

**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 7

**Panel Sessions held at
Séances tenues à**

**Prince George Civic Centre
808 Civic Plaza
Prince George, British Columbia**

**September 9, 2010
Le 9 septembre 2010**

**International Reporting Inc.
Ottawa, Ontario
(613) 748-6043**

Canada

© Her Majesty the Queen in Right of Canada 2010
as represented by the Minister of the Environment
and the National Energy Board

This publication is the recorded verbatim transcript
and, as such, is taped and transcribed in either of the
official languages, depending on the languages
spoken by the participant at the public hearing.

Printed in Canada

© Sa Majesté du Chef du Canada 2010
représentée par le Ministre de l'Environnement et
l'Office national de l'énergie

Cette publication est un compte rendu textuel des
délibérations et, en tant que tel, est enregistrée et
transcrite dans l'une ou l'autre des deux langues
officielles, compte tenu de la langue utilisée par le
participant à l'audience publique.

Imprimé au Canada

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 Prince George (British Columbia), Thursday, September 9, 2010
Séances tenues à Prince George (Colombie-Britannique), Jeudi, le 9 septembre 2010

JOINT REVIEW PANEL/LA COMMISSION D'EXAMEN CONJOINT

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

PRESENTATIONS/PRÉSENTATIONS

Mr. Ian Pickett

Initiatives Prince George
- Mr. Clint Dahl

Boreal Retreats Ltd.
- Mr. Mike Morris

Ms. Sonja Ostertag

Mr. Karl Sturmanis

TABLE OF CONTENTS/TABLE DES MATIÈRES

(i)

Description	Paragraph No./No. de paragraphe
Opening remarks by the Chairperson	3385
Oral presentation by Mr. Ian Picketts	3392
Oral presentation for Initiatives Prince George - Mr. Clint Dahl	3463
Oral presentation for Boreal Retreats Ltd. - Mr. Mike Morris	3494
Oral presentation by Ms. Sonja Ostertag	3536
Oral presentation by Mr. Karl Sturmanis	3589
Comments by Mr. Richard Neufeld	3622
Closing remarks	3746

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

3385. **THE CHAIRPERSON:** Good morning, everyone. Welcome back.

3386. To those of you who are just joining us for the first time this morning, welcome to you.

3387. My name is Sheila Leggett and on my right is Kenneth Bateman and on my left is Hans Matthews, and we are looking forward to hearing your comments on the three topics that are listed off on the screen to the right-hand side of us.

3388. There will be lots of further additional opportunities for you to tell us your thoughts about the project per se. What we're here to do in this set of meetings is to hear and gather your input on the process-related issues that we're dealing with today, which are the three topics.

3389. So it's any comments you have on the Draft List of Issues, any comments on additional information you think that Northern Gateway should be required to file, as well as any input you have for us to consider for locations for future proceedings.

3390. So with that, we'll get under way and I would call Mr. Ian Picketts.

3391. Good morning, Mr. Picketts.

--- ORAL PRESENTATION BY MR. IAN PICKETTS:

3392. **MR. PICKETTS:** Good morning. Thank you very much for hearing me today.

3393. So, as you know, my name is Ian Picketts. I live in Prince George. I'm an active member of the Sea to Sands Conservation Alliance, which is a local group of concerned citizens in Prince George, but I'm only here speaking on behalf of myself.

3394. Just for context, a little bit about my background; I'm currently a doctoral student studying climate change adaptation in northern communities and I also am a UMBC instructor teaching classes on integrated resource management, public process and back-country recreational impacts.

3395. So I feel that a lot of what I study and what I'm passionate about is very closely related to this topic. I also have a background in environmental engineering and have a fair amount of first-hand experience dealing with contaminated sites and remediation and that work has really brought it to the forefront in my mind of how difficult it is to remediate things once they are impacted, and the power of policy and

thinking beforehand.

3396. After that I worked as an environmental policy analyst in western Canada, trying to promote sustainable energy development, mostly in Alberta.
3397. I will do my absolute best to keep the -- to keep it to these three topics for comment. I apologize in advance if I do go a little bit off but please keep in mind that for concerned citizens like myself, this project is of grave concern and so I apologize in advance but I will definitely try to keep to this.
3398. I will try to keep the issues that I speak to within my scope of expertise. So just for the record, though, needless to say that although I might not mention something along the lines of the 225 tankers a year off Hecate Strait doesn't mean that I'm not gravely concerned about it.
3399. I hope that you guys had the opportunity to go outside yesterday and see the rally. I personally counted close to 400 souls, young and old, First Nations and non-First Nations, big and small, marching absolutely peacefully together.
3400. The concerns that people are voicing are many of the concerns that I'm trying to bring to your attention today and many of the tribal community leaders elected not to participate in these hearings for various reasons, but please keep in mind that although this room seems relatively empty, that there are a lot of people with very grave concerns.
3401. As a local community activist, I can tell you first-hand how difficult it is to get 400 people in the same area in Prince George. It doesn't happen. It's really amazing let alone 400 people on the first day of classes in the middle of the day on a Wednesday. It's really quite unprecedented.
3402. So yeah, many people are electing not to participate in this part of the process and still more are unfamiliar and a little intimidated with a process such as this. I myself am thinking that there's better ways to spend a Thursday morning than at a Panel like this. Just please be aware of that; that there's a lot of people who are quite intimidated by this. I'm not saying that you're doing anything wrong but it's just the way it is.
3403. So I'll get to the issues that I would like you guys to really think about and that I think that Northern Gateway, Enbridge, needs to file. So my first topic of discussion is climate change.
3404. So climate change is universally accepted by the scientific community. I won't shock or bore you with the details but it's happening. It's extremely well

documented. It's happening far faster in the North, and it's going to be the biggest challenge we deal with over the next hundred years.

3405. To quote Enbridge:

"We acknowledge that dealing with climate change is a shared responsibility with implications for citizens, governments and businesses."

3406. That's part of their climate change policy. So according to the Canadian Association of Petroleum Producers (CAPP), the oil sands are responsible for 29.5 megatonnes of greenhouse gas emissions per year. The Enbridge pipeline will require an increase in oil sands production to the tune of 6.5 megatonnes of greenhouse gas emissions per year.

3407. So the Pacific Carbon Trust in British Columbia currently sells offsets at \$25 a tonne. Quick back-of-the-envelope calculation; that's \$162 million a year just to offset the greenhouse gas increases from the oil sands for the Enbridge pipeline. That's not a small amount of money.

3408. As a university researcher, I can tell you that most leading carbon economists feel that the actual true valuation of a carbon offset is more in the neighbourhood of \$150. A carbon offset is a transitory measure. It's not permanent and it can basically only get more expensive.

3409. The more you offset, the more difficult it is to offset further and it inevitably becomes more expensive. So if you're looking at a \$150 offset and 6.5 megatonnes, that's over \$1 billion a year just to offset the oil sands increase for the Enbridge pipeline. It's not a small amount of money.

3410. So therefore, I must ask in the list of issues to be included the question: is this project in the best interest of B.C. citizens, given our commitments for carbon neutrality, carbon taxation and commitment to leadership regarding greenhouse gas reductions?

3411. I must also ask why the project is not accounting for the greenhouse gas increase associative to oil sands development. Without the pipeline, there will not be this expansion in oil sands development. So how can it possibly be deemed out of scope?

3412. Also, I think in the list of issues it needs to be considered what the full carbon implications are of this project. This includes tar sands expansion to fill the pipe, construction and installation of the pipeline, transmission of bitumen and

condensate, tanker traffic, and finally the utilization of the fossil fuels in Asia.

3413. The JRP needs to consider this when they are determining the viability of this pipeline. It isn't just a pipe on the ground. It's connected at both ends and we need to really take the full scope into account.
3414. Finally related to this, it really is a concern to me whether this project is economically viable in the long term in a society that takes responsibility for the emissions that it creates and the effects of these emissions.
3415. So if we are in fact transitioning to a low-carbon economy, which as an academic I can -- unfortunately it's basically our only opportunity to continue to enjoy a reasonable standard of living on earth -- is a project such as this may well be completely unviable in a society that takes responsibility for its carbon emissions.
3416. So are we taking a giant step backwards? Aren't we supposed to be transferring to a low-carbon economy? So I ask you to please take into scope the large question of whether this is in our best interest in transferring to a low-carbon economy.
3417. Also related, but on a slightly different topic, one thing that is of grave concern to me is the implications of this project on British Columbia and Canada's international reputation.
3418. As you probably are aware, over the last five years, Canada has received an unprecedented amount of negative publicity concerning its lagging performance on environmental issues. This really came to a head at Copenhagen last year, where Canada was singled out as one of the absolute worst countries in the entire world, due to its reluctance to act responsibly in the face of global warming.
3419. This is very disheartening. As Canadians, we like to enjoy a very good international reputation for things like peace and maple syrup, not laggards in environmental action. So I sincerely believe that this project is going to have a big impact in Canada's good name.
3420. This project implicates British Columbia in oil sands development and if this project goes ahead, British Columbia cannot at least lay claim that they are not a large part of the oil sands project.
3421. So I ask you to include in the scope the question: is this project in the interest of British Columbians and Canadians because of its inevitable negative effects on our international reputation?

