First Nations comprising 15,000 members, extending from Rivers Inlet on the Central Coast all the way to the B.C./Alaska border.

1412. And within that group we have the Haida, which Leslie is a Board member from Haida Gwaii, and earlier you saw James Cowpar who's another board member from Haida Gwaii from Skidegate.

1413. We also have the Chief of Heiltsuk earlier, is the Vice-President of the Coastal First Nations, Marilyn Slett, and you have also already heard from Gerald Amos who is the President of the Coastal First Nations.

1414. So what I'm going to try and do is to do a bit of a summary of all of the things that the Coastal First Nations have presented to you and make sure that perhaps if I've missed any then we actually couple more of our First Nations making presentations later on.

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1415. So I want to speak to you about the broad concerns about the specific responses to the procedural direction that we have and we will be giving you a written submission so that you'll get a more detailed look at what Coastal First Nations are doing.
1416. We're an alliance that takes in all of the North Coast, Central Coast and Haida Gwaii. Our members include Old Masset, where Leslie is from, Skidegate Band, Council of the Haida Nation, the Haisla, the Kitasoo Xaixais, the Gitga'at, Metlakatla, Nuxalt, Wuikinuxv and the Heiltsuk and also Lax Kw'alaamas is an associate member.
1417. In addition we have relationships with a number of other First Nations on the coast. Another group that we work with is the Nanwakolas Council, which covers the top end of Vancouver Island. We work together with them on land-use planning and marine-use planning, which encompasses the whole area that you're here to talk about.
1418. Coastal First Nations members all have Aboriginal rights and title to the waters of the North and Central Coast and of Haida Gwaii.
1419. The marine resources we harvest sustain our communities and our culture. They create who we are and our future is dependent on these coastal waters. This is not our backyard, this is an integral part of who we are; these are our constitutionally protected rights.
1420. For the past eight years the Coastal First Nations have brought together industry, the environmental community and government to develop a sustainable economy on B.C. Central and North Coast and Haida Gwaii. And we've done this in order to breathe life into our rights and our title.
1421. We have raised and invested in excess of \$300 million in this geographic area on things such as building a shellfish industry and on regional tourism activities in each and every one of our communities and we currently have an economic development fund which is around \$120 million which our people are still investing in this area as we try to create a sustainable economy.
1422. We are on the downturn of the economy in this area. Historically our people have made most of their living around salmon and halibut and black cod and all the other species that are here; some of those runs are in the downturn right now but we're getting some good news from the South Coast, where the largest sockeye run in history has hit the Fraser River, and we fully expect that the runs in the North Coast are going to return to those levels as well, not only in the Kitimat River which runs beside us but also in the Skeena and the Nass and all of those other rivers that we

depend on.

1423. The Coastal First Nations have demonstrated the effectiveness of our collaboration with success in developing land and marine use plans. Every one of our First Nations and our associates on Vancouver Island have land use plans that encompass all of our traditional territories. Those have been approved and mandated, along with British Columbia on government-to-government agreements.

1424. Each and every one of our First Nations also have a marine use plan and we are taking those marine use plans and we're incorporating them into a Pacific North Coast Integrated Management Area Plan for the whole geographic region, from Campbell River on the inside of Vancouver Island, Brooks Peninsula on the outside to the B.C./Alaska border and it's unfortunate that this process is attempting to begin before we had the opportunity to conclude that process, because obviously this needs to take into consideration all of that work that is being done by all of the Coastal First Nations, as well as the non-native communities that exist within that area.

1425. We have begun pursuing economic opportunities in tourism, we are in the process of building a shellfish hatchery in Prince Rupert and starting a shellfish farm on Haida Gwaii and the North Coast and the Central Coast in Heiltsuk territory and we are experimenting with non-timber forest products throughout the geographic region.

&&&

1426. These economic initiatives, as well as our rights and title of each individual nation, are threatened by the inherent oil tanker spills that are being proposed for the North Coast. Enbridge's president has stated that he can't guarantee a major oil spill will not occur.

1427. In fact, the record shows that accidents happen, double-hulled tankers have spills, vessels with pilots have run aground and navigational aids have not prevented human error from causing accidents.

1428. In other words, we face all the risks. The consequences of a catastrophic oil spill on our people cannot be calculated nor can it be compensated.

1429. We welcome the opportunity to inform you of our rights and activities and we believe that it is essential that, when considering these measures to prevent or mitigate risk, you are able to weigh them equally with the other consequences of an oil tanker spill on our rights.

1430. We hope that you as Panel Members will keep an open mind, an open mind to saying no, because we understand that historically these types of panels have been largely yes panels.

1431. Now, we recognize the credentials that each of you carry and the integrity that you have as individuals, we respect that, and we hope that you will keep an open mind and realize that a no is really probably the right answer to say here.
1432. Let them use the existing pipelines that are out there. There are pipelines coming from Alberta now which are under-utilized. They have excess capacity and should be used.
1433. There should be no oil tankers in the winter in this area. I'll take you on a little journey down the channel here and I hope you'll allow me to indulge you but I am a member of the Gitga'at First Nation which lives about 40 miles down the channel down here; there are no roads, you get there by boat or you get there by plane. But despite the fact that the Gitga'at live about 40 miles from Kitimat all of their communications are with Prince Rupert.
1434. And the reason for that is because Douglas Channel is one of the most treacherous channels on the coast of British Columbia. The north winds that flow out of Kitimat and down that channel freeze boats up solid, ice them up to the point where the Gitga'at people move from their historic village, about 20 miles from Kitimat, down to the end of channel so that they were able to get back and forth to Prince Rupert for provisioning, for fishing and other things, and they did that about 100 years ago, they moved down there. And that's because of how treacherous this channel is.
1435. Having said that, about 20 miles from here is a National Historic Site. It's the ancient village of the Gitga'at people. That Historic Site has petroglyphs which dot the shoreline and each wave that goes by there will wash on that. There are cockle beds and clam beds and places to catch crab which exist in that area which would be disturbed, not just by an oil spill, but by virtue of every single vessel that passes by would disturb the exercise of that right.
1436. So we don't need an oil spill to disrupt the Aboriginal rights and title of the Gitga'at or any other of the Coastal First Nations that exist in this area.
1437. In the summer, we have hundreds, literally hundreds, of tourist boats going up and down the coast here; large cruise lines which go into Alaska. Every single one of them that comes out of Vancouver and out of Seattle and out of L.A. goes right by the front end of Douglas Channel. In an area where they're crossing paths with these tankers that are being proposed, we think there's a very high likelihood in that area of a catastrophic accident.
1438. So say "no" to having tankers go through there when these hundreds of

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cruise ships are plying the coast. Say “no” to tankers going through there when thousands of commercial vessels are fishing salmon and halibut and black cod and goosy duck and all of the other species that are being harvested in this geographic area, and the thousands of recreational fishermen that are at the end of this channel trying to enjoy the fruits of the coastal First Nations area.

1439. There should be no oil tankers without taking into account the worst-case scenarios. I and some of my colleagues a month or so ago visited the Gulf of Mexico, and we found there a very disturbing scenario. About double the amount of oil that would be carried in each and every tanker that would be going up and down this channel that was spilled into the Gulf of Mexico.

1440. That, basically, as we saw it, shut down the shrimp fishery which, as you well know, probably has 30- to 40,000 fishermen who were out of work as a result of that spill. The oyster fishery was wiped out.

1441. Now, those will likely recover at some point in the future, but what people don't understand -- and I think, Ms. Leggett, you probably understand this better than most being someone from the Atlantic -- on the North Coast and in Canada, tides in these areas are huge. In Douglas Channel, the tides reach a height of 24 feet, so it would be larger than -- much larger than probably twice the height of the ceiling in this building.

1442. In the Gulf of Mexico, they are two feet. We have two-foot tides and we have warm waters and we have all the proper conditions for cleaning up oil. There are billions of dollars worth of vessels that are employed by the oil industry that were available to go out there and try and scoop up oil, and billions of dollars worth of shrimp fishermen who do drag fisheries who are accustomed to this type of thing.

1443. Having said that, with all of that infrastructure for cleaning up oil spills, with all of the money that was put into it, the billions of dollars that BP put into it, to date it's expected that somewhere between 15 and 20 percent of that oil will be cleaned up in the most -- and about 15 percent of that is expected to be absorbed by micro-organisms. It's not actually being cleaned up but being absorbed by micro-organisms.

1444. That's not going to happen on the North Coast of British Columbia; these are colder waters. Those micro-organisms don't exist. Not only don't they exist, but on the best day that you can get in Douglas Channel, you would be hard-pressed to find calm waters, waters so calm that you could actually skim oil.

1445. Gerald Amos and I were out in Barataria Bay, about 30 miles outside of the inside waters. All of the ships were anchored up, and they were anchored up

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because there was a little wind blowing. There was about a two-foot chop. We were in about an 18-foot, flat-bottomed boat; we were able to move along there fine. It was comfortable as could be, but they didn't have the technology to clean up the oil in that slight chop. Rarely, do we ever find waters on the North Coast that are as calm as what we saw in the Gulf of Mexico when they shut down their clean-up.

1446. Suffice to say, I don't think the technology exists today, nor has it ever existed, that would be able to clean up any kind of oil spill that would ever occur here. In the most ideal conditions with the best technology in the world, with the most infrastructure available anywhere, thousands of miles of dams that were put around the marshes and everything else, not able to stop that oil.
1447. On the North Coast, the Central Coast and Haida Gwaii, there is no way that any oil spill that happens is going to be -- we're going to be able to clean it up. Even today in places like Bristol Bay, the maximum that they have been able to clean up is about 15 percent, and 75 to 85 percent of that is still there.
1448. This is what coastal First Nations are afraid of. This is why we think that you as a Panel should take very serious consideration of the fact that an oil spill is, in fact, going to occur in this very, very harsh climate; an area where oil doesn't clean itself up.
1449. As I said earlier, our detailed response to your direction is in our written submission; however, some of the issues and deficiencies we have identified and we feel you should not issue a Hearing Order include a lack of assessment of, and mitigation measures for, oil tanker spills in the open water area.
1450. I'm not going to go over all the other stuff that everybody else has talked about here. You've heard all of the technical stuff, and we will present that to you in a written submission, but there's a lack of assessment of oil spills that occur outside the 12-mile limit. They will affect the areas within the 12-mile limit. The oil spill in the Gulf happened 50 to 60 miles offshore, and it's in the marshes.
1451. If we get a spill outside of Haida Gwaii -- which is very, very likely -- there are rogue waves that capsize ships, that break-up ships out there time after time, and we know that it's just a matter of time before that happens. So those things have to be considered.
1452. There is an incomplete and absent risk assessment. There is incomplete and inadequate spill response plans. There is an absence of regional and local economic assessments, and a complete lack of assessment on First Nations' rights and interests.

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1453. We think that you, as a Panel, have to look very seriously in British Columbia at what's going on here. First Nations' rights and title are not some vague concept. They have been proven in the Supreme Court of Canada and they are recognized in our constitution. And there will be no pre-emption of land or the ocean in order to move this project forward.
1454. We think that this Panel has an obligation to look at rights and title in a much different way than it's been looked at in other parts of Canada. And we feel that we are not going to allow this project to proceed without a full consideration of that.
1455. We feel strongly that you should not issue this order until the application is complete. A piecemeal submission of supplementary information and information requests places a burden on our effective participation, since the environmental assessment has provided less than half of the funds that we requested of you.
1456. You have seen today a smattering of First Nations from Haida Gwaii to Bella Bella and you will see some from Kitasoo and other areas as your hearings go on.
1457. We did a bit of an estimate of what it cost these First Nations to get here just for these couple of days of hearings, and it's somewhere between \$25,000 they've spent just to get here and be with you, to share with you some of their comments.
1458. So some of the First Nations have used up almost all of the money that was allocated to them already; the Heiltsuk, for example. Just to get here to be with you, they used up all the money that the environmental assessment -- that the National Energy Board and others have given them to deal with you.
1459. We hope that you will constantly remind yourselves, as we do, that Enbridge oil tankers increase the risk that catastrophic spills like the Exxon Valdez or accidents like the Queen of the North, and oil spills such as BP's happen, despite government assessment, oversight and regulation and Proponent promises.
1460. So we think that, very candidly, this project really has no upside for us. There is nothing in this that we see as a positive, but we also feel strongly that the oil industry isn't going away and that there should be some serious consideration given to the economic interests of North America.
1461. When we in the northwest first began talking about a pipeline in Kitimat 20-some-odd years ago in the mid seventies, there was a Kitimat Valley Pipeline proposed at a point in time when Canada was short of oil, and there was a need for

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the importation of oil at that time just to meet our own needs. Well, those days are gone. We now have a surplus.

