

Court File No. T-1492-17

**FEDERAL COURT**

BETWEEN:

**BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION**

Applicant

- and -

**ATTORNEY GENERAL OF CANADA**

Respondent

---

**CERTIFIED TRIBUNAL RECORD**  
Volume V

---

TAB

21

# Defend Our Coast

The Defend Our Coast events are gaining momentum and Dogwood is excited about using our skills to help make this a success.

Defend Our Coast will take place over two days. On October 22nd there will be a rally at the legislature in Victoria, including an element of peaceful civil disobedience for those who are interested.

On October 24th there will be rallies and events in communities across the province to shine the spotlight on your local Member of the Legislative Assembly (MLA) and to show there is a growing wall of opposition that cannot be broken. Over 30 communities have now signed up and Dogwood is working with Leadnow.ca to put our muscle behind this.

[Click here to find events in your community on Oct. 24<sup>th</sup>.](#)

## More strategic context

Recently, B.C.'s local governments passed the strongest ever motion opposing the expansion of oil tanker traffic on B.C.'s coast. We're going to follow up on that success with some additional efforts at the local government level, but increasingly there is a need to shine the spotlight on B.C.'s individual Members of the Legislative Assembly (MLAs), especially as next year's provincial election ticks closer.

There is a developing risk that B.C.'s two major political parties are settling into their current party positions with respect to oil tanker proposals. The B.C. Liberals have their 5 conditions, the B.C. NDP oppose Enbridge but will not comment on Kinder Morgan.

More needs to be done at the level of individual electoral districts, engaging our local MLAs.

This is why on Oct. 24<sup>th</sup> British Columbians from across the province will gather outside of local constituency offices to send a simple, strong message to their local MLAs. These fun events will serve as a colourful beginning for sustained local efforts leading up to B.C.'s next provincial election.

[Click here to sign up for a Defend Our Coast event in your community.](#)

---

CONTACT US	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">MEDIA CENTRE</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
		<a href="#">our annual report</a>	
		<a href="#">publications</a>	

# TAB

# 22



# BLOGWOOD

Thursday, November 10, 2011 by Emma Gilchrist

## In Your Words: Standing Up For Right To Speak At Enbridge Hearings

A column in the Calgary Herald last week got Dogwood supporters so hot under the collar that they flooded the newspaper with more than 100 letters to the editor.

Running under the headline "Does everyone have a right to complain at Northern Gateway pipeline review?" Deborah Yedlin's column questions whether all of the 4,000 people who registered to speak at the upcoming Enbridge public hearings should have the right to do so.

The answer was a resounding "yes!" Letter-writers also did an excellent job of pointing out the hypocrisy in Yedlin's accusations about environmental organizations receiving American funding. Indeed, so many of the letters gave us goosebumps that we've decided to share excerpts from some of our favourites.

Thanks to everyone who wrote for standing tall for B.C.

*In a democracy, in which my father fought 5.5 years to defend, all citizens have the right to speak, and any person who would deprive any citizen of that right to speak is in violation of the basic principles of participatory democracy, and are insulting our veterans on Remembrance Day.*

— James Montgomery, Maple Ridge

*A healthy democracy requires a robust and critical free press, meaning the right of media to speak freely about issues of importance — which is why I find Deborah Yedlin's suggestion that such rights should be questioned when it comes to individuals both ironic and offensive. When newspapers openly question the right of citizens to speak in defence of their values and concerns, I feel concern for the health of the fourth estate, Canadian democracy and civil society. I am a business owner and the executive director of a business improvement association at that. I am definitely "pro businesses" but I also strongly oppose the Northern Gateway project and I most certainly feel that I have an inalienable and sacred right to be heard as a productive member of my community, province and country. The more important and controversial the issue the more fiercely we should reserve that right, not belittle it or question its relevance.*

— Wesley Regan, Vancouver

*What part of "public" and "hearing" is not clear?*

— Michele Murphy, Victoria

*I don't believe I am complaining when I say that my family lives on wild salmon. I feel fortunate to live on the beautiful central coast of B.C., where we can fish for salmon. I have a fear that oil tankers sailing on the very stormy and rocky B.C. coast will run aground and destroy our food source. Remember the Exxon oil tanker disaster near Valdez? Shipping disasters happen no matter what assurances are given. Yedlin should consider the people who depend on the salmon to live. As go the salmon, so go the First Nations people . . . on our way to extinction.*

— Gail Moody, Bella Coola

*B.C. taxpayers will have to pay the bill and deal with the damage if an oil tanker carrying Alberta crude has an accident on our coast. Do we have a right to speak at the Enbridge environmental review? You better believe we do!*



Dogwood supporters sent in scores of letters to the editor. Photo: jjpacres.