3422. I also ask if this project will hinder provincial efforts to become a global leader in the production of clean energy. The B.C. government is taking aggressive action to become a major producer and exporter of clean, renewable energy.
3423. There's a very clear mandate that the government has put forward but, you know, a responsible consumer -- one of the main ones they're looking at is California. Is a group like California going to shy away from trading with somewhere like British Columbia if they see us being implicated in such projects that they would deem unsustainable?
3424. One final point related to climate change -- it's kind of ironic because this project is a large contributor to climate change -- is what are the impacts of climate change on this project? I believe it needs to be seriously considered how changing temperature and precipitation patterns are going to affect the pipeline, the oil sands and tanker traffic.
3425. Just to note, one of the main changes associated with climate change that we are already witnessing globally is more instances of severe and anomalous weather events. How is this going to have an effect on tanker traffic? So I ask how is this project accounting for and planning to adapt to the impacts of climate change.
3426. Another topic that's of interest to me is liability. One thing I think a lot of the people outside yesterday and a lot of North Americans are concerned is who is, in the end, going to pay for an environmental catastrophe or for an obsolete piece of infrastructure if this project becomes unviable?
3427. How can we be certain that Enbridge is fully liable for this project, even if it goes out of business or is sold or is taken over? Will the liability of this project ultimately fall into the hands of British Columbia citizens?
3428. Also along these lines, we need to know that there's moneys available to respond to environmental crises using whatever means necessary. When we see something like the horrendous Gulf spill, we realize that money cannot really be an option in this. Whatever needs to be done to mitigate the impacts has to happen.
3429. So I ask how will the process prove that Enbridge will be completely responsible over the life of the project? How can we ensure that this will happen even in the case of bankruptcy or buy-out? And will Enbridge agree to liquidate all of its assets in the case of an oil spill to respond to the environmental and cultural disaster that will ensue?
3430. Another closely-related topic to my research is sustainable northern towns. In my experiences, also doing environmental engineering work, I've really noticed

that normal people in a community often see very little benefit from resource extraction oriented business, especially when long-term jobs are not provided for the community.

3431. People must often deal with exploding costs, runaway inflation and reduced quality of social services as things like hospitals are inundated with seasonal workers and whatnot. Furthermore, problems such as drugs and prostitution inevitably follow.
3432. Prince George recently participated in an integrated community sustainability plan called myPG. The main outcomes of the public engagement process yielded several community priorities for Prince George. Among them were climate action, water quality, energy efficiency, renewable energy and sustainable business. All of these priorities will be negatively affected by the Enbridge pipeline.
3433. So I ask: how will this process investigate how the project is going to impact the quality of life of northern residents and communities in British Columbia? And I also ask: will this project contribute to Prince George's goals of achieving sustainable economic development and also in B.C., or will it simply propagate resource-driven extraction oriented projects that are vulnerable to global shifts and fluctuations?
3434. I think we need to really consider in the scope the quality of life of regular citizens in northern communities and Enbridge needs to do a detailed assessment of how this is actually going to improve quality of life of northern citizens and communities.
3435. A few other tidbits I will mention but I won't go into detail for everyone's sake but I think we need to consider if it's in the best interest of Canadians and B.C. residents to allow tanker traffic off the West Coast when the overwhelming majority of Canadians support a tanker moratorium. We really need to ask is the JRP serious in respecting international laws stating that Canada must obtain free prior and informed consent of First Nations before it can approve this project?
3436. Currently the process does not respect these laws and if the JRP is not going to -- not willing to go ahead, then this process is fundamentally flawed and needs to be rethought. I know this is a key reason for many of the First Nations leaders, who are actually in Prince George yesterday and today, not speaking in front of the Panel -- but I'm only speaking for myself.
3437. What is the full value of governmental tax breaks and incentives being offered to Enbridge for this project? The JRP needs to consider this value and look at other potential uses for these incentives and their effects on the quality of life in

northern communities.

3438. So, finally, the locations of the hearings. These hearings -- I strongly believe that every 600 kilometres is not sufficient for a project that will have such an impact in the North. I believe that hearings must be held in numerous places such -- one main way to look at it is you look up and down the affected watershed so, you know, for example the Skeena, the Fraser and the Mackenzie.
3439. So we'll need to look north because these communities will be affected by the project and we also need to look south; also main centres of population in British Columbia such as Vancouver and Victoria. Vancouver will be affected by how it's affecting the Fraser, how it will cross the Fraser watershed and also these are main population centres and British Columbia's reputation is going to be tied with this project for better or for worse.
3440. Any areas exposed to the risk of tanker spills really deserve to be able to have their voices heard. So we're looking at places like Haida Gwaii, northern Vancouver Island, et cetera. So I mentioned in the North; I would understand that it probably wouldn't be held in a huge number of northern communities but maybe Whitehorse and Yellowknife and costs of travel to these hearings from large and small communities must be covered.
3441. Finally, I strongly recommend that a hearing in Ottawa to assess the national and international implications of such a project be held. For example, for the Berger Inquiry, I believe there were hearings as far east as Halifax for that. It truly is a project that is national in nature, thus the NEB's involvement so, you know, a place like the capital of Canada is quite apt.
3442. So in closing I just want to restate a couple of my main points. The JRP needs to consider the full implications of this project with regards to climate change. The analysis absolutely should not be limited to the pipeline and must include oil sands on one end and the end consumers on the other end.
3443. The JRP must consider what the long-term viability of this project in the face of real, directed action on climate change is, actually keeping our emissions to a point where we can stay below the threshold of -- any competitive threshold such as two degrees warming or 350 or 450 parts per million -- any real global effort towards that is we're going to require a significant change in the costing of energy, whether it be in the form of cap and trade or a carbon tax or whatnot. These prices are going to end up affecting the viability of something like the Northern Gateway Project.
3444. The JRP must consider the implications of this project on Canada and B.C.'s international reputation. Enbridge has already gathered a fair amount of

**Oral presentation
Mr. Ian Picketts**

publicity about this project and Canada has no choice but to be implicated too if this goes ahead and this really needs to be considered as this is an extremely important -- a good name takes hundreds of years to build and is almost impossible to restore once lost.

3445. The process must critically assess how this project will help Canadians and British Columbians in their transition towards a sustainable low-carbon economy and we also need to really look at how we can ensure Enbridge will remain completely responsible for this project and its implications.
3446. We also have to be sure we're not breaking international law with respect to First Nations rights and the JRP must discuss how this process assists in realizing a northern community vision for sustainable, secure, stable northern economies. Will this project actually improve quality of life for northern citizens?
3447. Thank you very much for your time. I hope the Panel takes the tremendous amount of power that's been invested in you seriously and truly considers the concerns of B.C. residents in the process. I must reiterate that this does include the 400 people that were outside yesterday.
3448. As someone who's tried quite unsuccessfully to get people together in this community, I was absolutely blown away that 400 people were able to take time out of their work in the middle of the day. Often people were doing -- it was during their children's first day of class to come down and show their concern for this project. So this is not to be taken lightly and the full scope of issues must be taken into account.
3449. So thank you very much and I appreciate your time.
3450. **THE CHAIRPERSON:** Thank you, Mr. Picketts.
3451. If you could just hang tight one second, we'll see if there's any questions of clarification.
3452. **MR. PICKETTS:** Sure.
3453. **THE CHAIRPERSON:** Thanks. No?
3454. There are none. Your presentation was very clear and no questions of clarification and I know you mentioned that this might not be the way that you would have chosen to spend your early Thursday morning, but we appreciate you doing it.
3455. **MR. PICKETTS:** Thank you very much.

3456. **THE CHAIRPERSON:** Thank you.
3457. Thank you very much. Mr. Clint Dahl...?
3458. And I apologize to our court reporter that I didn't ask at the beginning of this session to speak more slowly, but it is really difficult for both the court reporter and the interpreter to keep up with us when we're speaking really quickly; so thanks very much.
3459. **MEMBER BATEMAN:** Mr. Dahl, thank you for coming and please feel free to take your time and present your thoughts and your concerns clearly and slowly.
3460. To begin with, would you please state and spell your name for the record?
3461. **MR. DAHL:** Clint Dahl. C-L-I-N-T. Last name is D-A-H-L.
3462. **MEMBER BATEMAN:** Thank you. Please begin your presentation.

--- ORAL PRESENTATION BY MR. CLINT DAHL:

3463. **MR. DAHL:** Thank you. Thank you for the opportunity to present to you today. As mentioned, I'm Clint Dahl, the Initiatives Prince George Development Corporation, and I provide this presentation from IPG on behalf of our senior staff which are currently out promoting our great region in China.
3464. The City of Prince George is the sole shareholder of Initiatives Prince George and designates responsibility for delivering economic development services to our corporation. The Board of IPG is comprised of business leaders from Prince George that develop and deliver a strategic plan to diversify and grow the Prince George economy in synergy with the vast resource-based economy of Northern B.C.
3465. IPG's mission is to facilitate the development of Prince George as a knowledge-based resource economy connected to the world. It is critical that the JRP acknowledge in its review that Prince George and Northern British Columbia have and will continue to be dependent on resource development.
3466. In fact, we would extend this to include British Columbia as well as Western Canada. Responsible and sustainable development of our energy, forest and mineral resources is necessary for Prince George and Northern British Columbia to be economically healthy and prosperous.

3467. In this connection, IPG takes a pro-development view of resource development contingent upon the conclusion in the regulatory evaluation that projects meet legislated standards for environmental protection and First Nations consultation.
3468. We continue to support the JRP review of the Northern Gateway Project because it is aligned with our organization's economic development vision for Prince George and northern B.C.
3469. With respect to pipeline development, the Government of Canada has charged the National Energy Board with responsibility for assessing and reviewing projects in Canada and it is critical that the Joint Review Panel conduct an assessment of the risks and benefits of this project and that the Proponent be provided with the opportunity to make its case before this open and transparent process.
3470. Economic benefits from this project are significant and important factors in the consideration of the project's merits. Annual property taxes of \$36 million in Alberta and B.C., annual corporate income tax of \$33 million, employment during the project construction of about 62,700 person years approximately of which 57 percent will be in B.C., as well as ongoing employment throughout the life of the project.
3471. Importantly, the project will also provide access to Asia/Pacific markets for Canadian oil production and will reduce Canada's reliance on the United States market thereby diversifying our national economy.
3472. In a similar vein, Northern British Columbia is now witnessing the economic and social benefits of having China as a growing customer for our lumber, thereby reducing their regions' dependence on the United States market. This project will also provide secure and essential energy supplies to China and South Korea with whom British Columbia, Western Canada and Canada are increasingly economically interconnected.
3473. Secure energy supplies for Asian countries will also support stability and improve standards of living in this region. This is an important benefit of the project that hasn't been discussed.
3474. At the same time it is important to note as well that our energy resource exports, which are a significant component of our overall resource exports and source of public revenues, increasingly provide the financial underpinning for our health care and social program costs which are expected to continue to increase as the top end of the baby-boom generation begins to retire in 2011.
3475. The significance of this factor must be taken into consideration as British Columbia and other provinces grapple with how to meet these escalating costs. IPG

also notes that British Columbia has a unique role to play in facilitating the transport of exports, including oil and gas resources, given its unique geographic position as Canada's sole province on the Pacific Ocean.