1462. However, North America still has a deficit and it doesn't seem logical to us to have a pipeline run through our territories and jeopardize our economies to export oil to other parts of the world when we actually need it in North America.

1463. We think it's irresponsible and we think that this Panel should take that into consideration because the economic interest is merely the economic interest of the oil companies and Enbridge, not the economic interest of Canadians or British Columbians that's being considered here, and certainly it is not the economic interest of North Americans.

1464. So we think -- and we have some experience in China and Asia -- that those Asian markets can probably adapt much better than the North American markets that depend on the oil that's created right now.

1465. We think that if things were done more responsibly in the tar sands that North American markets would open up for this; that there would be no need to export oil because the markets exist. So to create another market to bump the prices up for North Americans is irresponsible and we think that shouldn't be considered.

1466. So that, basically, is most of the comments that I have. In terms of hearings, the Coastal First Nations think that hearings should occur in each and every one of our communities. We do not have the resources to bring all of our Chiefs and Elders and technicians in to hearings in the different cities throughout the geographic area; so throughout Haida Gwaii, throughout each of our coastal communities. Many of our people live in Vancouver and on Vancouver Island and we feel that it's -- and in Prince Rupert.

1467. We feel that hearings should be held in those areas and there should be additional information that you should look at, which is our land use plans, our marine use plans, and we think that this hearing should be held off until you've had a chance to get all of that information that's necessary to make informed decisions into the process.

1468. Coastal First Nations are not against development. In fact, we're promoting it. Coastal First Nations have signed a reconciliation agreement with British Columbia where we are doing a clean energy action plan for the northwest. We're looking at wind energy and run of the river and all other types of energy to try and mitigate what our needs are in this area.

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1469. Each of our communities in Haida Gwaii and Kitsoo, in Oweekeno and Gitga'at are looking at run of the river to provide their own energy needs; trying to wean themselves off of oil as we speak because we recognize that this is not a renewable resource.

1470. So with that, I want to turn it over to my colleague to say a couple of comments, and Silas is awake now. So Leslie ---

--- ORAL PRESENTATION BY MS. LESLIE WILLIAMS:

1471. **MS. WILLIAMS:** Good afternoon. I'd like to first say thank you for giving us this opportunity to voice our concerns and to thank everybody that has been staying here to back us up really.

1472. I wanted to just put it into perspective, our Hecate Strait. You know, you guys, Enbridge wants to transport oil. Our Hecate Strait is pretty powerful. It's so powerful that -- I'm sure that you guys and everybody is in this room is familiar with Naikoon. They want to provide wind energy. That means there's enough wind to provide energy and electricity for what they were proposing -- was B.C.

1473. That's wind, so that means that wind would jeopardize any transportation of oil, like for an oil spill. So you can't have a wind energy and the transportation path through our waters and expect no oil spill. They don't complement each other. It's one or the other.

1474. I just wanted to put that into perspective. Everything that Art said is really important to our community. I agree that it's important that you meet with the First Nations community. This process isn't a process to be rushed.

1475. We've experienced it at the Naikoon level through the Energy Board there. It seemed it was deadline, deadline, deadline, pushed by BC Hydro with a lot of uncertainty; so much uncertainty that there's a lot of gaps in the information. A lot of questions never got answered, even as BC Hydro kept on pushing the deadline.

1476. So I just want you guys to, you know, consider this wind energy and then transporting oil; they don't complement each other.

1477. It wouldn't work and an oil spill will really ruin Haida Gwaii, which apparently wasn't on a map that was provided. It's an important island to us, so we hope that Enbridge adds it to their map. You know, we do exist, and if an oil spill does happen it would really jeopardize our island as a whole. And on our island there is five, six communities that have been there for generations. Hawa.

1478. **MR. STERRITT:** Thank you.
1479. **MEMBER MATTHEWS:** Mr. Sterritt, thanks for your presentation and thank you, Ms. Williams.
1480. I just had a question. You mentioned something about the marine use plan, that it was ---
1481. **MR. STERRITT:** Right.
1482. **MEMBER MATTHEWS:** Unfortunately, that wasn't completed by the time you showed up today?
1483. **MR. STERRITT:** Yeah.
1484. **MEMBER MATTHEWS:** Is there a chance that that may be available to the Applicant or to the Panel at some point in the future?
1485. **MR. STERRITT:** We're engaged in a process with Canada and a number of federal agencies and every coastal First Nation, including those on the northern end of Vancouver Island. Each of our communities have completed our own individual marine use plan.
1486. However, we're putting those together as regional plans now, so Haida Gwaii is putting together the plans of their communities into one plan, the North Coast communities are amalgamating that into their plan, and the Central Coast communities are doing that as well.
1487. Subsequent to that, those plans will then be taken and joined together in a more integrated plan which is called the Pacific North Coast Integrated Management Area, which I indicated goes from about halfway down Vancouver Island all the way to the B.C./Alaska border. That process is ongoing and it's not up -- you know, and obviously we're hoping that that process is over in the next year or so, but experience has told us that it may take longer than that.
1488. It's unfortunate -- or it would be unfortunate if you decided to go ahead and start hearing this before that plan was done, because that is an extremely important plan for informing you in the decisions that you make. And so I think your timing is a little bit off and these types of things -- cumulative impacts, for example, of marine traffic -- are being considered within the PNCIMA process.
1489. That's a really critical issue and you heard earlier -- I don't blame the folks from Kitimat Harbour for saying, "Hey, we need a road. We may need more stuff.

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We need more ships. We want to ship stuff all -- you know, we want to export out of here.” That's the cumulative impact that we're talking about.

1490. We think that what's going on here is the thin edge of the wedge and it has to be considered in light of all of the other projects that are being proposed in the area. You've heard other people come in here and say that there is a liquid propane program or proposal being approved here -- natural gas, things that are being exported out of here.

1491. All those things should be considered in light of this proposal as well. There's been way too many projects that have been considered as one-offs and we need to consider those cumulatively because the impacts on us as First Nations are cumulative. It's not just one ship going by every second day. It's a ship every half-an-hour if everything that everybody is proposing were to happen.

1492. **MEMBER MATTHEWS:** Thanks a lot because I was thinking that if the opportunity arose during the hearing process, if that study is done, then it might be helpful to the Panel.

1493. Thank you.

1494. **MEMBER BATEMAN:** There are no further questions, Mr. Sterritt and Ms. Williams. Thank you for presenting your views. The Panel will consider those, as well as the written submissions that you refer to.

1495. **MR. STERRITT:** Okay. Thank you for hearing us.

1496. And the last thing that I wanted to say before going is just to remind you that Coastal First Nations have issued a tanker ban on the coast of British Columbia and so considering a pipeline that has no place to go would be kind of a waste of time, don't you think?

1497. So as long as our tanker ban is in place, this might be a pretty useless exercise.

1498. Thank you very much.

1499. **THE CHAIRPERSON:** This seems like an appropriate time to take a bit of a break. I think I noticed some fresh coffee come into the room.

1500. So let's reconvene at 20 to 4, please.

1501. Thank you.

--- Upon recessing at 3:15 p.m./L'audience est suspendue à 15h15.

--- Upon resuming at 3:44 p.m./ L'audience est reprise à 15h44

1502. **THE CHAIRPERSON:** If I could get everyone to their seats, we'll get ready to get underway.

1503. Thank you very much.

1504. Just before we get underway with getting back on the list that we're using this afternoon to hear from people, we also got -- we got other people who expressed an interest in talking to the Panel and excuse me if I mispronounce your name. As we have the opportunity to talk with you we'll learn it better.

1505. But I just wanted to find out first of all if you're still interested in presenting if you're here, and then we'll go from there.

1506. So Randy Halyk, John Pridue, Ken Minifie, Rimas Zitkauskas, Joe Matos, John Bushell, C.V. Githaulas, Frank Wolf.

--- (No response/Aucune réponse)

1507. **THE CHAIRPERSON:** So I am supposing that these people -- you know, we told people that we were going to have a difficult time probably fitting people in today, so I'm supposing that we'll see them as the week progresses.

1508. But what I would ask those of you who are in the room, if there's anyone else who wants to present comments to the Board, would you please go and register at the desk fairly shortly here so that we can get the list that we know and we can hopefully have a way of being able to time things in such a way that we don't tie people up too unnecessarily long.

1509. So if you're wanting to present to the Panel some time this week and you haven't yet registered, would you please go to the registration desk now and make sure that we capture your name.

1510. Thank you very much.

1511. I'm going to see if Mr. James Mack and Mr. Noel Pootlass are in the room. Mr. Mack and Mr. Pootlass?

--- (No response/Aucune réponse)

1512. **THE CHAIRPERSON:** Ms. Jasmine Thomas?

1513. We have her on two different spots on the list. I think she's probably talking with us on Thursday, but just to check, Ms. Jasmine Thomas.

--- (No response/Aucune réponse)

1514. **THE CHAIRPERSON:** Ms. Dawn Derrick. Is Ms. Derrick in the room?
Ms. Dawn Derrick?

--- (No response/Aucune réponse)

1515. **THE CHAIRPERSON:** Ms. Joy Thorkelson?

1516. Thank you. Do you want to come forward? Thank you.

--- (A short pause/Courte pause)

1517. **THE CHAIRPERSON:** Welcome, Ms. Thorkelson.

1518. If you wouldn't mind by starting by spelling your name for the court reporter, that would be much appreciated.

--- **ORAL PRESENTATION BY MS. JOY THORKELSON:**

1519. **MS. THORKELSON:** My name is Joy -- that's J-O-Y, and my last name is Thorkelson, that's T-H-O-R-K-E-L-S-O-N.

1520. And I'm with United Fishermen and Allied Workers' Union and I'm commenting today from the perspective of the commercial fishing industry which I represent. I'm the northern representative of the union and I have been a northern representative of the United Fishermen and Allied Workers' Union CAW for close to 30 years. I live in Prince Rupert where the union has a northern office.

1521. I would like to start off by thanking the Haisla for permitting this meeting on their traditional territory and with that I'd like to begin my submission.

1522. Art Sterritt said that he came from a tradition, an oral tradition that took them -- sometimes takes people a bit longer to express themselves, well, I think that I must come by that tradition as well and so Art said that I had an hour.

--- (Laughter/Rires)

1523. **MS. THORKELSON:** I'd like to first start out by doing just a brief -- not a brief experiment -- experiment, and I assure you that nobody here is going to be affected poorly. The RCMP don't need to be worried, there is not the unmentionable in here or anything.
1524. What I have here is some homing fruit flies. Now these fruit flies will home to a -- back to a pheromone that I'm going to be spraying. Some friend of mine from UBC set these up.
1525. Now they're called homing fruit flies because they should be able to home in back on this attractant and they should come back here. We should watch and see how fast it takes them; they said 10 to 15 minutes.
1526. So when I start out I like to first address, to begin with, the poor layout of the Enbridge JRP submission.
1527. First of all, there's no index so it means that the subject headings are hard to deal with and there is also no access to the technical reports. So if somebody like me who lives a busy schedule -- tomorrow I have to present to the Cohen Commission on the Fraser River which is going to be appearing in Prince Rupert tomorrow night, the following day they're doing a site visit, and we also have our plants full of Fraser salmon -- and it was exceedingly difficult to find the sections that I was interested in critiquing.
1528. And I still don't know if I was able to critique all of the sections because there was no index. I couldn't look up what I was interested in. I had to go through chapter after chapter after chapter to identify.
1529. And I think that the Panel should order Enbridge to develop a complete index and put the technical reports also on their site because I was totally unable to look at the technical data that they said was included. I have no idea -- the validity or the fullness of the data other than what is reflected in the Enbridge report itself.
1530. So the question regarding the Draft List of Issues; the Union submits that there should be an additional four issues.
1531. So on the question of the potential impacts of the proposed project on your list of issues, we believe that you should add to that section where it says "Aboriginal interest, commercial interests, landowners and land use," we believe that the fishing interests are more important than the landowner and land interests and should definitely be included as one of the specific interests.