— Paul Manly, Nanaimo (Published in Calgary Herald)

*Who will speak to the voracious multinational corporation who plans to use every means possible to push a project through? A plan that is not about creating jobs, but about ravaging the earth in order to make a small number of people rich beyond belief and perpetuate carbon emissions. My family is Metis. My brother has supported his family for over 30 years in the oil and gas industry. My sister, her daughter and twin grandchildren live in the Peace River. I was born and raised on Vancouver Island within sight of the coastal waters at risk. I have lived in Kitimat and Dawson Creek in my lifetime. My grandmother and her family were from Athabasca since before recorded Canadian history. I have contributed to the economy of this province, voted in the elections, volunteered and raised my family here. Who has the right to tell me that I have no right to speak?*

— Sandy Slobodian, Victoria (Published in Calgary Herald)

*If only Canadian citizens and organizations funded by Canadians should be allowed to speak at this hearing, then maybe only Canadian companies with only Canadian shareholders should be allowed to make an application to do business in Canada. Then we would not have to have these hearings, because the oil would have to be sold in Canada and the pipeline would not be needed.*

— Ken Bigelow, North Vancouver

*The Canadian anthem goes like this, "Oh Canada, we stand on guard for thee". Every single citizen in this country has the right to stand up for the good of the country. So, I say to you. I am one in 30 million, and I am standing up for my country. Oh Canada, I stand on guard for thee.*

— Keegan Pearson, SaltSpring Island

*I find Yedlin's concerns over U.S. "interference" without merit. Like the oil companies who will profit from this pipeline, Enbridge is itself a multinational corporation with substantial U.S. holdings, employees and investors. Americans have as much right to speak on this issue as anyone else. Were it believed that a substantial number of registrants — foreign or otherwise — were in support of this project, I have to wonder whether it would warrant any discussion at all in Alberta.*

— John Carswell, Brentwood Bay

*Yedlin has done the review process a likely unintended favour — her article has triggered reactions that will solidify "the right to be heard!" Is it possible that was her intent?*

— Gerry Taylor, Victoria

*Yedlin ignores the obvious explanation why persons and foundations from other nations oppose the Northern Gateway pipeline: because if the oil from the tarsands is allowed to flow to Asia, it's game over for a livable climate.*

*I'm grateful that foreign entities are pointing out Canada's foolishness in investing in infrastructure that will have to be shortly abandoned as the intense weather consequences, which the world is already experiencing, grow ever more deadly. Canada used to be seen as responsible, credible and humane. What a change, when Canadian journalists call for a limit on the right to speak in a public hearing on a matter that will have impacts on every single one of us.*

— Carrie Saxifrage, Vancouver

*I could not live with myself if I sat quietly and allowed something this disastrous to happen on our coast. It is not only my right but also my responsibility as a steward of this place to speak for it.*

— Keely Roden, Victoria

*Why question my right to speak in the review process? Already so little voice is given to the people. Meanwhile, the "voice" of oil lobbyist's money is deafeningly loud; it seems to be practically all our world governments can hear. Should we really think to silence the people further?*

— Luke Turvey, Vancouver

*My name is Dave and I reside in Smithers, B.C. I have a recreational cabin on Babine Lake, where a great number of Salmon of different species start their lives. My home acreage in Smithers is cut in half by a salmon bearing stream. I own a boat in Prince Rupert where I recreational fish and take family and friends to enjoy the coast. As you can see, I am heavily involved in caring for clean water, wild salmon and a pristine coast. I have four daughters and five grandsons that will one day look back and ask if Dad had done enough to fight Enbridge to preserve this area for*

*them to enjoy and live in. If people who do not live in this area but reside in B.C. cannot help me speak up against Enbridge, who then, can?*

— Dave Anderson, Smithers

*To borrow a phrase from the occupy movement, "This IS what democracy looks like."*

— Joe Lanteigne, Madeira Park

*Ms. Yedlin's misdirected focus on the international funding of environmental groups obscures the true problem, which lies more in the direction of an undisclosed consortium of international oil companies funding Enbridge's Northern Gateway project, and a pro-oil sands, pro-Northern Gateway federal and provincial government who do not protect the public interest. But she must know that.*

— Melissa Walter, Vancouver

*I have signed up to speak at the hearings, with no affiliation to any foreign organization. I was born in Alberta and now live in B.C. In 2008 I lived in Kitimat and had the opportunity to sail the Douglas Channel. As we sailed I could not believe that tankers were going to navigate these narrow channels. If common sense alone could prevail and not greed, no one would attempt to do what is proposed for this area.*

— Margie Grimble, Gabriola Island

*No doubt columnist Deborah Yedlin, who wrote "Does everyone have the right to complain at a review" has never had to try to sponge oil off the feathers of shivering Murres and Guillemots as I have in two separate incidents of "human error" in the Strait of Juan de Fuca. Just two species of thousands which stand to be impacted by human error which is inevitable with increased tanker traffic on our coastline. Year round our marine ecosystems harbour a complex diversity of species from large sea lions and whales to the smallest invertebrates and plankton which energize our food webs. She may think they are irrelevant to someone from Alberta, but those of us who would have to live with the potential catastrophic consequences driven by the greed of governments and multi-national companies who think that profit can be justified at any risk to the environment must be heard. My Canada is not one where the greed of one province willingly degrades the natural capital of another. Whether from British Columbia or any part of Canada, we have every right to ensure the protection of all our environment now and in the future, and claiming that it is U.S. money fueling the urge to be heard smacks of lazy journalism.*