3476. Presentations made to the JRP will highlight views from many groups and individuals in response to the Proponent's application. Our position is that Enbridge has had extensive dialogues with communities in the region on the project and has submitted a thorough and comprehensive application to the National Energy Board. No resource development project has been or could ever be completely free of all possible risk of negative environmental impacts.

3477. It would be unreasonable and unjust to disapprove this or any other project simply because there is risk associated with it. The JRP should assess what the acceptable level of environmental risk is for this project to meet the public interest, with special consideration given to the communities along the pipeline that face the greatest risks, both environmentally and economically, if the project is approved.

3478. In the wake of recent high-profile offshore and inland spills, risk management and mitigation plans submitted by Enbridge must be carefully considered. Risk reduction measures and mitigation plans should exceed industry standards and address the most vulnerable points; examples would be marine environment and inland waterways.

3479. To strengthen accountability of the Proponent to communities most directly affected by the pipeline's environmental footprint, IPG also recommends that options be explored to strengthen the authority and resources of community advisory boards. For example, impact benefit agreements between the CABs (Community Advisory Boards) and the Proponent could be developed to enhance the degree of monitoring and assessment of economic and environmental impacts for communities.

3480. In conclusion, IPG supports the JRP process and will offer follow-up comments when your findings are issued, consistent with this presentation.

3481. Thank you for this opportunity to provide you with our organization's comments.

3482. **MEMBER BATEMAN:** Thank you, Mr. Dahl.

3483. The Panel has no questions for clarification. Thank you for attending today.

3484. **MR. DAHL:** Thank you.

3485. **THE CHAIRPERSON:** Mr. Mike Morris?
3486. **MEMBER MATTHEWS:** Good morning, Mr. Morris.
3487. **MR. MORRIS:** Good morning.
3488. **MEMBER MATTHEWS:** For the record, please state your name and spell your name for the court reporter.
3489. **MR. MORRIS:** My name is Mike Morris, M-I-K-E M-O-R-R-I-S.
3490. **MEMBER MATTHEWS:** Okay. And please go ahead and share your comments on those three questions.
3491. **MR. MORRIS:** Thank you very much.
3492. I also have copies if the Board would want them when I'm done.
3493. **MEMBER MATTHEWS:** Sure, you can submit them.

--- ORAL PRESENTATION BY MR. MIKE MORRIS:

3494. **MR. MORRIS:** So as I said, my name is Mike Morris and I am the founder and Chief Operating Officer of Boreal Retreats.
3495. My intention today is not to provide a detailed overview of Boreal Retreats grievance in relation to the impact of the proposed pipeline routing but to speak in more general terms as to why the proposed scope of the upcoming hearings is not sufficient to articulate the impact this pipeline project is having on the Boreal Retreats initiative.
3496. The portion of the proposed pipeline route that is of particular concern to me is the area approximated from kilometre post 767 through kilometre post 797. Boreal Retreats is committed to the development of a world-class adventure tourism lodge, operating within a pristine wilderness area, encompassing approximately 600 square miles northwest of Prince George.
3497. I began the initiative in 2003 after more than 30 years of detailed exploration of the area, through the pursuit of recreational hunting and fishing, as well as holding tenure as a trap line licensee for the area in question since 1984.
3498. At the foundation of this wilderness initiative is a licence of occupation

issued to me by the Province of British Columbia in the summer of 2005. It took more than two years to advance this project, from conception to approval by the provincial government, through a process not unlike that which Enbridge is currently engaged in and seeking approval for its Gateway pipeline.

3499. In October 2005, less than two months after Boreal Retreats had completed the access trail to the building site of its main lodge and had begun its initial preparations for construction, Enbridge announced its intention to build this pipeline.
3500. I was taken completely by surprise, particularly because the proposed pipeline route traversed a broad swath of the Boreal Retreat's operating area and I have previously conducted extensive due diligence, including direct inquiries with Energy, Mines and Resources British Columbia to ensure there were no conflicting initiatives being planned for the area.
3501. Notwithstanding my significant concerns relating to an operating pipeline running directly through what we necessarily viewed as pristine wilderness area, when first announced, Enbridge targeted a date range for the construction of the pipeline through the Boreal Retreat's operating area that coincided precisely with the proposed opening of the wilderness lodge itself.
3502. I consulted with my business partner, my brother, who was then the President and CEO of a software company based in Dallas, Texas and we agreed that further development activity at the building site should be suspended until clarification of the impact of the pipeline could moderate this new risk to an acceptable level.
3503. We immediately initiated contact with Enbridge and presented them with an overview of our concerns and what we felt, with our very limited knowledge, the impact of the pipeline project would be relative to what Boreal Retreats was trying to do with the same piece of land.
3504. Without going into any great detail, suffice it to say that the effect of the subsequent 36 months of dialogue with Enbridge failed to make any discernible progress towards resolving the issues and the concerns of Boreal Retreats.
3505. Had Enbridge been acting under the provisions of the same jurisdiction as Boreal Retreats, the Province of British Columbia, the outcome would almost certainly have been different. Because Enbridge was acting under federal statute, Boreal Retreats was denied the forum otherwise available to it through the Province of British Columbia to resolve issues of land use conflict and proceed immediately towards a resolution.

3506. Instead, we were compelled to wait for Enbridge to initiate the process through the National Energy Board which is now just beginning. The intervening period of time, which is now approaching four years, has had a dramatic and material effect on the Boreal Retreats wilderness project.
3507. In general, the socio-economic and environmental impact of the kind of pipeline proposed by Enbridge relates to the construction and operation of the pipeline itself. In effect, this suggests that the actions specific to building the pipeline or its ongoing physical presence while it exists are the only two conditions which compel any collateral, socio-economic or environmental impacts.
3508. Boreal Retreats has found through its own direct experience that a pipeline project of this nature can have a material affect on other lawful users of the land, whether or not construction of the pipeline is ever undertaken.
3509. I acknowledge that the issues confronting Boreal Retreats are outside the norm and in fact are probably very rare. But because an issue is rarely encountered it cannot simply be dismissed as irrelevant.
3510. The fact is that Boreal Retreats has been hurt by the stated intention of a determined Fortune 500 company to build a pipeline along a specified route, regardless of when or how it may be constructed and, as time continues to elapse, the impact on Boreal Retreats is compounding.
3511. Boreal Retreats is completely dependent upon the process now under way with the National Energy Board. There is no other forum that can be used to provide an objective third-party process to examine the issues and compel the actions of a given party.
3512. The *National Energy Board Act* and its regulations provide Enbridge with broad authority to act throughout its planning stages but it also compels them to a level of consultation with other stakeholders unrealized in our own experience.
3513. I would ask this Panel to support the expansion of the scope of the upcoming hearings to include the actions and behaviour of Enbridge during the planning stages of the project and what, if any, material effect those actions may be having on Boreal Retreats.
3514. Through their own statements, Enbridge has acknowledged already spending more than \$250 million on the Gateway Project and, at that level of spending, surely the planning phase itself is worthy of greater scrutiny.

3515. Enbridge has consistently maintained that the pipeline is completely compatible with the Boreal Retreats' initiative but have been unable or unwilling to explain how they reached that conclusion in sufficient detail to satisfy even the most basic needs of business risk mitigation.
3516. In the absence of a detailed plan which clearly states how our respective initiatives can be made to be compatible, the Enbridge position is just not credible. For Enbridge, there are no consequences for being wrong. All of the consequences of Enbridge being wrong fall entirely on Boreal Retreats.
3517. Without that information from Enbridge and an enforceable commitment to conduct itself accordingly, the Boreal Retreats initiative cannot proceed. Giving that the licence of occupation we rely upon is of a limited term, Enbridge will ultimately be rewarded for their disingenuous behaviour unless otherwise compelled to act in good faith.
3518. To summarize, I suppose our greatest concern is a pipeline company like Enbridge is afforded significant authority under the *National Energy Board Act* to enter onto Crown land or private land for the purposes of determining the route and building their pipeline but with that great authority, responsibility, comes further responsibilities to ensure that they meet with all stakeholders and hear what their concerns are and develop some kind of a mitigation plan with those affected stakeholders so that the socio-economic viability of our business, or any other business that may be affected, is remedied along the way.
3519. So basically our argument is the mere announcement of the pipeline has a socio-economic impact on perhaps more companies than just our own company, and that's what we'd like the Joint Review Panel to take into consideration.
3520. Thank you very much for your time.
3521. **MEMBER MATTHEWS:** Okay. Thank you, Mr. Morris.
3522. I think you're summarizing your -- your concerns relate to the right-of-way and you'd like to see more information on that within the application.
3523. **MR. MORRIS:** The concerns that we have of course are related to the right-of-way but the mere announcement of building this pipeline, in the particular area that it was, had a significant effect on us and our concern is that Enbridge did not meet the commitments under the *National Energy Board Act* and the *Canadian Environmental Assessment Act* in meeting with us at the earliest opportunity to try

**Oral presentation
Ms. Sonja Ostertag**

and mitigate the effects of this -- the right-of-way, the construction of the pipeline and the operation of the pipeline would have on our company.

3524. They were waiting for this process to start and unfortunately the wait was extremely detrimental to the financial wellbeing and the viability of our company.

3525. **MEMBER MATTHEWS:** Okay, thanks.

3526. With regard to locations for hearings, any suggestions?

3527. **MR. MORRIS:** Prince George would be great but Halifax is a little far for us to go. We would be acceptable to travel anywhere that the hearing takes place.

3528. **MEMBER MATTHEWS:** Okay, thank you. No further questions.