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1532. Fishing industry is the largest private sector employer on the north and Central Coasts. It is the largest private sector employer of First Nation peoples and in First Nation communities and there will be severe and long lasting effects on industry participants and in communities if there is an oil spill. So the commercial industry needs to be recognized as a major participant and needs to be listed under the potential impacts section.
1533. Environmental effects. Under environmental effects we believe that you should add the issue of the impacts of lifting the oil tanker moratorium policy. We believe the impacts of lifting the policy of oil tanker moratorium that exists on the B.C. coast will mean that there will be a rapid move towards offshore oil drilling or certainly another push towards offshore oil drilling since one of the reasons that the offshore oil drilling was halted was a concern about how you would transport that oil from the oil platforms to market.
1534. So we believe that the impacts of lifting the oil tanker moratorium policy should be on there under the environmental effects as a separate bullet and then the third issue we believe under “design, construction and operation” -- that’s one of the issues -- we think it should say “design, construction and operation” and you should add to that “to have a better consultation program”.
1535. So Prince Rupert needed to be included in that consultation program. I don’t know if Enbridge actually showed up there. I know that Enbridge gave a presentation to the Prince Rupert city council and I know that with half an hour notice over 12 people showed up to hear Enbridge’s presentation in council chambers. So that shows a level of interest.
1536. It just was spread around town in a half an hour and we had over a dozen people in council chambers but a presentation is not consultation and we also believe -- the union also believes we have members in Haida Gwaii and we have members in every north and Central Coast First Nation and we believe that those First Nations, Coastal First Nations, should also ensure -- or Enbridge should ensure that they are visiting every Coastal First Nation and Haida Gwaii for consultation -- not just this Panel, but them.
1537. And the fourth issue is under “safety, mitigation and prevention.” We believe to “safety, mitigation, prevention” that you should add compensation to that. So it would be “safety, mitigation, prevention and compensation” and we believe that these are the questions that should be added so you have a number of bullets under there and we believe the bullet should be added, “How will compensation for environmental damage be calculated?”
1538. “How will affected individuals, societies or communities be

compensated?” And “What financial safeguards are in place to ensure guaranteed coverage?”

1539. And I'd like to just point out two issues. One, President Obama himself had to order BP to put money in escrow to cover what was considered to be the possible compensation bill because people were worried that BP was going to declare bankruptcy, walk, change or whatever and also fishermen in Alaska have been through Prince Rupert many times to talk about their court cases and they've spent 20 years in court for their fishing claims. I mean, how is that reasonable? That's just not a reasonable thing to have to do.

1540. And so we need to have that discussion. It shouldn't be permitted by the National Energy Board that we go through this -- through the whole process without having a discussion on compensation and how it will work. It is not good enough to say that compensation will just be done through insurance programs or done through the courts.

1541. So those are the issues that we think need to be added. Now additional information that Northern Gateway should be required to file -- and again I'm only dealing with fishing industry issues -- the baseline data, as I said, was not accessible from the technical reports and the baseline data that is included in the Enbridge JRP report is poor. It's just very, very poor. I was actually quite surprised at how poor it is.

1542. We need baseline data on fish and we also need baseline data on the fishery and on the social and economic impacts in our communities from the fisheries. So we need a baseline data of the social and economic impacts of present food, social, ceremonial, commercial and recreational fisheries on coastal communities as a whole and on their residents.

1543. Part of that social and economic study is a baseline study on First Nations food, social and ceremonial fisheries. We need a baseline of what is used but we also -- what fish is being used -- but also social and cultural baseline data as well. We have many fisherman and plant workers who live in First Nations communities. Right now they're poor.

1544. The only way they're able to make ends meet is by harvesting in their traditional territories and our First Nations fishermen explain -- members would explain this: the ability to own a fishing vessel is dependent on having a sufficient commercial income. If your commercial income drops below a certain point you can no longer maintain your vessel. First you stop paying your insurance, then you stop maintaining it, then you stop copper-painting it and then it sinks.

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1545. Only a vessel permits traditional food-gathering. You don't just walk out your front door and gather, harvest all your food in the harbour at the foot of your community, you travel, you go on a boat and you go harvest your food in your traditional area. So if you can't gather your traditional food due to an oil spill or due to no commercial fishery and you've lost your vessel due no commercial fishing income due to an oil spill, this reduces the ability of clans, houses and tribes to engage in their culture and I would like to express how important that is.
1546. Most of our commercial fishermen and shore workers on the North Coast are First Nations and they both rely on the food for sustenance and also for their culture and if you take their boats away from them through an oil spill and then the impact on the communities is not just a loss of fishing income but it's also the loss of ability to collect food which is exceedingly important, exceedingly important to the union's members.
1547. From a municipal point of view, and I want to point out I have some expertise in that way because I'm an elected city councillor for the City of Prince Rupert, we need a baseline study of the present social, economic and lifestyle impacts of the present fisheries and fish processing on our municipal communities and that's not just how much income it generates. There's lots of those kinds of studies around. But I'll give you some examples.
1548. Because of the fishery, our community of Prince Rupert is different than many other communities. We have a high seasonal influx of workers so therefore we have a large rental stock, housing stock, much larger than other communities who do not have seasonal work forces. But we have a work force that comes for salmon and comes for herring.
1549. Another social impact that may not be so obvious to somebody who doesn't live in a small rural community is that recreation is one of the ways we attract doctors. We have a very hard time attracting and holding on to doctors in small communities and we use recreation and recreational fishing as a method of attracting doctors.
1550. If we had a spill and there was no recreational fishing or it was no longer attractive to have your sailboat or your small pleasure boat to go out and visit the islands around the area, then we would have a much more difficult time attracting doctors. I mean, we have a huge doctor problem in rural British Columbia.
1551. So you must catalogue these impacts of fishing on our communities. Otherwise we can't measure what the change is if there's a spill. So if you don't know that we attract doctors, if you don't know that we have a large rental stock and so we have many apartments; if you don't know Prince Rupert has a higher per capita

of restaurants than any other community -- small community around because of our seasonal work force, then it would be very difficult to measure the economic and social impacts in our community. And that kind of baseline data is not in this report and it should be.

1552. The report also has a woeful understanding of the commercial fishing industry itself, and a woeful baseline study on fish and the fishery. For example, the data used is only for parts of Areas 5 and 6, fishing Areas 5 and 6. Area 5 would be Kitkatla and Area 6 would be Hartley Bay and Douglas Channel up to Kitimat.
1553. But if there is an oil spill it could potentially -- a tanker oil spill -- it could potentially affect areas on the Queen Charlotte Islands which are Areas 1 and 2; Areas 3 and 4 which are the Nass and Skeena; Areas 7, 8, 9 and 10 which are the areas south on the Central Coast.
1554. It will depend on whether the wind is blowing -- it's a summertime wind or a wintertime wind. It depends whether the wind is blowing from offshore to onshore or onshore to offshore. And if we just have to look at the discussion that was had with BP and whether the oil was going to make landfall in Louisiana, whether it was going to go up the coast, whether it was going to go down coast -- it's very dependent on winds and tides.
1555. All of the data they've given is as if there were a spill it would be contained to fishing Areas 5 and 6, and that's unacceptable. They need to be ordered to expand their data collection to all of the north and Central Coast areas where oil could travel. And Living Oceans has a website where they asked -- I'm not sure who it was, but somebody from -- who dealt with wave and weather movements, and they plotted where oil would travel. And it travels a huge area if there was a spill and I think they probably have it up on their website.
1556. If not, I'm sure that it's interesting information but the -- Enbridge should be doing that. They should be doing that modelling and they should be doing -- which will show that the impacts are far larger than just fishing Areas 5 and 6.
1557. The data again -- they use a comparison of catch data for a baseline data with B.C. catch data and so what they did is they compared what the catch would be in Areas 5 and 6 so that if they were removed from the fishery, what would the economic impact be? That's what the question that they were trying to answer was.
1558. The interesting thing is they compared it to coast-wide B.C. data. If you're a salmon fisherman and you have a North Coast licence, you have a licence that allows you to fish only the Central and North Coast. So to compare that data to the whole coast shows a misunderstanding of the commercial fishery.

1559. A fisherman who fishes on the North Coast cannot go fish on the South Coast without a South Coast licence, and most North Coast vessels do not have a South Coast licence; small boat vessels do not have a South Coast licence.
1560. So for example, there are approximately 500 fishermen now tied up unable to fish the Fraser River even though there are 30 million fish coming back to the Fraser River, because they do not have a South Coast licence. They have a North Coast only licence. So to take the fish as a comparison of the total north -- of the total British Columbia catch, not a North Coast catch, is misleading.
1561. The other thing is also misleading with -- and it's because they don't have any kind of an understanding of how the fishery works -- is that you can't compare the importance of a fishery by just looking at its -- the percentage of catch that it makes. For example, if there are 5 million fish caught on the North Coast, and you only catch 100,000 of them in Douglas Channel, that is far different than if there is 200,000 fish caught and 100,000 are caught in Douglas Channel. That's -- and that's an obvious thing.
1562. What may not be so obvious is that if there's only 200,000 fish caught, that 100,000 fish is not just 50 percent of the income. It makes a difference between whether that fisherman loses the boat or not. So again there's a minimum income level and in some years the minimum income level to keep a fisherman afloat is fish -- so a certain catch would become much more important. And I want to use two examples.
1563. One is in 2005, we had a sockeye failure on the Skeena River. So we had zero sockeye catch on the Skeena River. Kitimat chum was exceedingly important to the commercial fishery. It was not just important because it was going to make a higher percentage of the catch, it was important because it almost made the total percentage of the catch. It was without that Kitimat chum, there would have been zero income. And that would have meant that fishermen would be unable to maintain their boats for that year because they would have a zero income.
1564. In 2006 we had lots of sockeye in the Skeena. We caught 1.3 million sockeye in the Skeena. So it wasn't -- how much was in Kitimat was relatively unimportant to be -- for a commercial fisherman because he had already made his minimum income. I mean, it was important because every fisherman likes, you know, to make a good income, but it was relatively unimportant to the maintenance of boats and keeping body and soul together.
1565. There's also a big baseline information gap. They have catch figures but there is a big baseline information gap on their juvenile data and again I was very --

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because this kind of stuff has been out since 1986, probably before 1986. It was compiled by the Department of Fisheries for the offshore oil drilling hearings in the mid 1980s. It was recompiled by DFO in 2001 and by the Royal Commission -- whatever they call themselves -- scientists report. And they put the information together and yet it was not included and I find that worrisome.

1566. If I can find that data, Enbridge should be able to find that data. It just shows a -- well, I think it shows a real unconcern over the commercial fishery.
1567. So for example, it's not just the juveniles that are born in Area 5 and 6 or that reside in Area 5 and 6, or originate in Area 5 and 6 that we have to be concerned about.
1568. There are 500,000 to one billion, possibly as high as three billion, juvenile salmon that migrate up the coast of British Columbia because they -- where juvenile salmon actually live and grow is in the Gulf of Alaska.
1569. So those fish from California, Washington, Oregon, Southern British Columbia, all the way up to the mainland inlets, all the way up from Vancouver -- the inside of Vancouver Island; those juvenile fish travel all the way up to Alaska through a corridor and through the Inside Passage.
1570. According to DFO these young salmon tend to migrate northward through this area in a relatively narrow belt about 37 kilometres wide and within this belt juveniles are most abundant in the inner 6 to 15 kilometres adjacent to the coast. Thus more than 50 percent of all B.C.'s juvenile salmon travel through the area outside of Gill Island.
1571. And when juveniles are migrating the window starts in March from the Central Coast and ends in November with sockeye juveniles. The main migration is from mid-April to the end of August, so you have this juvenile migration and juveniles, as the reports say, are more susceptible to oil than adult fish, although adult fish are very susceptible to oil as well. There's lots of Alaskan information on how long effects of the Exxon Valdez are, both on adult and on juvenile eggs and larvae.
1572. But to not include that in the baseline study and not to have an idea of where that migration route is, not to have done any baseline data testing of when those fish are travelling through that area -- what I gave you was a general understanding but there's no specific work done that I'm aware of on the migration route of juvenile salmon specific to Area 6, which would be the most likelihood -- Areas 5 and 6.