— Garry Fletcher, Victoria

*I think that we should be celebrating the fact that so many people have signed up to have their voice heard; in a time of falling voter-turnout rates, it is exciting to be able to say that over 4,000 people want to take the opportunity to exercise their democratic rights in our country.*

— Hannah Lewis, Vancouver

*According to Ms Yedlin's logic, no citizen of the world has a right to communicate a grievance against the policies of a corporation in another country. In other words, I as a Canadian cannot criticize the Chinese for lopping off shark-fins and leaving the animal to die a slow death, or Nike for running sweatshops in Bangladesh. Nor was it moral for Greenpeace to harass Japanese whalers.*

*I disagree: If you live and derive your sustenance from this planet you have a right to protest its destruction. The majority of British Columbians do not wish to see hundreds of huge oil tankers negotiating Hecate Strait. We require a pristine oil-free ocean to thrive economically.*

— Rosemary Cornell, Vancouver

*Deborah asked Canadians to be outraged. I am outraged, Deborah, but not because outside organizations are interfering. I am outraged that you are asking my fellow Canadians to believe that this is out about our natural resources only. Are we planning to sell this oil only domestically? No. This is globalization. Global implies the entire world is implicated. And it is. We all have the right to an opinion about it, and we all have the right to share that opinion in the review process. Anyone who thinks that an oil spill, or emissions that will spell game over for our climate, would affect only those who live along the pipeline, or only Canadians, is terribly, tragically, wrong.*

— Danette Jubinville, Vancouver

*I am a student here in British Columbia. I have the opportunity to surf on the pristine west coast of Vancouver Island. I am not the only animal paddling among the kelp and waves. I often see seals with their big brown eyes popping up to examine the strange creatures on surfboards. Hundreds of sea birds circle the stream mouth and sometimes I sit in awe as a pod of whales pass far out in the strait. All it would take is one oil spill and this paradise*

would never be the same again. It is my right to participate in the hearing. I long to one day take my children out surfing and point out to them the eagles and the whales.

— Jesse Ashwell, Victoria

Thank you to jipacres on Flickr for the image. Used under a creative commons license.



---

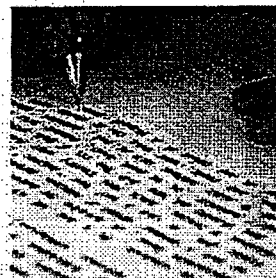
CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

# BLOGWOOD

Thursday, February 16, 2012 by Emma Gilchrist

## In Your Words: Say Thank You To Joe Oliver

January is normally the slowest month of the year for donations, but this year was a different story. We saw such a surge in gifts that the national media took notice. Indeed, a sassy "Say thank you to Joe Oliver" note in the memo section of a cheque we received made the news across the country, from the Toronto Star and the Winnipeg Free Press to radio stations in Vancouver and Victoria.



We're incredibly grateful for the \$12,000 surge at a time when the pressure to bring oil supertankers to B.C.'s coast has never been greater. Dogwood is a small grassroots organization and every dollar we receive means we can do more to stand up for B.C.'s coast.

That now-famous memo is just one of many that has caught our attention on cheques and online — here are some of the highlights:

Today I felt compelled to put my money where my mouth is and join with the "radicals" who value a clean environment over dirty oil. The Conservative Minister of Natural Resources, who has lost any semblance of impartiality he may have had with his comments today ... has laid down the gauntlet — this is a fight to the finish. If I had more money I would give more, but you and any other group working against this pipeline will get every penny I can afford to give.

— Janis from Montreal, Quebec

Joe Oliver's letter made my blood boil, and I am tremendously grateful for Dogwood's rebuttal and ongoing campaign against the Northern Gateway pipeline.

— Emily from the Northern Gulf Islands, B.C.

In honour of Joe Oliver. Thank you for fighting against the northern pipeline.

— Kate from Victoria, B.C.

I am not a "billionaire socialist." However, I am a concerned British Columbian and Canadian and so therefore I am doubling my usual donation. It's going to be a long hard road but protecting our environment is well worth the effort! Thanks for all your hard work on the pipeline and tanker file.

— Rob from Victoria, B.C.

We will all be radicals before Harper is done.

— Jean from Fort St. John, B.C.

If there's one thing I really don't like, it's a bully! Hope this helps the cause.

— Virginia from Vancouver, B.C.

This is how I stand up to bullies, Mr. Harper.

— Karl from Burnaby, B.C.