3529. **MEMBER BATEMAN:** Mr. Morris, would you clarify for me, is your business at a constant level or it's an operating business at this time?

3530. **MR. MORRIS:** The business is still -- we had received approval from the government, we received our licence, and we were just commencing construction when the pipeline was announced. So we haven't gone into the operational mode yet.

3531. **MEMBER BATEMAN:** Thank you.

3532. **THE CHAIRPERSON:** Ms. Sonja Ostertag?

3533. **MEMBER BATEMAN:** Ms. Ostertag, thank you for coming this morning to present your views. Would you take a moment and state your name and spelling for the record?

3534. **MS. OSTERTAG:** My name is Sonja Ostertag. Sonja is spelled S-O-N-J-A; Ostertag, O-S-T-E-R-T-A-G. And thank you for having me here today.

3535. **MEMBER BATEMAN:** You're welcome to be here and we look forward to hearing your comments.

--- ORAL PRESENTATION BY MS. SONJA OSTERTAG:

3536. **MS. OSTERTAG:** I'd like to begin by thanking Lheidli T'enneh for allowing us to hold a session on their traditional territory.

3537. As I said, my name is Sonja Ostertag and I'm a PhD candidate at UNBC in natural resources and environmental studies. My background is in studying

contaminants in culturally and nutritionally important foods in the Canadian Arctic.

3538. Inuit, along with many indigenous people around the world, rely on traditional foods, which are defined as locally available plants, animals and berries, for their health. I am gravely concerned about industrial development projects that jeopardize or put at risk the quality and quantity of traditional foods available for indigenous people, and this is because of the significant cultural and nutritional importance of these foods.
3539. Traditional foods provide significant health benefits and in many communities access to high-quality foods in the grocery store is limited and food purchase in grocery stores in remote areas is often expensive, highly processed or preserved and not as nutritionally beneficial as locally traditional foods.
3540. And the reason I bring this up is that the importance of local foods to indigenous people -- the reason that I'm talking about that and starting with this is that the Enbridge Northern Gateway Pipeline Project puts at risk the wellbeing of numerous watersheds on the Northern Coast of B.C. And these waterways are incredible food resources for the people of Northern B.C.
3541. I have travelled in Haida Gwaii to Kitimat Village and in other villages in the northern interior and in travelling to these places I've seen for myself how significant these food resources are for Northerners. That's both indigenous and non-indigenous Northerners. And from my work as a researcher, I've had the opportunity to travel to the Arctic and learn from Elders and youth about how important harvesting, sharing and eating local foods is for the health of individuals and communities.
3542. This spring, a member of Hartley Bay travelled to Prince George and spoke to us about the importance of the ocean for providing food to his community. If there was an oil spill in the Douglas Channel, the community of Hartley Bay would suffer greatly because their food comes from the ocean and it is unaffordable for most residents to purchase their food from the store and then have it flown into their community.
3543. And at this point it's worth mentioning that when the Queen of the North sank, it led to a small oil spill and this spill actually contaminated an important clam resource for the community and it took a couple of years before this resource was available again.
3544. And even once the clams had returned, there was a higher mortality of clams than people had noticed -- had observed earlier, and so there is a longer-term impact from a very small spill which raises great -- huge concerns about what a larger

spill would do to the ocean ecosystem and these important food resources.

3545. I've also travelled to Haida Gwaii and there was confronted with the same situation where people's meals are coming directly from the ocean in which Enbridge has proposed to send 225 tankers a year, filled with a yearly total of 30,465,940,450 litres of oil, and I question how the residents of B.C. and the rest of Canada can accept a risk of an oil spill on the food resource of thousands of Canadians.
3546. What level of guarantee can Enbridge or any company provide that a spill would never happen? I feel that unfortunately there's no guarantee and that is why I'm asking the JRP to include the following issues in its review of the Northern Gateway Project.
3547. Enbridge is not able to guarantee that its pipelines will not spill oil or condensate into our rivers and an Enbridge spokesperson told the PG city council that it is not responsible for tanker spills. Yet, we know that if Enbridge builds its pipelines, one day there will be a spill.
3548. So first of all, is there a need for a pipeline transporting crude bitumen from the tar sands to the coast? Is there a need -- would this pipeline meet the energy, socio-economic and environmental needs of Canadians and how would this project satisfy the needs, values and aspirations of Northern First Nations?
3549. I feel that the JRP must clarify whose needs are being assessed throughout their review; those of the residents of the northern B.C. and Canada or those of Enbridge and other corporations?
3550. In terms of impacts of this project at a regional, provincial, federal and global scale could the livelihoods of communities along the pipeline and tanker route be replaced be with something of equal or greater value in terms of cultural, social, economic, environmental significance in the case of an oil spill?
3551. And as I was saying earlier, these areas where a spill could happen are such important areas in terms of providing foods for the members of communities in these watersheds. And I think it's important to note that every animal, including humans, must eat food and drink clean water to survive.
3552. Yet, at this point, alternatives to fossil fuels do exist. So I wonder why is it that we need to be investing in a pipeline project that will continue to increase our dependency on fossil fuels when alternative energy is available, especially given the risk of transporting fossil fuels for our environment and for people's health.
3553. Traditional foods are an incredible, renewable yet irreplaceable resource

and so I think that it's necessary to look at the risk of destroying this resource and whether there are alternatives that would be better for people in Northern B.C.

3554. Also, it's important to look at the development of the tar sands and their role in Canada's energy future; is it sensible to build a crude oil pipeline to ship tar sands oil through B.C. at a time when we must transition away from fossil fuels?
3555. Once again, there are alternatives to fossil fuels that we should be exploring and I think that we need to really look at whether there are other ways of investing in Northern Canada besides building pipelines to continue our dependency on resource extraction and transport.
3556. I think that the JRP should also consider the significant risks posed by lifting the existing moratorium on oil tanker traffic in B.C.'s treacherous coastal waters. At the moment, there is a moratorium, although it's been disputed. Although the federal moratorium may not be legally binding at this moment, the First Nations -- the coastal First Nations have put forth a moratorium as well and so although there's contention about whether a moratorium exists, the First Nations agree that there is a moratorium based on their traditional rights to protecting the coastal waters.
3557. But say that this moratorium were not respected, a minor oil spill on the coast could dramatically affect coast communities, the fishing and tourism economies, human health and cause severe and lasting damage to wildlife and the environment. And despite advances in shipping technology, serious oil spills continue to occur at an alarming rate worldwide.
3558. While the effects of oil spills will be looked at by the JRP, it seems very important to consider the broader impact of changing this long-standing policy to not have crude oil tankers shipping in the coastal water -- northern coastal waters of B.C.
3559. And this is important, especially with this project because it seems as though the liability for oil spills from tankers and pipelines does not rest -- or from tankers does not rest with Enbridge.
3560. However, the overall liability of oil spills, from both the tankers and pipelines, I question whether Enbridge can afford to pay for any potential spills and compensate the devastation of an oil spill, and I question whether there's any way to compensate that sort of devastation because I don't think that money can pay for the replacing the food and water of our northern ecosystems that could be destroyed.
3561. I guess later you'll ask me about where the hearings could take place or I could talk about it now, I'm not sure what's best.

3562. **MEMBER BATEMAN:** This would be a good time to present that.
3563. **MS. OSTERTAG:** Okay. Given that the Northern Gateway pipeline would affect all British Columbians if it's built and not all of these people live within reasonable travelling distance of Kitimat or Prince George, I would suggest that hearings should be held in all of the communities along the proposed pipeline route.
3564. But furthermore, given the large population of B.C. that's in the Lower Mainland and southern Vancouver Island, I would suggest that meetings be held -- numerous meetings be held -- numerous hearings be held in those areas, so in the Lower Mainland and southern Vancouver Island because these people hold a lot of power and decision making for B.C. because of their large population. They also stand to be affected if there's an oil spill along the Fraser watershed.
3565. I think that given the extensive watersheds that could be effected by the spill, that communities within the Skeena, Fraser and Mackenzie River watersheds should be given the opportunity to participate in the hearings.
3566. Also, on the Island of Haida Gwaii or islands of Haida Gwaii; I think the communities need to be given the opportunity to take part in the hearings because the people of the islands would be greatly affected in the case of an oil spill.
3567. I know that many First Nations communities are remote and difficult to access and have small populations; yet, they have every right to participate in these hearings and I think that having hearings in larger centres, although there could be transport options given to First Nations that travel to those communities, those larger centres, I think it's advisable and important for these hearings to take place in the communities that would be impacted in the case of a spill or by building this pipeline.
3568. I don't think that it's up to the people in communities to travel to the hearings; I think the hearings should travel to them.
3569. I don't know the names of all the communities but I think the more communities that can host hearings the better. Perhaps providing an invitation to communities to ask for hearings to take place, that might be a way of going about identifying important communities.
3570. I know that many First Nations across Northern B.C. are greatly concerned about this project and so I really hope that these hearings can take place in as many communities as possible.
3571. Furthermore, since the decision about the pipeline and tanker project will take place in Ottawa, I think that it would be wise to have a hearing in Ottawa as well.

Oral presentation
Ms. Sonja Ostertag

So, Ottawa, Victoria, Vancouver, Prince George, Kitimat, and then as many of the smaller communities as possible along the tanker and pipeline route.

3572. I wanted to conclude by saying that recent polls suggest that 75 percent of Canadians -- this was from a *Globe and Mail* poll support a legislated tanker ban; 80 percent of B.C. residents support a ban on crude oil tanker traffic on the coast and the Municipality of Haida Gwaii has also said that they do not want tanker traffic in Hecate Strait.

3573. Here in Prince George we've had more than 600 residents ask Stan Rogers to step down from the Northern Gateway Alliance, suggesting quite a lot of opposition to the project in Prince George. And a local group opposing the pipeline project, called the Sea to Sands Conservation Alliance of which I am a member, has nearly 1,000 members who are all opposed to the Enbridge Northern Gateway Project.