1573. I was also very concerned about what I considered to be a really blase

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treatment of the larvae stages of crab and herring and other groundfish. In fact they seem to suggest in their report -- although I wasn't able to read the technical report -- in their main body of their main report they seem to suggest that the effects on a species would not be long-lasting and would -- my concern is basically be unmeasurable.

1574. All through their report they say everything is uncertain. They say if you look at section 9, the whole section 9 talks about uncertainty. It talks about uncertain data on fish species, all kinds of data is uncertain on fish species, and they have uncertain effects on fish, whether it is from noise or whether it is from oil. They talk that they are uncertain on the effects.
1575. And this study should have a baseline study that says what fish are in the area at what time, in what condition, whether they're juveniles or older fish, because if we don't know what's there now then we don't know what we're going to be missing.
1576. Talking about that, I can't find any fruit flies. Anybody see my fruit flies flying around? You've got some there? Good, I hope so! Anybody over there see any fruit flies? You swallowed hard, Gerry? Well, I hope some of them come back here.
1577. Okay, so fishery impacts. There's also no understanding of the actual other fishery impacts. For example, there's a bycatch issue. DFO has an integrated management system for groundfish and a fisherman must have enough bycatch quota to harvest their target species, so that species mix is important and it's not reflected in the document.
1578. So for example, if ling cod -- if oil has a longer impact on ling cod than on halibut, then fishermen may catch more halibut per ling cod than is permitted on their licence. Then they'll either have to stop fishing or they have to purchase more quota, and that sounds like it's just a fishing kind of a thing but it impacts fishermen and their income, and it needs to be recognized. It needs to be in there so that we can have a discussion over it.
1579. The weight of importance -- I've covered that enough. Okay, the other thing is -- I've been speaking mostly about fishermen. We have what we call shore workers, which nobody knows who they are but they're people who work onshore, they work in the plants.
1580. Our historical term in British Columbia is "shore worker." On the East Coast they call them plant workers, and plant workers have seen a lot of work be exported out of the North Coast. We've seen small plants in our community shut

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down but many of the small First Nation communities are trying to get their plants going again. Lax Kw'alaams is trying to get his plant going. In Bella Bella they try to get their plant going. Klemtu's plant runs on farm fish but they may be doing other wild species in there as well. I'm not sure.

1581. But shore workers, plant workers, need all species in all areas in order to create a season. If you just say it doesn't matter because they're just Kitimat chum, well Kitimat chum might make the season for a fresh-fish worker at Canadian Fish. And if you have a gap in the fishery because it's just Kitimat chum, then they may not make enough money for employment insurance that year or they may not make enough money to tide them over and they may just leave the industry, and we have lost -- because of downturns in our industry from time to time, we have lost our qualified shore workers out of it.

1582. Now lots of people would think that it doesn't matter if you're a qualified shore worker or not a qualified shore worker but our shore workers are the highest and most productive shore workers on the coast because they come back year after year. We have people who -- the top of our seniority lists are all 25 and 30-year workers. They are not people who don't come back year to year.

1583. Canadian Fish has four bosses to run a plant of up to 1,000 people. Why? Because the workers, the charge hands themselves, run the plant. The boss tells what production they want through and the charge hand sees it gets through from one end to the other of the plant. If we lose those experienced people we'll become less viable, we'll become less productive, and our -- it looks more and more attractive for the companies to send production to China and to the United States, where costs are much lower.

1584. **THE CHAIRPERSON:** Ms. Thorkelson, have they come home yet?

1585. **MS. THORKELSON:** Not yet. I'm getting worried about them.

1586. **THE CHAIRPERSON:** And you said it was 15 minutes?

1587. **MS. THORKELSON:** Yeah, and I'm almost finished here too and I'm getting worried about them because my lesson might be more difficult.

1588. **THE CHAIRPERSON:** Thank you, I was just going to -- you are just about finished your comments?

1589. **MS. THORKELSON:** I am just about finished. I'm not really going to take that hour, yes.

1590. **THE CHAIRPERSON:** I just wanted to say that, you know, out of respect for everybody we've been saying around 30 minutes.
1591. **MS. THORKELSON:** Yes.
1592. **THE CHAIRPERSON:** And so if you could move towards ---
1593. **MS. THORKELSON:** Fishing always makes me speak longer. If it's about the Building Code it might not be as long, okay.
1594. **THE CHAIRPERSON:** Thank you very much.
1595. **MS. THORKELSON:** So baseline -- the baseline data and an understanding of how the fishery works is important and what I'd like to do actually is talk about my fruit flies here. We had runs on the Fraser River last year of zero. There was a commission of inquiry created, so Cohen Commission of Inquiry on why there isn't fish coming back to the Fraser. That was last year.
1596. Great pressure from all sectors to have the Cohen Inquiry. He's coming up to Prince Rupert tomorrow, and we have 30 million sockeye coming back to the Fraser this year, and why is that? Well, that's what the Commission is supposed to figure out -- why nothing came back last year. Now the question is why did nothing come back last year and 30 million come back this year. It's because of huge uncertainty on what happens to fish.
1597. So where are my fruit flies? What could possibly happen? Was the attractant that they gave me no good? Did Gary yawn all 20 of them up? Did they go under the doors? Did you guys squash them on the floor? Where could they possibly be?
1598. **UNIDENTIFIED SPEAKER:** Banana boat.
1599. **MS. THORKELSON:** Right. It could be. You know what? What's happening? Are they still flying around? Are they starving to death? Do they need - - did I release them too far away? We don't know.
1600. We don't know where the fruit flies are because there's so much uncertainty out there and that's what Exxon said. We don't have a good baseline. We don't know what happened. We don't believe the impacts on the larvae. We don't believe the impacts on the juveniles. The juveniles weren't impacted the following year.
1601. So we have to have a baseline. We have to know what fish has been

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around, when it comes back, what are the other possibilities affecting the fish because we cannot possibly be in the same situation as they were in Alaska for 20 years. Twenty (20) years of discussions over what happened for compensation.

1602. University of Alaska runs every year studies on the oil that still exists in the Alaskan beaches in Prince William Sound. They're still doing studies on herring and why the herring haven't come back to Prince William Sound. There's a big debate -- is it oil or is it not oil?
1603. But if we don't have an understanding and as best as we can to have a baseline data on all of the things that I've mentioned both on the fishery itself and on the fish and on the social impacts in our communities better than what they've done -- they've done a shoddy job; a shoddy job -- then in my belief what kind of discussion can we ever have from the commercial fish industry point of view?
1604. My fruit flies didn't come back and we'll never know why and if the fish -- if there's a spill and we don't see fish coming back then will they argue that was because there were other effects that created that and so there's no compensation that should be given?
1605. We don't believe that this should go ahead but we also, as many other people have expressed, know that the political pressure to make it happen is huge. We don't know which way you're going to the -- the Panel's going to rule. We don't know if the government is going to decide to overrule your ruling.
1606. What we do know is that oil and water are dangerous for the commercial industry and that we need to have proper baseline data and it shouldn't be just waiting for it as the project suggests. They're going to do the study as the -- goes on for the next few years. That's not good enough. They should not be allowed to do a shoddy job for an industry that is so important; the major industry on our coast.
1607. Thank you very much and I'm sorry I went overtime.
1608. **THE CHAIRPERSON:** Thank you, Ms. Thorkelson. If you could just wait for a second, just in case. Thank you.
1609. Thank you very much, Ms. Thorkelson. Your message was very clear to us and there's no questions of clarification. Thank you.
1610. I understand that Mr. Rimas Zitkauskas is in the room and I'm going to call you now if you can come forward. Thank you, and I apologize if I didn't get the pronunciation of your name correct.

1611. **MR. ZITKAUSKAS:** You did better than I did the first time.
1612. **THE CHAIRPERSON:** Thank you very much.
1613. **MR. ZITKAUSKAS:** So I'd like to start off by thanking the Panel for its flexibility and patience with me. I'll try to be very brief. My name is Rimas Zitkauskas. I'll spell that. R-I-M-A-S and the family name is Zitkauskas, Z-I-T-K-A-U-S-K-A-S.
1614. **MEMBER BATEMAN:** Thank you for attending today, Mr. Zitkauskas. Would you please present?

--- ORAL PRESENTATION BY MR. RIMAS ZITKAUSKAS:

1615. **MR. ZITKAUSKAS:** I will speak to only one of the three topics of comments and that's the Draft List of Issues.
1616. I would just like to say that I'm an elected official sitting on the Council of the Village of Telkwa. However, I am here today as a taxpayer and a citizen and that my views don't represent the views of the Council of the Village of Telkwa. My background is also in business and, for the last 15 years or so, running my own company in the transportation field.
1617. So one of the supporting arguments for this pipeline has been said to be the best national interest and, if I read the information properly that is on the National Energy Board's website, one of the criteria that the NEB uses to decide whether to approve an infrastructure project that has to do with either the production or delivery of energy here in Canada is whether it is for the best -- or in the best interest of the country. Am I right or wrong on that?
1618. **THE CHAIRPERSON:** The Board needs to make a decision in the public interest and so if you've been reading the Board website I would think that you have accurate information.
1619. **MR. ZITKAUSKAS:** Thank you so much, okay.
1620. So let me approach this with a very simple analogy. Our natural resource -- non-renewable natural resources such as fossil fuels and petroleum -- is an inheritance that through luck of geology and geography we have received as a nation. It would also be an asset that some people would argue belonged to the First Nations over here and we've absconded with it but that's another issue.

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1621. If we used that value of that resource, that asset, I would compare it to an inheritance that we would receive as an individual. If I received 100,000, I decide to start up a company, that would be my opening balance equity.
1622. And if all I did with that opening balance equity is ask someone to go there to the depository and withdraw from that opening balance equity and I would be happy to give them 80 cents out of every dollar and be happy to keep 20 cents out of every dollar, I would not be a good businessman because I would not be creating wealth; I would not even be extracting my own equity at 100 percent.
1623. The point of this is that our national energy policy is flawed. It is not in the best national interest to allow our non-renewables to be extracted without value-added processing to create and retain wealth for the use of this nation.
1624. We are happy to give away 80 percent of our inheritance so that somebody else can go out and make money on it and this project supports that flawed national energy policy of allowing our resources to be exported in a crude state for the benefit of others and not to create wealth and retain wealth within our country, not only for our use today but for the use of future generations.
1625. I would suggest that, if you have time, take a look at Norway's national energy policy where they retain 78 percent of the profits generated from petroleum activities and that profit has generated, in 20 years, a fund, a legacy fund, that is equivalent to Canada's national debt, which is \$450 billion. And their policy is to use that fund to generate investment income and only the investment income can be used to go towards general operations of the country.
1626. So they are not depleting; they are taking out, they are creating, they are extracting that wealth, the natural wealth that they have, turning it into a cash capital, adding value-added to it, to be used for the good of the people, and they are getting 78 percent of the profits generated from that. And we here in Canada are happy with, at maximum, 20 percent.
1627. So I would say that one of the issues that you should look at and it might be beyond the scope of this Panel, but I respectfully suggest that it isn't, is that the National Energy Policy should be reviewed because we are being robbed.
1628. Thank you so much.
1629. **MEMBER BATEMAN:** Thank you, Mr. Zitkauskas.
1630. **THE CHAIRPERSON:** Are there any other parties who registered to speak with the Panel who are here today who haven't spoken yet?

--- (No response/Aucune réponse)

1631. **THE CHAIRPERSON:** That being the case then, we will adjourn until 7 o'clock this evening and we'll start again then.