Thank you for giving me, a 73-year-old radical, a voice.

— Stella Ann from Ponoka, Alberta

The "radicals" news coverage is the trail that led me to you.

— Bruce from Toronto, Ontario

Thank you to jipacres on Flickr for the image. Used under a creative commons license.

Note: Technical issues with our website are causing all comments to be posted as Anonymous. Our apologies - we are working to fix this as soon as possible.



---

**CAMPAIGNS**[no tankers](#)[coal](#)**CONTACT US****MEDIA CENTRE****GET INVOLVED**[organize with us](#)[attend an event](#)[work with us](#)[stay in the loop](#)**ABOUT US**[blog](#)[privacy policy](#)[our annual report](#)[publications](#)**SUPPORT OUR WORK**[donate](#)[other ways to give](#)

# BLOGWOOD

Tuesday, January 15, 2013 by Emma Gilchrist

## Presenters In Victoria Tell Review Panel To Say No To Enbridge — 253 Times

"This didn't occur to me — I mean that I would react this way. I'm an ex-Marine. I don't do this," Bill Gaylord said, choking back tears, as he addressed the panel reviewing Enbridge's oil tanker and pipeline proposal last week in Victoria.

It was a particularly poignant moment amongst seven days worth of poignant moments as citizens of all walks of life presented to the National Energy Board's joint review panel during its stop in Victoria from Jan. 4 to 11.



The presenters had to register 15 months ago and schedule three months before their 10-minute slots rolled around. When all was said and done, 253 presenters had spoken in Victoria as part of the largest public input into a National Energy Board hearing in history.

They came one after another for seven days — their eyes wide and wondering, many nervous, with cracking voices and tearful eyes. For several, this was the first time they'd spoken before an audience in all their lives. They were young, they were old, they were apprehensive and they were defiant, but every single one of them had something in common: they were saying no to Enbridge's desire to bring an oil pipeline and tankers to British Columbia's coast.

They urged the panel to protect B.C.'s tourism industry, to protect our existing ocean economy, to protect the fabric of our communities and, countless times, the panel was asked to "do the right thing" — to think of generations to come, to remember their responsibility to do right by British Columbians and Canadians.

"I come from a time when leaving our resources in the ground for our children and their children was the mutually agreed wisdom of us all," Gaylord told the panel.

Several oil spill experts testified that B.C.'s northern coastal waters are too risky for oil tankers and that a cleanup would be impossible.

Reverend Ken Gray, an Anglican priest, told the panel: "Christians and other faith traditions unite increasingly around the so-called Golden Rule, treat others as you wish to be treated, or the inverse and original form, do not treat others as you, yourselves, do not wish to be treated.

"The rule thrives within the human community, and equally so can be applied to the relationship between humanity and creation. If you do not wish to be exhausted, ignored, trodden upon, taken over, sacrificed for the benefit of others, then do not act in a similar manner."

Sid Jorna, a retired commander of the Royal Canadian Navy with a bridge watch-keeping certificate and a Master's degree in engineering, said oil tankers "pose an unacceptable risk of a significant oil spill with extreme consequences to the environment. I believe that a major tanker accident in this confined sea is inevitable over time due to the nature of the tankers and the nature of the sea and climate of this region."

Jorna was one of several presenters to quote John Vaillant's book *The Golden Spruce*: "Large enough waves will expose the sea floor of the Hecate Strait. The result is one of the most diabolically hostile environments that wind, sea and land are capable of conjuring up."

Liam Hildebrand, who holds red seals in welding and steel fabricating and works in the oilsands, spoke of his frustration in only being able to find work in the oil and gas sector.

Hildebrand recently surveyed ten of his fellow oilsands workers on such issues as banning raw oil exports, refining oil in Canada and reducing tax subsidies to the fossil fuel sector and found most were in favour.

"This project doesn't make any sense for people in Canada," Hildebrand told the panel. "It doesn't make sense to the workers in the oilsands and we understand that very clearly, actually, almost more clearly than anyone else in this country because we realize that this is going to export not only raw oil, but raw jobs."

Frank Mitchell, a retired World Bank Economist, told the panel about divesting of his shares in Enbridge. "The investment was extremely successful financially and I expect Enbridge will continue to be profitable, but ... we are no longer

shareholders and could not, in good conscience, consider being shareholders today," he said.

In urging the panel to say no to Enbridge's proposal, Mitchell said: "You are the nearest we have, that Canadians have, to a judge and jury to decide if this project is consistent with the Canadian public interest."

On the second last day of hearings, Terry Dance-Bennink, a retired vice-president academic of Flemming College in Ontario, told the panel how this issue has prompted her to get engaged in politics for the first time in years.

"I intend to get active in both provincial and federal politics for the first time in decades," she said. "I will campaign this spring for whichever party has the strongest no tankers off our coast stance."