3574. So in light of the immense opposition felt by Northerners, residents of B.C. and Canadians, to the prospect of having 225 crude oil tankers travelling in the treacherous northern coastal waters of B.C. and having twin pipelines crossing hundreds of rivers, I find myself here today asking the JRP to consider the immense risk that this pipeline poses to our region, province and country.

3575. I'm also asking you to take a step back from the direct impact of oil spills for our interior and coastal ecosystems. If this project were to go ahead, what would be the consequence in terms of increasing greenhouse gas emissions, tar sands expansion and our dependency on fossil fuels?

3576. I feel the environmental, social and economic risks of this project must be assessed based on the cumulative impacts associated with building a pipeline that connects the Alberta tar sands to the Northern Coast of B.C.

3577. Thank you.

3578. **MEMBER BATEMAN:** Ms. Ostertag, the Panel has no questions for clarification. Thank you for the time you've taken to participate and share your views.

3579. **MS. OSTERTAG:** Thank you.

3580. **THE CHAIRPERSON:** Mr. Karl Sturmanis?

3581. **MEMBER BATEMAN:** --- for the court reporter.

**Oral presentation
Mr. Karl Sturmanis**

3582. Good morning, Mr. Sturmanis. Am I pronouncing your name correctly?

3583. **MR. STURMANIS:** Close enough, as long as you get Karl right.

3584. **MEMBER MATTHEWS:** Karl. Okay. Could you please state your name anyways and spell it?

3585. **MR. STURMANIS:** It's Karl with a "K" -- K-A-R-L, last name S-T-U-R-M-A-N-I-S.

3586. **MEMBER MATTHEWS:** Okay. Please go ahead and respond ---

3587. **MR. STURMANIS:** Am I about the right distance from the mic?

3588. **MEMBER MATTHEWS:** Pardon? I think you're okay.

--- ORAL PRESENTATION BY MR. KARL STURMANIS:

3589. **MR. STURMANIS:** First of all, I'd like to thank you for the opportunity to speak. I'd also at the same time like to acknowledge the Lheidli T'enneh, the people's land that we're meeting on right now.

3590. I guess I've got about four points and as I was thinking about this -- I came last night -- I wanted to be quite brief and I'll give a little bit of background of who I am and what I do here. It's -- a lot of things come to mind even with the previous speakers.

3591. My background is I work currently with the Tsay Keh Dene as their land and resources director but I'm here to speak just for myself, although last night I was thinking that my experience in working land resource issues in British Columbia and particularly two joint federal-provincial environmental assessments might lend some light to your deliberations here.

3592. My background is in land resource planning. I have a degree from UBC in that and I've spent about the last 25 years working in that field with a short diversion in the Treaty process of British Columbia which was about eight years.

3593. I think one of my first comments that I'd like to express is the topic of consultation and I guess it's -- it goes to the heart of you speaking with people in the public and in the public, I think, in my mind also includes First Nations and we sometimes put that in a special category.

Oral presentation
Mr. Karl Sturmanis

3594. What I feel needs to be addressed, and this is where my previous experience in two other joint federal-provincial panels, was that they actually listened to that. They will listen to presentations from First Nations.
3595. Often time it was not within their direct mandate to address those issues, but nevertheless I would say the last example was Kemess North in 2006. The panel at least recorded the situation that the federal and provincial governments and Tsay Keh Dene -- there were three communities involved at the time from the Sekani -- had made efforts, in their words, had made efforts to conclude a mutually agreeable process and we're talking about a mutually agreeable terms of reference.
3596. In my mind became a hair's breadth away from concluding something that would have been mutually agreeable. Unfortunately, I think there still exists a lack of political will to develop a good working relationship. I think the common theme I heard yesterday and this morning is this lack of political will, and I guess it even comes from government and industry and the public, to truly work together. That's part of the message that I'd like to, you know, put from a land use planning experience point of view.
3597. So I think I'll leave that consultation part that my main message there is that I think First Nations have repeatedly asked for a fair process to take place and I think what we're witnessing is a lack of political will to address that directly.
3598. I have to apologize; I kind of put this on little yellow stickies, my so-called thoughts, as I was developing them.
3599. The second point I want to make was the basic impacts and I have to apologize in terms of my workload I have not spent nearly the amount of time that I would have liked to because I've had not just Enbridge but probably two or three or four other pipeline proposals come across my desk, in addition to significant number of mining proposals, forestry proposals, further hydro electric proposals and alternative energy proposals.
3600. So there's a real issue that you've probably heard from First Nations about lack of capacity to engage in an appropriate way, I believe, to hear the interests.
3601. So I -- my belief is that there will be significant impacts from the pipeline. Some of the things that you may have already recorded but I think should not be lost sight of. Sometimes they seem obvious but not that significant but I think the -- if not direct, certainly the indirect impacts to wildlife and fish from the physical construction of the facility itself but the access roads.
3602. And in the case of spills, I think -- I can't help but think of the Pine River

Oral presentation
Mr. Karl Sturmanis

spill where there was significant fuel spill into that river system so the inland part is very important.

3603. Obviously you've heard about the tanker traffic and on that one point of tanker traffic, while I worked with the Kwa Youth Tribal Council in 1989 on Northern Vancouver Island, I was directly involved in cleanup of the Nestucca oil spill and my comment on that one, what we've learned there as well as the Exxon Valdez spill is you can get multiple burying of oil residue into the sands of beaches that can basically create a very chronic problem that -- the Exxon Valdez, they're still finding oil coming out from the sands.

3604. As an example, when I was doing -- we were helicoptering in to beaches on northern Vancouver Island and after a storm event you can get a six foot change in the depth of the soil -- or the sand so that's significant and that kind of oil can come back through the system and affect the inter-tidal life.

3605. The third point is a term that I think is very much ill-used. It's called sustainability and what are we trying to sustain; growth and industry or real balance with benefits to people.

3606. I have no argument with the previous speaker about the people are looking for employment but not at all costs and certainly what I think in sustainability is that we work together to determine what sustainability is, not portray in B.C., as too often happens, is we have yet again a crisis on our hands because some mega-project, whether it's mining, oil and gas or whatever, busts.

3607. I was born and grew up in B.C. Basically it's a repetition of what I believe is a gold rush mentality in terms of resource development and I think it's time -- and I've heard previous speakers talk about this and I think we need to send that message -- sustainability has to have some real meaning and there's a process involved.

3608. It was also in the findings of the Kemess North Panel; they used that criterion and it was a very significant -- and I could follow up with you later. There's some specific reference to sustainability as one of their criteria that they found the project not sustainable in that case. So we have to look at the long term. You've heard from cumulative impact, socio-economic, environmental.

3609. I think those are my main points. I've probably messed some up but I don't want to take up your time. I think -- I'm trying to hit on some main ideas that I wanted to pass along.

3610. I think the last one that -- I sometimes feel that it's quite naïve about

Oral presentation
Mr. Karl Sturmanis

thinking that people will use logic and reasonableness in their planning of resource development and that's my field -- I just found myself in that but what I find with this proposal is that I can't for the life of me see how it makes sense how much resources and energy and money and time go into all the things that have to be inputted into this particular project to deliver the end product and that's just a general -- you've heard the specifics of that but there's just so much that goes into getting that end product at a time that we're trying to -- as people say "transition" -- we need to find a better way of doing these things.

3611. This is like an old model, you know, it's -- if someone's invested 200 million already or 2 billion or 20 billion or how much -- and I've heard different accounts of how much has gone into the tar sands -- at some point you just to have the political will to say enough, it's not worth the costs; it's not the right direction. You've heard it -- we don't want to be world leaders and like we're the last of the dinosaurs.

3612. If I were to look at the true cost of fossil fuels; if you really want to value that it should be more valuable than diamonds almost or equivalent. How is fossil fuels created? Decomposed dinosaurs.

3613. How much do we really have of that? Everyone knows that it's going to come to an end. So I think, you know, the time is to really think creatively of the alternatives, say the current costs are not worth it, and start on that road of, you know, a better alternative.

3614. And in terms of community meetings, I also -- I guess it dates me how old I am. I remember attending one of Tom Berger's hearings in Vancouver and I thought it was only appropriate that he do so and I think I've heard other people say that I think we should have a broad spectrum of communities that are made available to people to speak. And I think that includes places like Vancouver.

3615. It could be Calgary too because it's the centre of the oil industry. It should be Ottawa and it should certainly be the communities, First Nation communities along the route.

3616. So thank you for your time. Did you have any questions? Sorry.

3617. **MEMBER MATTHEWS:** Thank you. I'll see if my colleagues have any questions. I don't.

3618. **MEMBER BATEMAN:** No, I don't have any.

3619. **MEMBER MATTHEWS:** Okay. Thanks for taking your time sharing your experiences. Thanks.

3620. **THE CHAIRPERSON:** Mr. Richard Neufeld?

3621. Good morning Mr. Neufeld. If you could spell your name for the record, and speak slowly. Thank you very much.

--- COMMENTS BY MR. RICHARD NEUFELD:

3622. **MR. NEUFELD:** I'll spell my name for the record. It's N-E-U-F-E-L-D and first name is Richard and I'm here to give you some comments on behalf of Northern Gateway Pipelines.

3623. First of all, as with the others, Northern Gateway certainly thanks the City of Prince George and the Lheidli T'enneh for this session. We've listened with interest to all of the submissions that have been made to you in Whitecourt, in Kitimat and Prince George.

3624. Northern Gateway wants to understand as best it can the perspectives and the concerns of people and indeed the criticisms that were made of the project and the Application.

3625. As you indicated, Madam Chair, there are strong views both in support of this project and in opposition to it and Northern Gateway's goal at this session and the sessions that will follow is to show that it's deserving of the support that it's receiving, and it's also respectful and responsive to those that are in opposition.

3626. We also want to ensure that your Panel has the information you need to undertake your roles and I'm going to talk a little about that this morning because it feeds in to the three topics that we're here to discuss; that is in assessing whether the project is in the Canadian public interest, in undertaking your task under the *Canadian Environmental Assessment Act*, and in also setting the stage for a sound body of information to be available in the future, should the project be approved, for both the National Energy Board and other RAs to make informed decisions on subsequent permitting activities with a solid environmental assessment backing that up.