1632. Thank you very much, everyone

--- Upon recessing at 4:34 a.m./L'audience est suspendue à 16h34

--- Upon resuming at 7:00 p.m./L'audience est reprise à 19h00

1633. **THE CHAIRPERSON:** If we could get everyone to take your seats, please, and we'll be all set to get underway here shortly.

--- (A short pause/Courte pause)

1634. **THE CHAIRPERSON:** Welcome back, everyone. Thank you very much for joining us this evening.

1635. If there are anybody -- anybody who wants to make comments to the Panel and you haven't yet registered, I'd ask that you go to the registration desk this evening and register so that we can -- we're in a position to plan the rest of our time here to be most efficient with all the people who want to provide comments to us.

1636. So if you wouldn't mind doing that, that would be very helpful.

1637. This evening we have four people who want to talk to us, who have been scheduled in for this evening's session and I'll turn it over to Mr. Matthews to carry on. We'll call Ms. April MacLeod and Mr. Walter Thorne.

1638. Thank you.

1639. **MEMBER MATTHEWS:** Welcome to our evening session; glad you could make it.

1640. Ms. MacLeod and Mr. Thorne, if you could please state your full name and the spelling of your name for the record.

1641. **MR. THORNE:** The microphone is working?

1642. **MEMBER MATTHEWS:** Now it is.

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1643. **MR. THORNE:** It is, okay.
1644. **MEMBER MATTHEWS:** Yeah.
1645. **MR. THORNE:** Thank you. My name is Walter Thorne, Thorne is T-H-O-R-N-E and...
1646. **MS. MacLEOD:** And I am April MacLeod, M-A-C-L-E-O-D.
1647. **MEMBER MATTHEWS:** Okay, thank you.
1648. As you know, we're here to make comments on the three questions there, so please share your comments with the Panel.

--- ORAL PRESENTATION BY THE KITIMAT VALLEY NATURALISTS CLUB:

1649. **MR. THORNE:** Okay. First of all, we'd like to -- I know you've been welcomed to our town previously but welcome again, at least this evening anyhow. You certainly do have a daunting task.
1650. Myself and co-presenter, April MacLeod -- we're two of the Executive Members of the Kitimat Valley Naturalists Club here. We'll attempt to provide you with advice on those three specific items and to share some of our passion with you.
1651. I myself am an educator with a Master of Education and very keen interest in the outdoors; I do some writing/research; an avid birder, kayaker, fishermen. I've lived in this community for 35 years and I recognize Douglas Channel as being an elite in a beautiful province.
1652. I know that in a recent publication, a kayak magazine that came out it indicated that they thought that Kitimat was the number one spot on the B.C. coast for kayaking. And we've yet to realize that potential. As an industry we're not there yet but we want to be and should be. It's a great birding area; it's a wonderful pristine environment and we want to keep it that way, okay.
1653. Now, back to the birding specifics; I do a coastal bird watch station here in Kitimat and have for the past three seasons. April has been birding on a coastal bird watch station for at least five years. Of course we do Christmas bird counts back for several decades.
1654. Our records here are very important -- will be used extensively on the upcoming hearings. We are official intervenors in the process, recognized by the

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Canadian Environmental Assessment Agency and we're proud to be there and we will defend the public interest on the estuary.

1655. It should be said that April has been recognized by Nature Canada, April is the official caretaker of the Kitimat River Estuary, okay, with Nature Canada. And it's quite a daunting task in a sense, and she, in a sense, oversees what goes on on this very important flyway.

1656. And again, these records of ours date back at least 40 years now, birding records for the estuary here and again, one of our passionate -- our passionate defences will come from material such as this one of which I hold here.

1657. Within my hands I have "Estuaries, Habitat for Wildlife". This is from Environment Canada and the Canadian Wildlife Service and the last advice on the whole page is observe and protect and to treasure the estuaries of Canada basically and they advise people to be advocates for it. And we certainly are and we intend to do that. Okay?

1658. And I do want to also say, furthermore, that the Kitimat Estuary -- our unofficial research is leading us to think it may be the second-largest estuary on the Pacific Coast of Canada. Now you may find that amazing statement because certainly the Skeena River is much bigger than the Kitimat. It is. But you may realize as well that Skeena just drops into the fjord and there aren't the hundreds of square kilometres of estuary space.

1659. Now, when we say that the Kitimat may be the second-largest we are meaning the combined estuaries at the north-end of Douglas Channel and that will include the Kitimat, the Dala, the Kildala, the Bish, Emsley and the Gilttoyes, okay. All of those together have -- I'm going to make a wild estimate -- but it's got to be hundreds of square acres, maybe hectares for sure, maybe thousands of estuary marshlands and migrating fowl area and a nurturing area for fish stocks.

1660. And the fish stocks feed to this river. The Kitimat is significant -- there are millions of salmon that travel them every year and that is not an over-estimate; it's millions, okay?

1661. So it's very significant, as significant as a flyaway and it's significant -- extremely significant in the grand scheme of things; estuaries are the lifeblood of the planet in a lot of ways. They're very -- extremely important to the world as a whole and they must be protected.

1662. Now, back to the specifics there; your quest -- one of the questions is location of hearings. We believe that the people bordering the proposed tanker routes

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must have a voice and that therefore smaller areas which might be overlooked, like Hartley Bay, certainly need to be heard and I believe you need to visit them, okay.

1663. Also, the people of the Charlottes certainly need a hearing and a voice and they, in my opinion, need to be visited too, okay.

1664. Now, further things that need to be addressed there -- you were asking of things that should be asked of Enbridge yet. In our opinions we think that Enbridge Northern Gateway should alter and expand their PEAA, and for those not familiar with that, that's the Project Effects Assessment Area.

1665. Now, what we've seen of it so far, they show that the effects of the project need only to be considered as far as Coste Rocks. Now, for those of us that live here, Coste Rocks is about 15 kilometres out from Kitimat, 15 kilometres from the mouth of the river, and about 10 kilometres from the proposed plant site.

1666. We would suggest that the project effects area is much larger than that, so we would certainly question and say why only that far? Why is that the designated area? Is that something in federal law or -- I mean, in our opinion, it seems inadequate. So, again, there's a little bit of advice from us to you.

1667. Now, furthermore, as the draft -- with the Draft List of Issues, we want you to ensure that all efforts are made to make the playing field level because, right now, the little guy, the local citizen, has to have a voice, but this current system -- certainly with what we heard and saw happened in Whitecourt was wrong, okay.

1668. You were coming out to find out from the public what the public thinks, but the public was stymied. They were not permitted, in our opinion of what we saw, to have a voice and, furthermore, that procedures in Whitecourt were very intimidating; here, less so.

1669. In a sense, what we see happening is a discouragement of the local comment. It's just plain tough and frightening for people to get up and present in this kind of environment. It's not for everybody. Now, I'm used to speaking in public as an educator, but for many people, they can't do it, okay. The local guy should be able to get up here and speak their passion without being frightened to death, okay.

1670. However, many of your protocols are very difficult, frightening, and they discourage comment, okay, and I really think that's a mistake. I feel that the protocols are entwined in legalese and they much favour corporate lawyers and just frustrate and bewilder normal people.

1671. Do you realize how difficult it is for the average citizen to get up in public

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and speak, and speak their mind in a coherent way? It's not easy.

1672. Do you have any idea how difficult it is to submit a written submission right now to your Commission? I don't know. I'm speaking to you three, but it really is difficult so you practically have to be a computer guru to get your written comments within the form the way it is now.
1673. I've talked to a very learned person. He's got a lot of university training, and he was so, so frustrated. He tried many times and he had parts of his submission, which were carefully crafted, rejected. He lost it all. Now, is that a way to encourage the public to participate? I don't think so.
1674. Now, again, I'd urge you to find ways to make it less frightening and easier for the average person to participate because, again, it's quite obvious that our adversaries in this issue -- the people that are proposing the project -- which we don't buy, which we don't agree with and which we think has got far too much risk and not enough benefit. We feel that this process favours them, the corporate lawyers, the infinite amounts of dollars, and the people who are gifted, trained and able easily to speak in public and to know the ins and outs of the law, et cetera.
1675. Now, why can't a more local, friendly, inviting format be achieved? I think it can and I'd like you, if possible, to go back and see if you could somehow bring that into being because with the hearings coming up, it shouldn't be that difficult to get your ideas across, figure out what you want to say in a passionate, organized way, even curtailed by some sort of protocol like that perhaps.
1676. But, again, when it's presented in Microsoft Word or whatever, it should be deliverable to a Commission like this, okay. It needn't have to follow through 10 or 15 steps that are cumbersome and very difficult where you lose half of your material on the way.
1677. Now, also, the voice even of the intervenors, we feel that the voice of intervenors is underfunded and I don't know how in the quasi court-like sessions that will occur in the next two years how, with the funding provided, they can adequately defend the other side, the interests that need to be brought forward so that you learned people will be able to make the almost impossible jobs and decisions and recommendations that you need to make.
1678. Now, on a further issue, it would be very helpful for the public as a whole to know who, in total, are defending those various public interests. Now, I know that intervenors have been assigned and we're aware of which ones those are, but there are some non-disclosed ones. For example, our specific area of expertise is supposed to be birds and fish to some extent -- the estuary. That's why we were granted

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intervenor status, I believe, okay; the estuary.

1679. And with the estuary, a very important aspect is the fish stocks. Now, we assume that DFO will always be there at the table as intervenors, but nowhere does it say that. We heard no indication if DFO will really be full intervenors. Will they be?

1680. We should know, and the other intervenors should know and the public should know. We shouldn't be in the dark about this. So, again, are DFO official intervenors and, if not, I think they should be made automatic intervenors. They should be there for the whole -- certainly anything to do with the Kitimat Estuary and Douglas Channel.

1681. Again, we do have expertise ourselves within our club about fish. We have done a number of projects, even done the eelgrass transplanting projects through our club, and we will do our best to defend the issues of fish stocks as well as the issues of birding and the total focus of the Kitimat Estuary.

1682. Now, another issue that weighs heavily on our environmental conscience is the ethics of the whole tar sands, the largest source of carbon dioxide production in Canada. Do we really need this? Our pristine environment, which we care so much about, is priceless. The risks are astronomical. Let's be cautious. We're ready to defend. We're ready to do what we need to do so that the public will know what's at risk.

1683. Again, good luck with your assigned job. It can't be easy; I don't envy you at all.

1684. April, is there anything you would like to add in ending?

1685. **MS. MacLEOD:** The only other thing I'd like to add a comment about is the water. The Kitimat River is the water supply that the town relies on, and the pipeline will be either going alongside it or things, or up, and I just would like to know what Enbridge is -- do they have a contingent plan in case there is a breach into the Kitimat River of oil and we can no longer use our water supply here.

1686. I have not seen anything of that in the many, many volumes that they have written. I've only read a couple of them because it is such a large volume of material for the average citizen just to go through and digest.

1687. And that's -- and the other is, does Canada really need this project? Would we not be better off to refine this oil in Canada and create more jobs for Canadians instead of shipping our raw resources offshore? Those are two added comments I'd like to make.

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1688. **MEMBER MATTHEWS:** Okay, thank you, Ms. McLeod and Mr. Thorne.
1689. I appreciate your comments on the process because we will -- we brief with each other and our secretary at the end of each session and we try to have continuous improvement, so I think that's welcome for you to share your comments and your issues around the written submissions. So that will help us. Again, I thank you for that.
1690. Any comments from colleagues? Okay.
1691. Thank you for coming out.
1692. **THE CHAIRPERSON:** Mr. Kelly Marsh? Oh, no. Sorry, we had a little bit of trouble with some of our aspects of things. Sorry about that.
1693. Again, you will need to see one of the Secretariat members if you want to have this put on the written registry, so you'll need to seek the guidance as to how to do that. Thanks very much. I would recommend that you sit at that microphone.
1694. Maybe could we get some paper towels or something up here just to be able to sop up the water here. We don't want any electrocution accidents to occur here. Thanks very much, Jessica.
1695. **MEMBER BATEMAN:** Mr. Marsh, thank you for attending. Would you please spell your name for the record?
1696. **MR. MARSH:** M-A-R-S-H.
1697. **MEMBER BATEMAN:** Could we have the mike turned on?
1698. **MR. MARSH:** M-A-R-S-H.
1699. **MEMBER BATEMAN:** Thank you. You have presented the Panel with an outline. Please proceed with your presentation.
- ORAL PRESENTATION BY MR. KELLY MARSH:**
1700. **MR. MARSH:** Thank you, Members of the Joint Panel.
1701. That's better. Can you hear me back there?