Indeed, many presenters noted how, despite their passionate and powerful presentations, the review panel isn't really going to be making the final decision — this is ultimately a political decision, whether we like it or not. Now the only question is whether we let Prime Minister Stephen Harper determine our fate from Ottawa or whether we elect a B.C. government that will stand up for our province.

To drive home the point, on the final day of the hearings, 80 people volunteered to go canvassing door-to-door in two Greater Victoria ridings as part of Dogwood's Knock the Vote — an event carried out with "military precision" according to Jack Knox of the Victoria Times Colonist.

To continue to put the pressure back on our provincial politicians, we'll also be holding a Knock the Vote event in Vancouver after the last day of hearings.

Thank you to all of you who have taken the immense time and effort required to present to the review panel. We'll continue to live blog the hearings as they move on to Vancouver this week.

### Faces From the Hearings

Click on a photo to read the caption

**flickr**

We're sorry, Flickr doesn't allow embedding within frames.

If you'd like to view this content, [please click here.](#)

Not displaying properly? See the photos on flickr.

Share on Facebook    Share on Twitter



---

**CAMPAIGNS**[no tankers](#)[coal](#)**CONTACT US****MEDIA CENTRE****GET INVOLVED**[organize with us](#)[attend an event](#)[work with us](#)[stay in the loop](#)**ABOUT US**[blog](#)[privacy policy](#)[our annual report](#)[publications](#)**SUPPORT OUR WORK**[donate](#)[other ways to give](#)

# BLOGWOOD

Monday, February 04, 2013 by Emma Gilchrist

## Community Hearings Are A Wrap! Now What?

They held community hearings in 16 different towns and cities across British Columbia. They listened to presentations from everyday British Columbians for hour after hour, day after day. And when they wrapped up the community hearings in Vancouver on Friday, the three-person National Energy Board panel had heard from 1,159 speakers opposed to Enbridge's proposal to bring an oil pipeline and tankers to B.C.'s coast and from just two in favour.

The presenters had to register 15 months ago and schedule three months before their 10-minute slots rolled around. For their efforts, they got to partake in the largest public hearings in National Energy Board history.

The people who spoke in opposition to the project ran the gamut, from a retired commander of the Royal Canadian Navy and the former CEO of BC Hydro to an Anglican reverend and several coast-guard trained oil spill experts. (Read more of their testimony.) There were high school students, university professors, people who work B.C.'s tourism industry, realtors and a former riding president for the Conservative Party of Canada.

Who were those two people who spoke in favour? One was former Liberal MLA for Bulkley Valley-Stikine, Dennis McKay, and the other was former mayor of Port Hardy Russ Helberg.

### All roads lead back to politics

Many speakers noted that since Prime Minister Stephen Harper changed the law last year so he can overrule the joint review panel, they worried they were wasting their breath. Indeed, at this point, the joint review panel will not be making the final decision.

This is going to be a political decision whether we like it or not — now it's just a matter of whether we allow Ottawa to make this decision for us or if we elect a B.C. government on May 14 that will stand up for our coast.

With that in mind, we crunched some numbers recently, taking a close look at the provincial ridings that were won by less than 10 per cent in the last election. We discovered (happily) that there are currently more No Tankers supporters than the margin of victory living in 16 of 24 of those ridings.

The big question is: are British Columbians going to get out and vote on this issue in May's provincial election? Of course, we think the answer is yes.

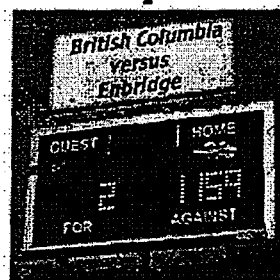
To demonstrate what the No Tankers movement is capable of we partnered with Forest Ethics on Saturday to host an event called Knock the Vote. Nearly 100 volunteers turned out for a strategic canvass blitz in the riding of Vancouver-Fairview, which was won by just 1,063 votes in the 2009 provincial election.

More than 3,200 voters in Vancouver-Fairview had already signed the No Tankers petition. On Saturday, volunteers had face-to-face conversations with hundreds more voters about their candidates' positions and collected an additional 543 signatures on the petition.

Events like these will be happening all over the province in the run-up to the provincial election and have already happened twice in Campbell River, once in Burnaby and once in Victoria — where Times Colonist columnist Jack Knox described Knock the Vote as being carried out with "a military precision that would have made Rommel weak in the lederhosen."

If you'd like to be involved on the front lines in the run-up to the election, check out our Find Leaders journey which provides all the tools and resources you need to pressure your MLA in the most effective ways possible.

Together, we're going to make protecting B.C.'s coast from the threat of oil spills one of the top voting issues in May's election.



The final tally of speakers from all 16 community hearings on Enbridge's proposed oil tanker and pipeline project to B.C.'s coast.