3627. Now, I mention that and I'm going to come back to that because it bears to a great extent on the type of information that you need at this time to undertake your tasks and the type of information that's appropriate for deferral to later times when regulatory authorities such as the National Energy Board, Department of Fisheries and Oceans, and so forth will be undertaking their licensing tasks should the project

be approved and proceed.

3628. Now, I'm going to get to the three topics that we're here to discuss but I do want to talk at the outset about where we are at in the regulatory and environmental assessment process.
3629. You've heard a lot of submissions during the last three sessions and yesterday you will have seen filed a lot of detailed substantive written submissions as well. My comments today are going to be fairly general.
3630. We will provide the Panel with detailed written submissions once we've had the opportunity to digest and analyze the submissions that have been filed in order to give you a bit of a road map to the extent that we can, going forward, as to how the company would endeavour to assist you in gathering the information you need to make your decisions.
3631. As I said, I think it's useful to recap though where we're at in the process. Your Panel, as was mentioned by Mr. Leadem yesterday, has been created with two distinct but related statutory functions.
3632. The first is to prepare an environmental assessment of the project under the *Canadian Environmental Assessment Act*. The second is to consider whether to approve the project under section 52 of the *National Energy Board Act*, and closely related to that -- if you do choose to do so -- what terms and conditions you would seek to impose.
3633. For the purpose of the *Canadian Environmental Assessment Act*, the assessment process from a temporal perspective at least is fairly well down the road. You heard this mentioned earlier today that the process really started in 2005 with the filing of a project description or preliminary information package with the Board and the Canadian Environmental Assessment Agency. And there ensued after that a process for public and Aboriginal involvement or engagement in commenting on those Draft Terms of Reference and the Draft Agreement as it stood at that time.
3634. Now, we know that the project slowed down in November of 2006 and at that time the public comment trig was actually still open; so that was suspended.
3635. The environmental assessment process then restarted in May of 2008 when Northern Gateway indicated that it was in a position to proceed with project -- active project development activities. And then there followed another lengthy process for soliciting public and Aboriginal comments on the Draft Joint Review Panel Agreement, culminating in the issuance of the agreement and terms of reference at the end of 2009 and your appointment, and cross-appointment in the case

of Panel Member Matthews, to the National Energy Board in early 2010.

3636. I think it's important to recall that because the process that was undertaken, in particular in setting your terms of reference, included a process for not only soliciting comments but in the case of Aboriginal groups, for providing the detailed response back from the Crown through the Canadian Environmental Assessment Agency as to how their comments had been incorporated into your terms of reference and into the Draft Agreement, and in a couple of cases how they had not been accommodated because they were not determined to be worthy of going into the agreement itself. And they give reasons for that.
3637. The process also included issuance of the Crown consultation protocol to explain how the Crown's duty to consult with Aboriginal groups would be discharged in this case. I mention that because at least one, if not more, of the speakers that we heard seemed not to be aware of that and it's important that people understand that that protocol exists, that it describes the process that's going to be used for consultation both before, during and after your proceeding to make sure that Aboriginal input is received and incorporated into decision-making.
3638. When the application is filed, it includes extensive environmental assessment information and we make no apology for its volume. The terms of reference of your Panel requires that.
3639. The application is responsive to those terms of reference. But it has been difficult to compile all of that information and present it in a form that people can easily access and I'm going to talk a little bit about that again in the context of the additional information that people have requested in some cases.
3640. And one of the fundamental decisions, and one reason for -- one reason that the application may perhaps be a bit more bulky than one would like -- was to include within the scope of the terms of reference for this environmental assessment -- marine transportation within Canadian waters.
3641. Northern Gateway had always proposed, from the outset, that it would examine the effects of marine transportation within the confined channel assessment area and provided its rationale for that. The terms of reference expanded that to the area that's described in the application now as the "open waters assessment area". So that took some time but that was in response to peoples' comments and concerns.
3642. Another basic decision that was made at that time was to reject requests by parties, some of whom have appeared before you, to include within the project's scope oil sands exploration and production activities, and we'll address this further in the written submissions of Northern Gateway but I will just say that that decision

made sense at the time and it makes sense now, if for no other reason than the fact that there are no discreet and readily identifiable projects upstream of Bruderheim that would be carried out in conjunction with this project.

3643. You've heard many parties repeat the mantra, if you will, that this pipeline will cause or create an expansion of the oil sands -- or tar sands, as they call it -- complex by 350,000 barrels a day, 500,000 barrels a day, whatever.

3644. The fact is that this pipeline is being designed to satisfy market demand out of the oil sands area, no doubt, but there are no discreet projects that are there that would be identifiable with this particular pipeline.

3645. And more importantly, the projects that would be serviced are by and large already assessed, already approved under processes very similar to the one that you're going to be going through to look at this pipeline. And that's reviewed in the Application.

3646. So let me move on then in terms of the Joint Review Panel Agreement and how it deals with the issues that you've heard discussed. One very important point to remember -- and this is reflected in the Joint Review Panel Agreement -- is one that concerns shipping and Canadian waters.

3647. Shipping in Canadian waters is a permitted activity. It's a permitted activity subject to the requirements of statute dealing with shipping and navigation and, in particular, the *Canada Shipping Act* and, for the purpose of liability, the *Marine Liability Act* that's been passed by Parliament.

3648. Now, although you don't have a discreet sort of approval process associated with shipping, different government agencies have gotten together to create the TERMPOL process that you've heard referred to. Those are the agencies that have direct supervision, control over shipping and navigation by and large.

3649. What the TERMPOL process provides is that companies who are proposing to develop a liquids terminal in a port in Canada can submit their proposal to these various agencies for review in an organized and systematic fashion.

3650. The TERMPOL process involves 19 analyses, separate analyses or studies, two of which are done during detailed design, 17 of which are done at the conceptual stage, which is where we're at now. Northern Gateway voluntarily submitted to that process because it's a good process. It's good to get that input and that information at an early stage.

3651. So all 17 of the required studies or analyses under the TERMPOL process

have been provided to the TERMPOL Review Committee and is in the course of being reviewed. That includes, very importantly, a quantitative risk assessment that you've heard discussed during these submissions. We know that people would like to see it. It will be provided publicly, along with the rest of the TERMPOL studies once the TERMPOL Committee review has been undertaken, which we anticipate to be done by the end of this year.

3652. I'd be remiss if I didn't also mention that in the case of the quantitative risk assessment that particular study, because of its importance, was one that was developed on a multi-stakeholder basis with open invitations to environmental and Aboriginal groups to participate not only in reviewing the study but actually in selecting the contractor from a list of experts from around the world, and developing the terms of reference for the study, in hearing the preliminary conclusions -- preliminary drafts of the study and ultimately in reviewing its final form.

3653. Northern Gateway appreciated that there were two First Nations groups that participated as observers in that process. There were also other groups that participated more actively and those who were participating were given -- actively I mean -- were given the opportunity to review the drafts and certainly to review the final report, even though it has not yet been publicly released. So that's where we are on the TERMPOL front.

3654. On the National Energy Board Application front, again to recap -- and I apologize if I'm going over some old territory here -- the Application was filed in May. Remaining to be filed is the supplemental volume to Volume 6C, which has taken a little bit longer than we hoped when I spoke to you in Whitecourt but we're still hoping to get that filed and available to people shortly here, as well as supplements to Volumes 4, which is public consultation, 5A, which is Aboriginal engagement, and 5B, which is Aboriginal traditional knowledge.

3655. Now, the reason for that is those processes are ones that are just that; they're a process, they're not a result.

3656. Aboriginal and public engagement will continue throughout this project, throughout your process and, should it be approved and constructed, will proceed subsequent to your Panel doing its work. So from time to time we're going to have to provide updates.

3657. The Volumes 5A and 5B and 4 speak to, for example, the results of those programs to the end of 2009, so we need to tell you what's happened in the last year and we're going to do that.

3658. So that's where we stand on the National Energy Board Application front.

So what are the next steps? And again this feeds into the information requirements that have been put forward by others.

3659. If the Panel decides to issue a Hearing Order based on the Application as currently constituted, we will in some respects only be beginning the information-gathering process and people need to, I hope, understand that.

3660. Many, many opportunities will be given to interested parties and to Northern Gateway to help you as a Panel to create a Hearing Record that you can use to undertake your duties under both pieces of legislation and, as I said, we'll also provide a report that's useful going forward for regulatory oversight from different agencies should the pipeline proceed and be constructed.

3661. Let me just talk a little bit about those and again I apologize for those who are familiar with the NEB process but it's, I think, useful to recap what we would be looking at. Should you decide to issue a Hearing Order, the next logical step in the process would be for an information request process to be undertaken. Now, that's just what the name connotes.

3662. Parties to the hearing are entitled to ask other parties for information. They are entitled to pursue areas of the Application that they believe require amplification. They're entitled to pursue areas of the Application that they perceive to be not accurate.

3663. The idea is to get those questions out and answered and filed with the Board and with your Panel so that when we get to the oral hearing a lot of that investigation and quasi-litigation or testing of information has already been undertaken through a written process.

3664. It just makes things more efficient. It makes things -- it will make the oral hearings much more efficient and frankly shorter and more effective.

3665. The IR process in this case would include -- and we'll have further comments on this in the written submission but I venture to say the majority of the questions that have been put forward by a number of the parties as to additional information they would like to receive. These are questions that are ordinarily put through IRs within the framework of the regulatory process.

3666. After the information requests have been exchanged, and there may be multiple rounds of those, we would get into the written evidence, filing of written evidence -- and I'm talking about the formal hearing now -- reply evidence and then of course the testing of evidence through cross-examination at the hearing by parties adverse in interest questioning by Panel staff and questioning by the Panel yourself.