1702. Members of the Joint Review Panel, welcome to Kitimat again and thank you for the opportunity to participate in this important review of the proposed Northern Gateway project.
1703. I'm a long-time resident of Kitimat. I went to high school here and have worked in the forest industry. I am currently a millwright with the District of Kitimat. I enjoy the outdoors and this is -- and what this area has to offer. I hike, I camp, I back-country ski, and I fish. Almost everything I love to do in my spare time involves the outdoors.
1704. I've seen more of this area than most because of my activities with Kitimat Search and Rescue and I can truly appreciate the pristine beauty this area has to offer. I've climbed a lot of the peaks in this valley as well as some in the same areas as the proposed pipeline.
1705. I have based my presentation from the Draft List of Issues located in the appendix of the Joint Review Panel information package.
1706. The items I'd be covering would be the design construction and operation, what are the potential effects on environment and socio-economic matters; safety mitigation and prevention; what safety measures are in place to protect the people and the environment?
1707. Are the proposed risk assessment, mitigation and prevention measures and programs appropriate for the design, construction and abandonment of the proposed facilities? Are the proposed plans and measures for emergency preparedness and response appropriate?
1708. And then under the financial regulation, is the proposed method of financing appropriate?
1709. Under the environmental effects, what is the capacity of the Applicant to safely build and operate the proposed facilities in the range of physical conditions along the Rocky and Coast Mountains and at the Kitimat terminal. So quite a few issues here.
1710. I am concerned some key issues have been given minimal thought or left out completely in Enbridge's application for this Northern Gateway project. In the design, construction and operation, it wasn't too reassuring to watch Enbridge's video, "Real Answers About Our Pipelines" on their website showing their pipe-laying technique. This was obviously filmed on the prairies where flat land and straight lines are the norm.

1711. If you've noticed, there isn't a lot of flat land around here and laying pipes in the mountains isn't as easy as excavating soil, laying the pipe and burying it. We experience many avalanches in our mountains. One doesn't have to look too far to see the evidence of avalanches. With many exposed avalanche chutes with visible lush green second growth and the absence of standing timber on the mountain slopes it is a clear indication of avalanche activity.
1712. According to the Shames Mountain website, the average annual snowfall is 40 feet. And under the safety, mitigation and prevention, in Enbridge's application under the engineering construction and operations section, geotechnical conditions regarding avalanche, one of their strategies is "conduct avalanche monitoring and control where required during operations".
1713. This seems a little vague to me. I don't feel this complies with the safety, mitigation and prevention section of the Draft List of Issues; the questions being, are the proposed risk assessment, mitigation and prevention measures and programs appropriate for the design, construction, operation and abandonment of the proposed facilities?
1714. I would think something a little more concrete would be proposed for an area of high avalanche incidence, considering what damage to the proposed pipeline an avalanche could do. I would think more due diligence would be given by Enbridge, due diligence in the form of a detailed avalanche program that would be developed by professionals in the avalanche field as well as knowledgeable in the areas and weather patterns of northern British Columbia.
1715. Would the proposed pipeline be built to withstand not only our average annual snowfall of 40 feet as well as a 1 in 100 year snow cycle which would be far worse than the yearly average?
1716. I know that all-weather road access is planned for the pump stations. What about the block valves located in the other parts of the proposed pipeline? Wouldn't these need access if there were a pipeline failure? How is it possible to adequately contain a spill when the access to the proposed pipeline is so challenging?
1717. I'm a little surprised that the earthquake risk wasn't addressed in Enbridge's application. We live in an earthquake area. We have experienced many in recent years and experts have articulated that we are long overdue for a major event. Shouldn't this have been addressed in the engineering, construction and operations section? How is Enbridge going to ensure the integrity of their pipelines if such a big event occurs? It may be beyond their control but is it beyond their responsibility?

1718. Enbridge can plan and build for what we know today. If they can't, it shouldn't be built. It would be negligent to build a pipeline that wouldn't fully stand up to what nature can present in a worst-case scenario.
1719. The weather systems that pass through this area are often harsh. Access to any mountain or valley location by air when a storm system is blowing through can be nil. It appears to me that Enbridge has based the safety, mitigation, prevention of this project on if there isn't going to be a breach in their pipeline ever.
1720. I don't think enough consideration has been given to the reasonable possibility of a leak, considering our harsh climate, remote access, mountainous terrain, chance of earthquakes and avalanches.
1721. In July of 2002 a 34-inch diameter steel pipeline ruptured in a marsh west of Cohasset, Minnesota. To prevent 252,000 gallons of crude oil from reaching the Mississippi, Enbridge set the oil on fire. I don't think anyone here will agree that this is an acceptable strategy.
1722. It is my experience that when an accident happens, there is usually more than one contributing factor, like an avalanche during a large snow event and not being able to access the areas by air because of the same weather system which contributed to the avalanche.
1723. I have personally been involved in searches where we haven't been able to access the areas because helicopters aren't available to fly because of the poor weather. I've also experienced waiting on the helipad at the Kitimat airport with my back-country skis, my packsack and three days of groceries, waiting for the helicopter we booked, to see if we were able to fly up to one -- a destination close to here in the Kitimat Valley called Larson Ridge.
1724. Not only were we not able to fly into that area that day, but the party that was in the cabin at the time that was waiting to come out had to stay an extra couple of days because, just weather permitting, you couldn't fly in.
1725. Do we put our efforts into reacting to a spill when conditions are now completely out of our control or do we take into consideration all factors ahead of time and build for the worst-case scenario? Not pie in the sky scenarios, as out of control events do happen in the Kitimat Valley.
1726. I'd also like to address the environmental effects. This is the information I received from one Enbridge representative when inquiring about the proposed pipeline route.

“Northern Gateway has applied for a one-kilometre wide land corridor running the length of the proposed route.”

1727. After clearing and laying the proposed pipeline in this one kilometre corridor, the second growth forest will naturally grow as I am assuming that it won't be replanted because access to the proposed pipeline will be an issue.
1728. Before an area's logged, the old growth canopy controls some of the smaller growth vegetation underneath. Although the ground is still not visible by air, it is usually less dense than the second growth. After an area has been logged, the natural plants, shrubbery and seedlings grow with access being extremely difficult.
1729. This is the second growth. It is not unusual to hike these areas and not be able to see your belt buckle let alone your feet. The blueberry bushes, alders, devil's club, skunk cabbage and other local vegetation are plentiful. It is extremely thick, hardy and impossible to keep clear without an aggressive vegetation program.
1730. The proposed pipeline, over its 30 year expectancy in the Kitimat valley, will undergo a vegetation evolution that I have described. I would find it hard to believe that spotting an oil or condensate leak, unless it was a major failure, could be done reliably from an aircraft.
1731. This is one of the modern monitoring and inspecting strategies as outlined in the brochure Enbridge mailed to everyone in Kitimat; the others being line pressure monitor, alarm system, annual soil surveys, in-line inspections, investigative excavations and slope stability monitoring.
1732. The effectiveness of this strategy appears insufficient. Instrumentation is fine as a tool to measure pressures and activate alarms, but to be the end-all for providing information regarding an anomaly in the pipeline operation when other monitoring and inspection strategies aren't available lacks reality.
1733. I am again confused by the lack of pro-activeness given to one of Enbridge's key features in the self-proclaimed proven safety management. Relying on a leak detection system of pipeline flyovers, instrumentation which is subject to failure and not easily accessible, and yearly soil samples doesn't give me the confidence that a breach in the pipeline system would be detected, isolated and managed in a timely manner.
1734. I would like the Joint Review Panel to consider viewing first-hand some of the areas where the pipeline would run along the Kitimat Valley. Viewing the proposed pipeline route from an aircraft or a drive from the airport doesn't give you

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an accurate impression of the challenges involved with the terrain found in the North Coast mountains. It must be seen first-hand and up close to fully understand what the challenges are to access for inspecting as well as part of Enbridge's proposed pipeline monitoring strategy.

1735. If there is an appetite for this, I would make myself available at your convenience and also invite one Enbridge representative to accompany us. This could be facilitated on this trip or at a future date. I think this would be a valuable tool considering the important decisions and recommendations you have been entrusted with.
1736. I'd also like to cover the financial regulation. I'd like to draw your attention to what happens 30 years from now if the proposed pipeline is approved. When all the unrefined bitumen has been piped away and the pipelines are at the end of their life expectancy, Enbridge may not exist as we know it today.
1737. Although I can't predict the future, I can rely on historical information. Enbridge has had breaches in their oil transmission systems in the past and in the present. Based on this information, I am predicting future breaches that will cause environmental damage. There are many possibilities of incidents which could cause financial hardship for Enbridge on the Northern Gateway Pipeline or somewhere else in their operation. Thirty (30) years is a long time to operate.
1738. Depending on the severity of a future spill, Enbridge could claim financial hardship when one considers clean-up costs and litigation. I ask the Panel to entertain, in the event the proposed pipeline does get approved, an account funded by Enbridge, for lack of a better phrase, called "the pipeline remediation legacy fund".
1739. Yearly contributions would ensure successful removal and reinstating of the pipeline right-of-way to its original condition. Enbridge would be the sole contributor of this fund and it would be held in trust which would be overseen by an independent third party.
1740. As it is, Enbridge's intention is to remove the proposed pipeline as outlined in their application, making contributions on an annual basis over the 30-year anticipated lifespan of the pipeline shouldn't be an issue. A newly formed committee should draft details such as payment structure and terms of reference with all key players at the table.
1741. In conclusion, the Joint Review Panel will address two fundamental questions.
1742. Question One. In terms of the *Canadian Environmental Assessment Act*,

will the project cause significant adverse effects on the environment? For the construction of the proposed pipeline if done right, possibly, with minimal impact. But for the actual transmission of bitumen and condensate for potential leaks and spills, I'm not so sure.

1743. I know if this project was judged strictly on its environmental merits or Enbridge's history of oil spills, it wouldn't be given the go-ahead.

1744. Question Two. In terms of the *National Energy Board Act*, is this project in the best interests -- in the best public interest? When you ask Enbridge this question, they say "yes".

1745. Stated in their application under "Project Need and the Public Interest," Enbridge states:

"The benefits of the project are very large and spread broadly across the country. From an economic perspective, the project is clearly in the Canadian public interest."

1746. Do they mean public interest or financial interest? I hope that the financial interest doesn't trump the environmental interest. Water is life. Without water we don't live. Are we just going to put at risk another thousand rivers and streams?

1747. We'd all give our lives for our children and our grandchildren but, funny, we are very reluctant to make the changes necessary that they will inherit a healthy earth unless we are forced to. I don't know if you've noticed, but the earth is sick. Her hair is falling out, she has a rash and that cough seems to be getting worse. What do we do?

1748. One thing I do know is that exposing this gem of the world to the possibility of an environmental catastrophe isn't going to help her get better.

1749. These are the quotes in Enbridge's pamphlet:

"We are building more than pipelines."

"Enbridge takes pride in its longstanding reputation as a safe operator and socially responsible company."

"Our success hinges on our reputation."

"Enbridge's success has been built on a 60-year history of safe,

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reliable and environmentally responsible operations, combined with a tradition of mutually beneficial relationships with our stakeholders and the community in which we operate.”

“From its inception in 1949, Enbridge has placed the highest priority on the safe and reliability of its operations. Our goal is to prevent all spills and leaks from our energy, transportation and distribution systems.”

“We invest heavily in pipeline integrity and maintenance, encompassing all the tools, technologies and strategies needed to ensure our pipeline networks have the strength and operating fitness to do their job safely and reliably.”