Share on Facebook    Share on Twitter

---

**CAMPAIGNS**[no tankers](#)[coal](#)**CONTACT US****MEDIA CENTRE****GET INVOLVED**[organize with us](#)[attend an event](#)[work with us](#)[stay in the loop](#)**ABOUT US**[blog](#)[privacy policy](#)[our annual report](#)[publications](#)**SUPPORT OUR WORK**[donate](#)[other ways to give](#)

# BLOGWOOD

Wednesday, February 13, 2013 by Terry Dance-Bennink

## Face-to-face With Enbridge

*Terry Dance-Bennink is a breast cancer survivor who volunteers with the Canadian Cancer Society and local environmental groups. She's a former vice-president academic of an Ontario community college and a writer/personal historian.*

With some trepidation, I signed up to speak at the Enbridge hearings in Victoria last January. I felt I had a duty to speak out as a former vice-president academic of Fleming College, known for its School of Environmental and Natural Sciences.

On the day of my presentation, I joined a roomful of others at the Delta Ocean Pointe Hotel. We had to present photo ID at the door and swear on the Bible to tell the truth. Three of us at a time were escorted to the actual hearing room, which was set up like a courtroom. I felt like a witness at an historic trial presided over by a judge without power to issue a binding verdict. The Joint Review Panel can only make recommendations to Harper and his cabinet.

I sat down before the three panel members and two Enbridge representatives — finally, I was face to face with Enbridge. I maintained eye contact with them throughout most of my presentation, which was videotaped. A live audio broadcast was also placed on the panel's website.

Fearing conflict, the panel refused to allow the public to attend the live hearings. We were forced to watch a video feed in the Ramada Inn a few kilometres away, and as a result, very few people showed up. In contrast, the open hearings up north attracted hundreds of concerned citizens. I guess Victoria has a reputation for violence!

Like 252 other presenters, I had carefully researched the proposed route of Enbridge's pipeline and the effect of 220 supertankers winding their way from Kitimat through 125 km of narrow, rocky passes. And like every other presenter, my answer to Enbridge was a resounding "NO!" Here are some excerpts from my presentation.

"My husband and I moved to Victoria seven years ago and we live in a condo by Victoria's harbour. We watch tankers and freighters pass by our home every day. As a coastal resident, I'm primarily concerned about the risk of oil tanker spills, which history shows are inevitable. The Hecate Strait is the fourth most dangerous body of water in the world, according to Canada's Marine Weather Hazards Manual. And human error is always a danger, along with the weather...

"When the predicted big earthquake happens, it will take only one pipeline crack and one tanker oil spill to wreak devastation on our coast. We live in a ring of fire where oil has no place...

"I've tried to put myself in Stephen Harper's shoes, but cannot for the life of me, fathom why he gutted so many of our environmental protections last year, while actively promoting this pipeline. Is he preparing for a big cover-up?

"Is this project in Canada's public interest? My answer is NO for two reasons. First, it violates First Nations rights under Section 35 of our Constitution. 130 First Nations are opposed to this pipeline. And B.C. First Nations have not signed away their rights under bogus treaties. The Idle No More movement is just one sign of their growing anger at centuries of neglect and racism.

"As a white person, I want to be on the right side of history for once. It's my moral duty.

"Secondly, this project is not in our public interest because, as a planet, we're on the verge of environmental collapse. I'm aware that your panel considers global warming to be beyond its scope on the grounds you are concerned with oil transport, not extraction. But if transport is expanded, so is extraction. And the oilsands are a notorious contributor to global warming.

"You've included 'cumulative effects' under the topic of environmental effects in your terms of reference. An increase in tarsands production and hence global warming is certainly a 'cumulative effect...'

"Something can be done to stop this but it requires a bold moral vision — not tankers filled with crude oil headed for Asia. Our whole way of life has to change.

"I know it will be incredibly hard to wean ourselves off oil, but the first step in breaking an addiction is to admit the depth of the problem. And there are all sorts of healthier green industries springing up around the world. I trust human ingenuity will find a way.

"I'm no longer an arm-chair critic. I intend to get active in provincial and federal politics for the first time in decades. I'll campaign this spring for whichever party has the strongest No Tankers Off Our Coast stance. B.C. still has the power to



Terry Dance-Bennink near Mt. Washington, B.C.

stop this project."

As I left the room that day, I felt proud to have joined the chorus of "No Tankers" and I was encouraged to see the panel take my comments seriously. But the battle is far from won. I've got work to do this spring – door to door, phone to phone. Will you join me?

Share on Facebook    Share on Twitter

---

**CAMPAIGNS**

[no tankers](#)

[coal](#)

**CONTACT US**

**MEDIA CENTRE**

**GET INVOLVED**

[organize with us](#)

[attend an event](#)

[work with us](#)

[stay in the loop](#)

**ABOUT US**

[blog](#)

[privacy policy](#)

[our annual report](#)

[publications](#)

**SUPPORT OUR WORK**

[donate](#)

[other ways to give](#)

# BLOGWOOD

Thursday, January 16, 2014 by Emma Gilchrist

## The Day A Federal Panel Overruled B.C. — And Nobody Noticed 3+1

*From DeSmog Canada's Emma Gilchrist*

On the afternoon of Dec. 19th, as the National Energy Board's recommendations on Enbridge's oil tanker and pipeline proposal for B.C. were released, I tuned into CBC Newsworld and CTV News Network to see the coverage unfold live.