3667. Your process also includes, aside from that more formal exercise, written comments. You can receive written comments, as you've indicated, and importantly, oral comments. I'll get to that in a little bit because I think that's going to be an important part of your exercise, particularly with respect to First Nations and Aboriginal communities, other Aboriginal communities.
3668. But it doesn't end there, once you've made your decision and once you've made your recommendations and the government has responded to your environmental assessment, and should you decide to certificate this pipeline, there will be more opportunities for the collection of information that's relevant to the decisions that have to be made at the post-approval stage.
3669. For example, there will be a detailed routing process where the centreline of the pipeline is fixed. It was seen, for example, in the *Groundbirch* decision of your Board recently, the utilization of that process as somewhat of a milestone to receive updated information addressing concerns that were left over from the certificate process from Aboriginal and other groups.
3670. There's ancillary permitting by agencies such as the Department of Fisheries and Oceans. There's right-of-way acquisition from provincial land management agencies. Importantly, there's a process that sometimes for some reason -- and I'm not quite sure of the history of this -- called the facilities release process where conditions of the certificate that require the filing of operational plans then generate operational plans for review of the Board and perhaps other agencies for completeness before construction can commence and in some cases before operations can commence.
3671. And it's at this time that you're really looking at the "how to" as opposed to the "whether to" proceed with a project. I'm not going to go into a great deal of detail on this but the Board will be well aware of the types of terms and conditions of certificates that are typically issued.
3672. I invite you to look at the proposed certificate conditions of the NEB in the *Mackenzie* case -- for example, the terms and conditions that were imposed on the Keystone Pipeline, the Groundbirch Pipeline, as I talked about.
3673. And what you'll see there is that, for example, emergency protection plans -- sorry, emergency response plans will be required to be filed as a certificate condition prior to the commencement of operation in some cases.
3674. Environmental protection and management plans are often required to be filed for review and that's in order to take forward from the environmental

assessment process the commitments, the procedures, the mitigation measures, the follow-up measures that have been assessed and reviewed during that process into the operational stage.

3675. We also see conditions, for example, like the -- I believe the *Mackenzie* case is a good example of this -- where information regarding detailed water course crossing designs is required prior to the commencement of construction. The reason for doing that or taking that approach is not to defer difficult decisions. The reason is that at that time you're making those decisions on the basis of a much better body of evidence, body of information than you would have now.
3676. Does that mean that you're not looking at environmental effects, for example, of water course crossings; of course not. But yesterday you will recall Mr. Leadem said, "We want to see all of the detailed designs for the crossings of all of the significant water courses before you go into your process because that's the only way to know that these can be safely done" or something to that effect.
3677. That's not the case. We disagree with that. The alternative that you have, and that is commonly used in industry and in these sorts of reviews, and environmental assessments, is to conduct the assessment of the potential effects -- for example, of a crossing -- using conservative assumptions.
3678. So you will assume conservatively that the crossing would be done using an open cut or an isolated crossing, for example, for the purpose of your assessment and then during detailed design look at the feasibility of doing a directional drill because that's going to improve and reduce environmental risks. But you're still assessing whether the base risk of the base method that you're proposing creates a significant adverse effect.
3679. So you're still doing your job; you're simply doing it in a precautionary and conservative way. So we don't agree that you need to have that level of detail at this stage. It simply doesn't make sense.
3680. So with those general comments, let me quickly fly into the three topics that you are here to address.
3681. Let's talk first of all about the Draft List of Issues. Listening to those comments -- the comments regarding topic number one -- over the last three sessions, a couple of things have stood out for me.
3682. First, there seems -- and I say this with great respect -- to be a bit of misunderstanding as to why a list of issues is published in the first place. The practice of issuing and soliciting comments on a Draft List of Issues is not new to the

National Energy Board. The Board has made it clear in dealing with comments on similar lists in the past that the purpose of issuing a list is to focus discussions to take place at the hearing certainly, but it is not to prohibit parties from presenting their cases as they see fit to the Board.

3683. So if someone wants to build a case in support of this project, saying “I want it to proceed because it would be a good method of transporting seawater from Kitimat to Edmonton”, you can hear that person out. They can make that, they’re not restricted from telling you that at the hearing by the Draft List of Issues. And one of the written comments that’s been filed suggests that.

3684. And then someone else wants to argue before you at the end of the day that the project shouldn’t proceed because they oppose the export of petroleum to Asia, they can make that case and you will consider that. They’re not precluded by the Draft List of Issues from doing that.

3685. What they are precluded from doing -- and this will be subject to your Panel’s discretion and control as you proceed -- is taking the hearing into a whole different line of inquiry than you’re intended to undertake here.

3686. This is a pipeline project and that has to be the focus of the proceeding. And so there will always be cases I expect, as you go along, where the Board will need to and will want to exercise discretion to impose reasonable limits on the nature and scope of evidence submitted.

3687. My second observation is this. The list of issues is deliberately broad. And what I was struck by, particularly in Kitimat, was that there were at least two or three groups who came before you and they wanted to plunge head in -- talking about the merits of the project and that was fine. And they used your list of issues as a template for doing that and they went all the way down the list, gave you their reviews, their comments, so on and so forth, and then sat down.

3688. And it struck me that having done that they addressed the issues relating to this project in a cohesive and an organized way and there was nothing left really unsaid. So that tells me, I think probably more than anything else, that the list of issues is quite effective and functional.

3689. Now, having said that, I will talk about a couple of things in terms of additions or suggested additions. I think that one of the commentators, again in Kitimat -- it may have been the Heiltsuk if I recall -- had expressed concern that under potential impacts of the project there were subheadings for Aboriginal interests, commercial interests and landowners and land use and they took that to be exclusive of their interests as marine users and Aboriginal commercial fishing and so forth.

3690. We suggest that you may want to correct that. You may want to indicate, again for clarity, that, you know -- so one of the bullets would be "What are the potential impacts on marine interests and users?"
3691. Obviously that's an issue of concern -- we're going to hear a lot about that -- and the Application indeed talks to that. We've also heard some suggestions that there should be more definition around the issue of route selection which is itemized under the first bullet under "design, construction, operation" and if the Board wants to elaborate by including route selection criteria, for example, in that, we would have no difficulty with that and that might be of assistance.
3692. We've also heard -- and I want to briefly digress on this and briefly respond to my friend Mr. Janes on behalf of the Gitxaala -- that the Board should include in the list of issues a couple of constitutional questions that he would like to put to you for determination. We urge you not to do that.
3693. At the end of the day, there will be the opportunity for parties to make submissions to you regarding whether this project should be approved and they can make submissions relating to whether you should be approving the project as a matter of fact or policy and also whether there are legal impediments to you approving this project.
3694. Now, obviously we disagree with the propositions of law that Mr. Janes was putting forward regarding the case law around consultation and we will address that in our written submissions. My point now is simply that there is nothing in the list of issues that prevents the Gitxaala from presenting whatever arguments it sees fit to present at the end of the hearing. That does not mean that you mean to add those arguments to the issues list specifically. There'll be enough arguments made at the end of the day to go around.
3695. Let me talk then to the second topic which is additional information. Again, we're going to be providing more detailed comments on this and what we're going to try to do in those written submissions, just as a foreshadowing exercise here, is to identify for the Panel whether the information that's been requested has already been provided, firstly, and where; secondly, whether it is information that can be provided; thirdly, whether the information should be provided now or through the usual information request process and cross examination.
3696. I can state, though, at this time -- and again, we have been listening -- we understand that people are seeking additional information around emergency preparedness and environmental safeguards particularly in respect of spill prevention and response. Northern Gateway is prepared and will provide additional information

on that. We will prepare and file with the Board a general oil spill response plan as described in the application.

3697. I think one of the speakers noted that it was described as the cornerstone of the plans to come and we will prepare that. I would only comment that the Application materials do set out in detail the approach, but we understand what people are saying and we will file a general oil spill response plan for review of the parties and by the Board.

3698. In addition to that, the application currently contains Enbridge's Book 7 Operations and Procedures Manual which is really the emergency response manual for the existing Enbridge pipeline system. It's prepared and is consistent with the Board's requirements for emergency preparedness that were articulated post-9/11 actually and that information will be made available as well.

3699. Currently the Application -- I believe it's Volume 7B -- contains an appendix that has the table of contents of the Operations and Procedures Manual. It's, again, an extensive document. We don't apologize for its length, but Enbridge Northern Gateway is prepared to file that manual with the Panel as well and make it available.

3700. I will note this. Certain parts of the manual deal with security issues and there will be necessarily some editing involved to protect the security of the existing system, but beyond that, the full manual will be filed.

3701. In addition we've heard from people that they want to know in practical ways how these emergency response activities would be undertaken. Again, the application provides an example of the tactics sheets that will be prepared in respect of river control points along the pipeline and there's a technical data report that deals specifically with the selection of river control points.

3702. Our thought was that it would be useful to prepare a series of additional tactics sheets for people to review, to understand for different selected locations along the pipeline, the response that would be undertaken in the event of a spill event.

3703. And I would also indicate to you that the intention of Northern Gateway would be to present people who are certainly experts in this field to answer questions directly on how those response plans would be undertaken and how the environmental safeguards associated with this project would be built into the design and operation.

3704. The preparation of the general oil spill response plan in particular together with the tactics sheets is something that will take a little bit of time. We expect that

that would be available for filing early in 2011 but we would not expect that it would be available for filing until then.

3705. Now, at the weight -- at the risk of being accused of further a-weighting down the evidentiary record, I'm going to turn to the TDRs. We've heard concerns from people in Kitimat and again in some written comments that were filed yesterday that they weren't able to access the technical data reports that underlie the environmental assessment materials.
3706. To be clear, those reports have been and are available on the Northern Gateway website. However, they're important even though they're voluminous. You know, we've encouraging people to only print off what -- download and print off what they need and so forth. They are important and to complete the record for the Panel even, our decision and intention is to file those with the Board so that there's no question that they're available, that they're accessible.
3707. They can be accessed through the website on Northern Gateway and they can also be accessed electronically through the Board's registry -- or through the Board's -- yes, the Board's registry.
3708. We will not be making hard copies of that available. As a matter of course we will make hard copies available to the Board. As I say, these are voluminous, they are -- they total over 37 reports currently, over 11,000 pages of documentation so we will be adding that to the record. I've indicated that the supplement to Volume 6C will also be filed shortly.
3709. Now let me turn then to the third topic which is hearing venues. I mention that the Board's terms of reference contemplate that you will receive evidence in three forms, written comments, oral comments and formal interventions, which I associate with being the type of evidentiary record that you would build through a typical National Energy Board process under your Rules of Practice and Procedure that also govern this proceeding.
3710. The terms of reference also make it clear that an important activity for the Panel will be to hear from Aboriginal groups regarding their interests and concerns, including information regarding strength of claims so that you can report on -- further to the Governor-in-Council.
3711. Now, in Kitimat, perhaps less so here, you received many invitations to visit with Aboriginal communities in different areas, and we know that the Panel will be considering that closely. What that seems to point to for us is the Panel developing a process that would essentially involve two types of hearings.