1750. How can they mean this, considering their long list of environmental infractions? I’m sure the Panel’s familiar with Enbridge’s safety shortcomings, including recent events involving the spill in Michigan.
1751. I won’t verbally recap the worst of some of Enbridge’s past reported safety infractions and spills, but they have been labelled by some media reports as the “Enbridge Dirty Dozen”, but have included them as part of this written submission that I passed out to you earlier.
1752. Enbridge’s actions don’t mirror their glossy pamphlets and what they tell the public. Enbridge is not worthy of this opportunity. How can we seriously take them at their word -- what they say they will do in their application, how they will respond to a spill?
1753. The commitment they have given us is to protect the environment. They have had 60 years to prove themselves. They’ve had 60 years as a pipeline operator to show us that it can be done right. They’ve had a 60-year history, so when they speak we can believe them.
1754. What better way to scrutinize a company who has submitted an application than by their track record? By the way Enbridge has dealt with spills on their other pipelines over a 60 year period. I’m sure it’s been mentioned at this hearing that Enbridge operations has had 610 reported spills between 1999 and 2008.
1755. After all the Enbridge executives have long retired, we will still have this dark shadow hanging over us. Always a risk that is beyond our control and our lives, community and why we live here could drastically change for the worse in the blink of an eye.

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1756. Were these the same statements given to the residents of Michigan prior to that project getting approved?
1757. We could potentially lose more jobs than what we could ever gain. Imagine the jobs we would lose in forestry, tourism, and the fisheries in the event of a leak. Are we willing to risk the lives we built here and the equity in our homes on one oil spill? Will we wager our homes for the chance to win a free meal? How about the drinking water that is downstream from the proposed pipeline running in the Kitimat Valley, does Enbridge have a contingency plan for that?
1758. We've all heard the Enbridge promises, we've all seen the damage they've done in other parts of North America when one of their pipelines has leaked. I try to judge people by their actions and not by their words. Not by their words promoting healthy communities, environmental responsibility, putting money at community events and full-page ads in local papers but by actions like poor response times after a pipeline spill and Enbridge's buffet of environmental infractions.
1759. Thanks but no thanks. I appreciate Enbridge's interest but I don't think they're worth the risk.
1760. In closing, I hope another hearing will be scheduled in the Kitimat area. I think it is necessary considering the number of participants making presentations over these three days, as well as others in the community I know who were unable to meet the deadline for this scheduled hearing.
1761. Thank you.
1762. **MEMBER BATEMAN:** Mr. Marsh, thank you for your thoughtful comments.
1763. Again, if you would like to have your printed material on the record, meet with one of our staff here in the room.
1764. **MR. MARSH:** All right, I'll do that.
1765. **MEMBER BATEMAN:** Thank you.
1766. **MR. MARSH:** Thanks.
1767. **THE CHAIRPERSON:** Mr. Daniel Mesec?
1768. Thank you very much.

1769. Maybe you can tell us your name and pronounce it correctly and I'm sorry if I mispronounced it and spell it for the record.

--- ORAL PRESENTATION BY MR. DANIEL MESEC:

1770. **MR. MESEC:** Well, good evening. First of all my name is Daniel Mesec, M-E-S-E-C, and I am a photo-journalist based in Smithers currently, originally from Ontario and I come here today to just voice my concerns as a -- just as a citizen.

1771. And first I just want to give you a little bit of a background of where I'm coming from as I've seen a lot of others have spoken to that today. So I grew up in a city of about 500,000 and spent lots of our time travelling across the country camping, hiking, enjoying this great wilderness of ours here in this country, in our great country.

1772. One thing that was always very apparent in my life was that we had a strong understanding of what Canada meant to us here at home and to around the world and clearly what Canada does mean to a lot of people is that it is these open spaces, these wide rivers, these huge lakes that are all across this country.

1773. And speaking as I do to a lot of people, especially of those from Europe and abroad who come here to travel, who come here specifically to the northwest, to B.C., to fish, to hunt, to camp, they tell me they come here to see the wide-open spaces, to see this wilderness that cannot be found anywhere else in the world.

1774. And as we have seen recently in the Gulf, this is a place that can't be found -- an ecosystem that can't be found anywhere else in the world and we are in jeopardy of losing that if this pipeline project goes ahead.

1775. Of course recently the world has been hit by numerous environmental and -- numerous environmental catastrophes, most notably recently in Michigan, in the Gulf, let alone six other major oil spills that have happened around the world in this year alone.

1776. And I sit here thinking, have we not got the hint yet that there is a huge risk here and what history has taught us is that oil spills do happen and they will happen and I fear that this is what will happen here in B.C. if this pipeline goes ahead.

1777. Things happen for a reason of course and that is what I'm touching upon, is that recently we've seen this happen more frequently and again, if it happens here the catastrophe and the values of these people, the livelihoods of these people here in

the fisheries and the forestry and the tourism will be gone just as we've seen in the Gulf. And I'm sure if you speak to any of those people on the ground floor in places where spills have happened, they will tell you that they have lost everything; they are beside themselves and they don't know what to do next and I ask Enbridge if they will be able to offer them any solutions to what will happen.

1778. Furthermore, this pipeline especially has been discussed quite a bit today, if it is in the best interest of Canadians, and personally -- and I'm sure as a lot of people have spoken today -- it is not in the best interest of Canadians.

1779. We do not see too many jobs coming out of this. Jobs from this pipeline will be exported, going abroad and not staying here in our own country, supporting our own people and I think for the NEB and the Canadian government, this is a top priority, to make sure that jobs do stay in this country and jobs do support the people here in the valley and here in the northwest.

1780. And to touch upon that as well, if Enbridge was serious about creating jobs, which in a lot of their ads and pamphlets they do talk to that this is a great opportunity, they would build a plant in Alberta, they would keep the jobs here in our own country and that is not the case.

1781. Another thing that has come to light, with this proposal that Enbridge has put forth, 8,000 pages is quite a lot of information to go through and I ask anybody in this room who has actually read the entire piece, including the representatives from Enbridge.

1782. For the regular Joe, for the person on the ground floor, the ones that who are going to have to deal with these issues when an oil spill does happen, they need a lawyer just to explain the information in this proposal and I feel that a lot of them do not understand, and will not understand, if an oil spill does happen and if this pipeline does go ahead.

1783. To say that Enbridge has a wonderful track record is, not so much. Again, as we've seen recently they say that they have a plan to clean up oil spills, that they're on it, that they monitor day-to-day, month-to-month but of course like in the -- you know -- with BP in the Gulf and of course with Enbridge in Michigan they're scrambling. They're scrambling at the last minute to make sure that they catch this oil. And for the most part it looks like they're trying to get the oil out of the water so they can -- you know -- refine it and put it back into -- you know -- to people's cars and get finance -- you know -- get revenue from it, make another profit no matter what the cost.

1784. I've been out here for about a year and a half now and as I said before,

growing up, you know, travelling across this country, I've always had a strong opinion on the environment and what it means to be Canadian.

1785. And coming out here, it is very, very important to these people, to the people here in B.C, especially the northwest that this pipeline does not go through. People do not understand why this needs to happen.
1786. Enbridge and other oil companies are making large enough profits, billions and billions of dollars a year, billions and billions of dollars each year, what is the purpose for this pipeline? You ask if this is really in the interest of Canadians -- is it really? Do we need to put this pipeline here?
1787. There has been some talk of the number of jobs that it will bring to Kitimat specifically and somewhere around the area of 40, is this really worth to the people of Kitimat, worth 40 jobs; to put this pristine wilderness in jeopardy?
1788. Speaking to a couple of fellows who have been travelling from Fort McMurray to Hartley Bay, on the proposed Enbridge line, they have told me about the ups and downs, the mountains they want to blast through and of course as we just heard, about the terrain, the very, very high undeterred terrain that is hard to access.
1789. And I ask, I ask the NEB and Enbridge; you know, what's your plan to getting in there, what's your plan to getting in there and cleaning up an oil spill if and when it does happen?
1790. Now, to speak to the list of draft issues here specifically, there's one thing that I found that was not really touched upon in the proposal, and that is the transparency of the document. And as I said before, it is very hard for many people to understand the information that is in there, and I sense that they do this on purpose so that people don't understand completely what is going to happen.
1791. And I feel that the NEB should force Enbridge to be more transparent with their information, to be more upfront and to talk to people on the ground, the people who live there every day and who have lived there for 60 or more years; who have seen the boom and bust come and go and who have watched this land continue on -- who have watched the economies here continue on because of the tourism, the hiking, the hunting, the fishing, the forestry. And if a pipeline does get put in and if it does burst, all of that is cooked.
1792. Also, one thing that was not addressed that has also come to light recently; the Douglas Channel. They are proposing to bring 200 or more supertankers through that channel a year and I question the last time a geographical topical map was made of that channel. What is underneath some of those lines there? Things could have

changed. The last one, I believe, was about 15 years ago and what could have happened? Erosion?

1793. With global warming many things could have fallen apart and water levels have gone down slightly but that could be enough for a supertanker to run aground if and when it does come into the Douglas Channel.

1794. The last point here with the comments on the three topics is the oral hearings. Now, as was discussed earlier at the beginning of today's session, it seems that this is a very quick process.

1795. The proposal was issued in May and now here we are in August and one more hearing to go next week, or one more session to go next week, and then there should be a decision on where the oral hearings should be held. I believe strongly, and urge the NEB very strongly to continue these sessions in many more places here in B.C., especially along the coast and especially along the towns and cities that this pipeline will be going through and near.

1796. Furthermore, when these oral hearings do take place, I believe that they should be held in a neutral location, a place where Enbridge and environmentalists alike do not have any ground. This should be in a neutral area so that everyone who wants to voice their opinion can get there without hesitation.

1797. I've seen many people come here today but, again, myself, it was about a three and a half-hour drive from Smithers and I know, from people who I was talking to this week, they had told me just because of that drive they did not want to make it out. And again, there's only three of these sessions and I wonder, you know, how many other people out there would like to come and speak and don't have the opportunity.

1798. And I think my last part here, in closing, I believe that this proposed Enbridge Northern Gateway Pipeline is an illogical and irresponsible proposal and I again urge the NEB to refuse this proposal. People I speak to here -- and again, I am an outside source. I at some point will leave here. I don't see myself, you know, continuing on. I'm a journalist.

1799. We move from place to place, so I do see myself as an outside source, but the people here are -- the convictions are so strong about this proposal and about this pipeline. I would hope that the Government of Canada and the NEB have more sense to hear these people, to hear these convictions and understand that this is not a good idea.

1800. We have heard just recently that -- a few minutes ago -- the salmon runs in

the Fraser River were down to nearly nothing last year and now they are up to three times as much and scientists have no clue why this is happening. If we can't understand why the salmon runs are going up and down, how can we understand what will happen if there is an oil spill here on this coast?

1801. This coast cannot be found anywhere else in the world and I stress that very, very strongly -- that this is a place that is nowhere else in the world and, as we've seen in places such as the Amazon and in the boreal forests in Russia, these places get wiped out and they will never return, and that again is not just a Canadian issue. It's not just a B.C. issue. This is a global issue.
1802. And what does this say about Canada? If this proposal does go through, what next? Where does it end? There's talk about offshore oil drilling here on the B.C. coast, as well as up north, and, you know, what means to an end? If we allow this pipeline -- if the NEB and the government allows this pipeline to go through, what does that say about Canadians? What does that say about our ideology about being a naturalist and having a land that is full of the final frontier as it were?
1803. So in closing, the last point here, I hope that you do speak to a few more sessions of these and talk to the people again that are on the ground floor because, from what I hear as a journalist talking to people day in and day out, the majority of them do not see the benefit of this. They understand that the job creation -- that they believe that there will be a job creation, they are told that there will be job creation, but in truth how many jobs will there be?
1804. And that also is something that was missed by Enbridge. They did not put in detail how many jobs will come out of this for both Aboriginal and non-Aboriginal peoples. And again, I see a huge problem with this. They speak of these jobs but fail to produce any strong information of where they will be and how many of them there will be.
1805. And again, you know, this is a land that -- of course that you've heard today that is very close to a lot of people and, again, you know, I grew up loving this country and if these pipelines continue to be laid and these catastrophes continue to happen, we won't have any of this wonderful land left.
1806. As a true Canadian, I feel very strongly about this and see a huge problem with these pipelines and, again, I urge the NEB to refuse this proposal and to look to other means, obviously, such as renewable energy and to move forward, to be progressive, rather than to scrape the bottom of the barrel and go 10 years into the past.