Over and over again, the opposition to the project was described as "First Nations and environmentalists."

Wait a second. Just six months ago, the province of British Columbia submitted its final argument to the National Energy Board's joint review panel, requesting the panel reject the project. "Trust us" isn't good enough, the report read with regard to Enbridge's promises about oil spill response.

"The province cannot support the approval of or a positive recommendation from the (panel) regarding this project as it was presented," said the province.

The report was covered by all major media. And, as far as the panel was concerned, that was B.C.'s final word on the project. Why then, when the panel recommended approval of the project last week, did most reporters fail to reference the fact the decision directly overruled the will of the province?

It seems most of the media was successfully carried away with Premier Christy Clark's politicking about her government's "five conditions" and her agreement with Alberta on a "framework" to meet those conditions. There's just one problem: that's all irrelevant as far as the panel's decision is concerned.

So, while many pundits outside B.C. point to the panel's report as proof Enbridge's oil tanker and pipeline project is safe and in the public interest, one important question remains unexplored: how is it that the province of B.C. and the federal panel came to such vastly different conclusions?

Let's take oil spills, for example. In its report, the joint review panel acknowledges nobody really knows what happens when bitumen hits salt water. In its 209 conditions, the panel asks Enbridge to establish "a scientific advisory committee to study what happens to diluted bitumen when released into the environment."

The report is sparse on the details of how oil could be recovered after a major spill and parrots Northern Gateway's claims about "natural recovery" of oil in the environment.

"Northern Gateway said that microorganisms capable of degrading hydrocarbons are known to be present in the coastal waters of British Columbia, and their role in degrading oil in Prince William Sound following the Exxon Valdez oil spill is also well documented," the report said.

However, look at what the province's exhaustive 99-page final argument said on the very same matter and you discover a very different conclusion.

Citing an Enbridge witness, the province states: "With respect to...most open ocean spills, no oil from a spill is recovered; the oil remains in the environment." They continue: "There are significant periods of time [68.5% of the time during Fall/Winter in the "Open Water Area"] during which spill response will be impossible or severely constrained."

Where bitumen is concerned, the province's position is based around the fact the heavy oilsands product to be transported by Northern Gateway poses special risks because it can sink into the water column or all the way to the riverbed or seabed.

The report says: "[Enbridge] acknowledges that it knows of no techniques to effectively remove dissolved oil from the water column," and adds, "Enbridge] acknowledges that the fraction of the total oil volume that sinks can exceed 50%," and "recovery and mitigation options for sunken oils [e.g. weathered bitumen] are limited."

Ultimately, the province says Enbridge must prove its ability to effectively respond to oil spills before a project certificate is granted. "Trust us isn't good enough," they say.

Huh. So while last week the National Energy Board's review panel (whose members are appointed by the federal government) ruled "trust us" is good enough, the country's media developed a case of amnesia and forgot to ask the B.C. government how it felt about the panel coming to a drastically different conclusion than it did.



B.C. Environment Minister Mary Polak was let off the hook easily by referring back to the province's "five conditions." And, just like that, the polar opposite conclusions of two reports on the same matter were swept under the rug.

*From DeSmog Canada's Emma Gilchrist*

Share on Facebook    Share on Twitter

---

CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

# BLOGWOOD

Saturday, September 27, 2014 by Kai Nagata

## British Columbia Mayors Filling Leadership Vacuum In Pipeline Review Process

Written by Kai Nagata - Originally published in the Financial Post, September 25, 2014

With rain lashing the chairlifts and green grass stretching up the mountainside, the visitors packing Whistler's chalet lounges this week aren't here for the moguls. It's the annual Union of B.C. Municipalities convention, and that means 737 mayors and councillors are here to schmooze, scheme, and vote on a series of contentious resolutions.

Mayor Derek Corrigan strides into the conference centre in a leather bomber jacket, ready to do battle for his City of Burnaby. Locked in a David-and-Goliath struggle with Texas pipeline giant Kinder Morgan, Corrigan is looking for delegates to support his call for a beefed-up project review.

Burnaby's emergency resolution was triggered by the National Energy Board's decision to remove oral cross-examination and public hearings from its study of Kinder Morgan's Trans Mountain Expansion proposal. Corrigan and others along the pipeline and tanker route want basic due process restored.

Over a plate of ravioli, Mayor Gregor Robertson of Vancouver pitches another resolution to a young councillor from Dawson Creek. Bitumen sinks in water, or so we saw in Michigan's Kalamazoo River – where Enbridge spilled more than 800,000 gallons when a pipeline ruptured in 2010.