3712. One would be formal, conventional hearings where evidence is presented and tested, particularly expert evidence, and indeed the company's evidence on technical matters. It would be tested through cross-examination, examination by the Panel staff, as I mentioned, and the Panel itself.
3713. What we would see as being reasonable would be that those hearings would take place in major centres along the pipeline such as Edmonton, Whitecourt or Prince George -- perhaps both -- and Kitimat. What the company would do to facilitate that and to make that as efficient as possible would be to endeavour to structure its witness panels to speak to the Application volumes that are most likely to be of concern to those particular locations or in those particular locations.
3714. So for example, Application Volume 1 might be spoken to in Edmonton. Engineering, environmental design and construction issues might be spoken to as per Volume 2 -- sorry, Volume 3; and Volume 6 in respect of the terrestrial pipeline might be spoken to in Prince George and Whitecourt. Emergency response in respect of pipeline operations, terrestrial operations, would be spoken to, for example, in Prince George, with the volumes that speak to marine aspects of the Application spoken to by panels in Kitimat.
3715. We think that that would be more or less -- that would be a reasonable way to make those sessions the most relevant that they can be in those particular locations and still get us through the application process.
3716. It would remain to be seen where you would hear intervenors' evidence in respect of those same volumes and issues. I think that that's something that perhaps the Panel can decide at a later point in time, once the Application is in and has been presented in its entirety.
3717. Now, aside from the formal hearings we would also see the process as lending itself to less formal hearings, particularly if you are intending to go into smaller communities and Aboriginal communities along the pipeline. What we can say is that Northern Gateway certainly is supportive of the concept of doing that. We do question the feasibility and the logistics of going into each and every community to which you've been invited where people have made suggestions along the way here.
3718. We would encourage you to look at the opportunity to have selected sites that would be representative and then perhaps efforts made to bring people in. For example, you've been invited to visit Hartley Bay and that seems to us to make sense. Also Kitkatla; that seems to us to make sense.
3719. These are communities along the confined channel area there that are

clearly expressing an interest and extending an invitation. Beyond that, it's more difficult to tell which of those communities you will consider that you need to visit and which can be accommodated through other mechanisms such as attending some of the other sessions. We'll leave that to you.

3720. What we can say is that the company will certainly cooperate by providing representatives to, for example, provide plain-language overviews of the project in those sessions. We would also be looking to address some of the issues that have been raised more directly in those sessions through our representatives, for example, in the areas of emergency response planning benefits and so forth.

3721. But clearly those communities and those community hearings, rather, would be primarily for you to hear from the groups, not to hear from us, but we do want to ensure that the proceedings are procedurally fair and also that we can present what we believe to be a fair background for discussion in each of those communities.

3722. With that, let me just wrap up and reiterate our thanks to the Board for listening patiently to me this morning and to all of the participants in each of the three sessions. It was an enlightening process. We are listening and we'll try to be as constructive as we can, going forward to provide people the information they need.

3723. Thank you.

3724. **THE CHAIRPERSON:** Thank you, Mr. Neufeld.

3725. **MEMBER BATEMAN:** Thank you, Mr. Neufeld. I have just a few questions.

3726. One is you may have had the opportunity to receive and review the written comments submitted by the Government of Canada. One of the recommendations in that particular response was that the Panel should add to the list of issues the strength of claim information that might relate to various concerns and interests by Aboriginal groups.

3727. Does Enbridge have a point of view or response to that recommendation?

3728. **MR. NEUFELD:** Not really. Again, I think that it displays perhaps a little bit of misunderstanding of what the Draft List of Issues is all about. The list of issues is not intended to preclude you from looking at things that are in the Joint Review Panel Agreement.

3729. Section 8.2 of that deals with you receiving information on strength of claim and reporting on that, referring to it in your report to any environmental

assessment. So we don't have an issue if you hear that evidence, that submission, and if you want to add it to the list of issues we're fine with that.

3730. **MEMBER BATEMAN:** A number of the participants who provided oral comments and written comments have indicated a strong desire to receive more comprehensive baseline environmental information. What is Enbridge's view?

3731. **MR. NEUFELD:** Well, I believe that there is pretty comprehensive baseline information. We're sifting through the specifics of the suggestions that have been made, again with an intention to identify where that information is already presented; if it's not presented, whether it can be, and in what form it can be.

3732. Where you run into some difficulty is if people say, well, we need a five-year baseline study before you issue your Hearing Order. That obviously is not practical. You can't do that. Where information is accessible we're certainly prepared to do that.

3733. We also note that in some cases some of this information, particularly for example with respect to fisheries, might be information that's more readily accessible through the Department of Fisheries and Oceans and we can point people in that direction, as indeed we've gone in that direction to try to get some of that information.

3734. So it's a bit of a mixed bag, Mr. Bateman, and we'll try to address each of those categories in the written submissions that we're making.

3735. **MEMBER BATEMAN:** Thank you. Those are all of my questions at this time.

3736. **MEMBER MATTHEWS:** Okay, Mr. Neufeld, I just -- we've also heard several comments related to community health, cultural impacts, First Nations socio-economic conditions, and I do recall that you mentioned something in Whitecourt with regard to Northern Gateway is undertaking or continuing to complete that.

3737. Any idea on -- will that be available in this submission to the Board sometime soon, or -- thanks.

3738. **MR. NEUFELD:** Sure, I believe you're talking to Volume 6C of the Application. I'm not going to talk specifically to community health information on a community by community basis. We'll certainly have a look at that. We've looked at the Health Canada submission, for example, of yesterday and we're trying to work our way through that.

Closing remarks

3739. But yes, generally Volume 6C is intended, or the supplement is intended to provide information at least on a regional basis on those groups and we'll try to compile it.

3740. **THE CHAIRPERSON:** Excuse us for a moment, please.

--- (A short pause/Courte pause)

3741. **THE CHAIRPERSON:** Excuse us.

3742. Thanks very much. It sometimes is a little easier if we just have a brief discussion like that rather than adjourning and leaving or passing each other notes and you're all wondering if we're talking about coffee break or what it is we're talking about.

3743. So thank you very much.

3744. Mr. Neufeld, the Panel has no further questions of clarification and thanks you for your presentation.

3745. **MR. NEUFELD:** Thank you.

3746. **THE CHAIRPERSON:** Thank you very much, everyone. This, as you know, brings us to a close of the Prince George session.

3747. Yes, sir?

3748. **MR. STURMANIS:** Just a simple question. And I had my name on the speakers' list. It's a real simple procedural question.

3749. I put my name on the speakers' list and believe that I was the last one on the list that I had on the table and I just wondered if it was some informal understanding of why Mr. Neufeld was in fact the last speaker rather than myself.

3750. **THE CHAIRPERSON:** My understanding is we had a speakers' list that we generated last evening that showed Mr. Neufeld and then you were added to the list because you came in and asked to speak this morning. But all the speakers were shown who were speaking this morning on a printed list.

3751. **MR. STURMANIS:** It's the sequencing.

3752. **THE CHAIRPERSON:** Oh, I'm sorry. Thank you very much, sir.

Closing remarks

3753. As I said, this brings us to the conclusion of our Prince George session and the Panel would like to thank everybody who have taken the time to present your comments at this session.
3754. The Panel recognizes the time commitment that it takes to sit down and think hard about the topics that we came to consult on today and this week and to provide your comments -- some in writing, some orally -- and we just want to express our gratitude to you for taking that time to make sure that we understood your perspectives.
3755. We also appreciate the opportunity to be in the traditional territory of the Lheidli T'enneh as well as the City of Prince George. We would like to especially thank the staff of the Prince George Civic Centre who were very helpful in helping us deal with the logistic arrangements at a distance.
3756. You now will note that that's the end of our three Panel sessions that we set out and anybody who was following the website yesterday will realize that in addition to the oral comments that we were listening to yesterday, a broad variety of written comments were also coming in.
3757. So the Panel has a rich record of both oral and written comments and we will be taking our time to make sure that we consider all those.
3758. We will also be anticipating Northern Gateway's written comments that will follow from this process.
3759. So once we've had that opportunity to take all these comments into consideration, we will be releasing a summary of those comments and what our decisions are, based on those comments. This summary will be posted on our website and I would encourage you to make sure that you know what that website is. We have the information at the back of the room. And if you have any other questions or anything else, I encourage you to be in touch with the Panel Secretariat.
3760. I also mentioned in the opening comments that there's a process adviser also on this project and I think there's a signup sheet at the registration desk. She unfortunately -- her name is Ms. Collette Spagnuolo. She wasn't able to be here for the Prince George session. Her job is to make sure that you understand the kinds of processes that will be going on so that you can have the best ideas as to how you would want to participate in those processes.
3761. So if you haven't had a chance to put your name on the sheet, I would encourage you to do that so that she can be in touch with you and you will have a direct connection with her.

Closing remarks

3762. So once again, our thanks very much to everyone including the Panel Secretariat; our court reporter who worked diligently to keep up with us as sometimes we got a little carried away, and I know I'm guilty of talking too quickly at times; as well as to our interpreters.

3763. And with that, this session is closed.

3764. Thank you, everyone.

---Upon adjourning at 11:04 a.m./L'audience est ajournée à 11h04