1807. And thank you for your time. That's about it.
1808. **THE CHAIRPERSON:** Thank you, Mr. Mesec.
1809. Thank you very much. We have no questions or clarifications on your comments. Thank you.
1810. Mr. Merv Ritchie? Mr. Ritchie?
1811. **MEMBER MATTHEWS:** Welcome back, Mr. Ritchie. Thanks for helping us out and attending this evening sessions. For the record, could you please state your name and the spelling of your name?
1812. **MR. RITCHIE:** My name is Merv Ritchie. It's M-E-R-V R-I-T-C-H-I-E.
1813. **MEMBER MATTHEWS:** Okay, please proceed with the response to the questions.
- ORAL PRESENTATION BY MR. MERV RITCHIE:**
1814. **MR. RITCHIE:** I must thank the Haisla for allowing me to speak and be on their territory, and Chief Jasee, the High Chief of the Haisla People, and of course for all the participants and for you being here so everybody gets their point of view across.
1815. Just a little bit of a preamble. I have attended, almost without exception, every presentation regarding all proposed pipeline projects in this region of B.C. since 2006. I have attended these presentations put on by both promoters and dissenters as an independent unbiased reporter.
1816. I have also participated in, reported on and recorded various other types of industrial resource and economic ventures in this northwest corner of B.C.
1817. I have researched and studied some of the history of the proposals for the region back to the 1970s and even so far as back to the beginning of the *Industrial Development Act* of B.C. proposed by W.A.C. Bennett for the creation of the Aluminum Company of Canada, Alcan.
1818. One of the recent events I wish to address actually began in the mid-1970s when a proposal was made by the consortium of American entities calling themselves Kitimat Pipeline Limited to build a pipeline much like what is being proposed today by Enbridge Northern Gateway Project. This project was specifically designed to

bring a petroleum product into Douglas Channel to supply Alberta.

1819. It was later shelved and proven not required. More recently in the past four years various proposals for the construction of pipelines for a variety of products have been presented to the local municipalities of the region and to the government body of the Regional District Kitimat Stikine.
1820. All of these presentations were accompanied by grandiose claims for the demand, the market and economic benefits to the region. None have come to fruition. One of the more striking, recent striking examples of such a claim was a proposal by Kitimat LNG. Their proposal was to construct a pipeline to import natural gas in 2006. The Federal Minister of the Environment gave the project the go-ahead in August of that year.
1821. The project was to begin construction in 2007 and be in production by 2009. However, no more than one year later a new proposal of Kitimat LNG was presented to build a pipeline to export natural gas.
1822. It is difficult to accept any of these claims of market demand when they seem to change so dramatically and so quickly. The Kitimat LNG project is still not in operation.
1823. In my 50-plus years of life experience and interaction within the economic community, I have come to understand the primary financial driver of any project is the stock market whether it be on New York's Wall Street, Toronto's Bay Street, or Vancouver's Howe Street. A question could be asked about the share a stock market plays of both Kitimat LNG and Enbridge. All of their respective news releases might and most probably do affect the value of their shares.
1824. It is my considered opinion that this Joint Review Panel must discover a way to comprehend and differentiate between the economic reality and the economic fallacy of this project, to determine if this is not just a stock market play to increase share value at the expense of the vast current economic wealth of this region.
1825. To the point of my presentation: I am here to request the Joint Review Panel highlight one of the topics of consideration and to request the Joint Review Panel add to the list of locations where the Joint Review Panel should conduct its hearings.
1826. On the subject of topics of consideration -- not listed in the Draft List of Issues but it is listed in the third page in the addendum under part 3 as alternatives. On the subject of alternatives, I'm here to explain why I believe alternatives to the transportation of the product must be accentuated on the agenda.

1827. The Joint Review Panel and the National Energy Board has been delivered the request by Enbridge for the approval of the construction of two pipelines, one to carry the condensate to Alberta to thin the raw bitumen so that it will flow in other pipelines, and the condensate is also required for the pipeline they are planning to build to ship the bitumen out.
1828. The condensate is currently being shipped by rail car east to Alberta. This simple fact demonstrates Canada already has an infrastructure in place to deliver the product to the marketplace. Canadian National Railway, though belying its name not a national corporation, already has an under-utilized transportation system direct from Alberta to the Pacific Coast. By CN's own estimation they have the capacity today to transport close to 10 times the proposed capacity of the pipeline system being put forward by Enbridge.
1829. The funding for the construction of the pipeline, Enbridge's pipeline, is accompanied by numerous conditions. End users of the bitumen product, whether it be China or some other refining country, must secure and pay for a specific quantity regardless of what they are actually able to take delivery of. This condition along with others will restrict and control the marketing of this Canadian resource.
1830. It is for these reasons I am suggesting and requesting the Joint Review Panel take one step backwards as they prepare their deliberations. The Panel, though formulated to consider the proposal by Enbridge, could and should back up one step they have been allowed to take, and first consider the market demand. If a demand is identified and is considerable, the next step in the process should be does Canada wish to export the product and not refine it first?
1831. If the answer to this is, "Yes, we wish to export it", the next topic should be what is the best method to transport the product? Not what we have here before us today; an application for a method to deliver the product to the market which contains within it exclusionary principles to other potential customers.
1832. Although I am a simple layperson with no degrees of any kind, no history in the petrochemical industry and no experience in the commodity transportation systems, I can see easy and advantageous alternatives to the proposed pipeline. If I can develop a seemingly simple or basic alternative, I am sure there are others who can offer even better alternatives should they be encouraged to provide it.
1833. As one example to elucidate the claim I'm making, I wish to draw your attention to the newly constructed container port in Prince Rupert. The largest vessels in the world call on this port, delivering containers loaded with goods for the North American market. The rail line operated by CN carries these containers east. The

containers come from various suppliers and are delivered to various end users. This transportation method opens the market up for the product to innumerable end users.

1834. Currently, the proposal envisions the raw bitumen being pumped into a high-pressure pipeline at the source, the tar sands of Alberta. When it arrives at the shore, the Douglas Channel at Kitimat, it is to be removed from this pipeline and placed in large storage containers.
1835. When a tanker arrives we carry the bitumen -- when the tanker arrives to carry the bitumen to the end users, the product is removed from the tanks, pumped under pressure into the tanker. The same process takes place in reverse order at the destination, the end user's port location.
1836. At many points in this process we have the opportunity for spillage and accidents. The concept I as a layman would propose is to ship the bitumen in the same manner as we currently ship other goods, in containers. Just as the condensate comes in on rail cars today, we might consider exporting bitumen in the same manner with one significant difference. The tanker cars could be fabricated just like containers -- removable and stackable.
1837. The benefits of this simple consideration are immeasurable, innumerable. First, the bitumen would never be exposed to the elements of the environment except at the point of production -- in this case the tar sands -- and the end user's destination as suggested in this case, China.
1838. The fabrication of additional rail cars and the modification of the present rail cars would obviously present additional costs. However, the expense of constructing and running a pipeline needs to be factored in with the benefits of not constructing the pipeline.
1839. The capacity of ship transporting the product across the pacific might be reduced. However, the risks are also reduced. If a tanker ran aground or broke up in high seas, all of the product would remain contained. The tank could be used in both directions, importing condensate and exporting bitumen. And if the market changed, such that different products were required, importing rather than exporting, the same system of transport would already be in place.
1840. Just like containers, the end user could own their own tankers or they could be provided by a new enterprise for a user fee. This seems somewhat similar to the requirement of the end user to subscribe to a quantity of crude production prior to the construction of a pipeline, essentially an up-front financial commitment.
1841. This Joint Review Panel has the opportunity to provide some direction and

advice to the federal government on not just this specific product but on the concept surrounding the potential for the export of bitumen and other products which cross provincial boundaries.

1842. If Canada was to recommend or even impose a different transportation model, one which would allow for a better open market and at the same time potentially provide a much safer model in terms of the environment, we might discover less resistance and more acceptance by various groups currently opposed to the transportation of crude oil.
1843. In the very recent past, the huge spills of oil by both tankers, offshore rigs, and onshore terminals such as the recent spill in China this past July at Dalian have raised the demand of citizenry all over the world to offer better protections to the environment and the oceans.
1844. It no longer seemed acceptable to transport these products in such hazardous manners. It seems obvious a tanker is simply a bathtub full of oil waiting for an opportunity to spill the entire cargo.
1845. A high-pressure pipeline also seems to be a large hazard as that which was displayed in Burnaby in 2007. Kinder Morgan's pipeline, its leak was immediately apparent to the excavator operator that punctured the pipe and to the neighbourhood which got soaked, yet it still took almost a full half-hour to shut down, even with the terminal only a short distance away.
1846. Again, I'm a simple layman. I can offer potential solutions to meet various concerns and provide alternatives. It is my considered opinion that the Joint Review Panel should open-up the discussion to professionals, both much smarter than I, to offer alternatives to the current proposal in front of the JRP today, not leave this as an end-note to an end-note.
1847. Alternatives. And the short -- on the second topic I wish to present is a location for the hearings. Much shorter.
1848. All the various coastal and northwest communities, large and small, must be visited to allow those who cannot travel and those who cannot afford to travel to have their voices heard.
1849. Allowing for applications for funding to attend is not a reality for most of the residents of this region. These folks -- these forms and applications are foreign to most.
1850. On Facebook today, numerous residents of Haida Gwaii are expressing

**Oral presentation
Mr. Merv Ritchie**

disappointment on their inability to be here in Kitimat, even today. It therefore is my request -- and I am sure I am not alone -- that the learned people take the appropriate measures and attend every community, not just on the pipeline route, but also the many surrounding northwest communities and all of the Pacific Coast communities.

1851. My home community of Terrace is the hub service community and is home to the majority of the regions residents. Prince Rupert is the home for many coastal residents. Hartley Bay must be considered. It is they that rescued the B.C. Ferry passengers; always first responders. All of Haida Gwaii, Masset, Skidegate, Port Simpson, Greenville, Kilcolith, Canyon City, Aiyansh, Bella Bella, Bella Coola, Stewart.
1852. In the Interior, we have Rosswood, New Hazelton, Kispiox, the Village of Hazelton, Glen Vowell, Kitwancool. Back on the coast, Metlakatla; even Ketchakam. It should not be up to the residents of these communities to find a way to come to you.
1853. It is a very serious duty and responsibility this Panel has. You must come to each community and discover the sensitive and integrated lifestyle, life-sustaining manner your deliberations might impact.
1854. Rather than they learning about you and this proposed project, it is you that needs to learn from them.
1855. I thank you for listening. I know this has been a long day and I hope your potential exhaustion has not diminished the impact of my humble opinions.
1856. Thank you.
1857. **MEMBER MATTHEWS:** Great. Thanks a lot, Mr. Ritchie, and we're wide awake and we heard everything you said. Thanks a lot.
1858. I don't know if my colleagues have any comments or questions?
1859. Okay. Thank you.
1860. **MR. RITCHIE:** Thank you.
1861. **THE CHAIRPERSON:** Thank you very much, everyone. That brings us to the end of the list of people who had registered to speak with the Panel tonight.
1862. I want to thank everybody for the time that you've invested with us today. It has been a long day, but I can tell you from the Panel's perspective it's been a very

rich day and we really appreciate that.

1863. We're going to start again tomorrow morning at nine. Again, if there's anybody else who's in the room at this point who hasn't registered but would like to be able to provide your comments to the Panel this week, we'd ask you to do that tonight before you leave so that we know on a go-forward basis who still wants to talk with the Panel so that we can plan for that.

1864. So I won't continue talking anymore; we've all listened a lot and it's been a long day. I thank you again for your patience and the time you've invested with us, and we will see those of you who are returning tomorrow morning at 9 o'clock.

1865. Thank you.

--- Upon adjourning at 8:14 p.m./L'audience est ajournée à 20h14