With similar heavy blends already moving through Kinder Morgan's existing line, Vancouver is asking the province to come up with a plan to clean up oil that doesn't float.

The City of Victoria's resolution is perhaps the most radical, but it also acknowledges a basic truth: people in British Columbia have lost confidence in the NEB's ability to conduct a fair study. Mayor Dean Fortin is asking the province to pull out of the equivalency agreement it signed, surrendering its powers of review to Ottawa.

That would mean setting up a parallel, independent B.C. assessment – an untested but interesting idea.

Back in February, pollster Barb Justason asked B.C. residents whether they "basically trust or distrust the Joint Review Panel process". Only 32% chose "trust". That was before the federal cabinet approved Enbridge's Northern Gateway proposal, then whittled down the review process for Kinder Morgan.

This presents a looming problem for resource companies. When a democratic majority of people feel the game is rigged, the merits of a particular proposal are beside the point. Local governments – whether it's their jurisdiction or not – are expected to deal with constituents' concerns. But if municipal officials can't get answers to those questions from the proponent (and several here say they've had trouble with Kinder Morgan) what reassurance can they offer citizens?

Mayors and councillors in B.C. are signalling they're no longer willing to leave things up to Ottawa. They have too much at stake – property values, emergency services, tourism and yes, the health of their residents – to defer to the NEB.

In taking a stand, the mayors invite the accusation they are ultra vires: stepping beyond their powers. Pipelines are federal business, goes the argument – especially if they go through your back yard. Try explaining that at a town hall meeting.

It's no surprise that mayors are stepping into this leadership vacuum. With municipal elections in B.C. scheduled for November, voters are glad to see elected officials say out loud what the majority of people in this province already think.

Perhaps the federal government thought it was doing exporters a favour when it removed certain barriers to project approval. Instead, proponents find themselves face to face with citizens angry at being excluded from decisions they might have to live with for decades.

It doesn't matter how many glossy pamphlets a pipeline company prints – that won't restore faith in the regulator. It's not the proponent's job to create a fair playing field, nor is it within their power.

However the UBCM votes on the Kinder Morgan resolutions in Whistler on Friday, the message to higher levels of



Mayor of Vancouver Gregor Robertson at 2014 UBCM with Dawson Creek Councillor Duncan Malkinson



government is clear: fix this crisis of public confidence in project reviews, or voters are going to start looking for someone to blame. It won't be the mayors.

[Share on Facebook](#) [Twitter](#)

---

#### CAMPAIGNS

[no tankers](#)

[coal](#)

#### CONTACT US

#### MEDIA CENTRE

#### GET INVOLVED

[organize with us](#)

[attend an event](#)

[work with us](#)

[stay in the loop](#)

#### ABOUT US

[blog](#)

[privacy policy](#)

[our annual report](#)

[publications](#)

#### SUPPORT OUR WORK

[donate](#)

[other ways to give](#)

# BLOGWOOD

Monday, November 03, 2014 by Marc Eliesen

## Energy Executive Blasts Kinder Morgan Review As "Fraudulent," Quits

*Marc Eliesen has withdrawn as an intervenor in the federal government's review of Kinder Morgan's Trans Mountain pipeline and oil tanker expansion project, detailing his reasons for quitting in a scathing 1,500 word letter to the National Energy Board.*

*Eliesen is the former CEO of B.C. Hydro and the former Chair of Manitoba Hydro. A deputy minister in seven different federal and provincial governments, Eliesen has forty years' executive experience in the energy sector, including as a board member at Suncor.*



*Here is the full text of his letter to the secretary of the NEB:*

Dear Ms. Young:

The Intervenor, Marc Eliesen, wishes to withdraw from the National Energy Board hearing on the Trans Mountain Expansion Project (TMEP).

I applied as an intervenor with expertise to offer the Board in good faith that my time and personally incurred costs would be well spent in evaluating Trans Mountain's proposal, questioning the Proponent, preparing evidence commensurate with my expertise, answering questions on that evidence, and providing final argument. Unfortunately, I have come to the conclusion that the Board, through its decisions, is engaged in a public deception. Continued involvement with this process is a waste of time and effort, and represents a disservice to the public interest because it endorses a fraudulent process.

I have a professional background that includes over 40 years of experience in senior executive positions in the energy sector of Canada, and an understanding and working knowledge of the mandate and operations of the National Energy Board, including an appreciation of the principles of natural justice and the rules and practices of quasi-judicial bodies in Canada. I have reached my conclusions based on my wealth of experience.

I rigorously reviewed Trans Mountain's application and developed extensive questions in the first round of Information Requests. I was dismayed when the oral cross-examination phase — that has served as a critical part of all previous Section 52 oil pipeline hearings — was inexplicably removed from this hearing. It is my experience that when a Proponent does not face the spectre of oral cross-examination, their written responses to interrogatories suffer from a lack of detail and accountability. Still, I was willing to see the results of the Information Request process the Board promised would be sufficient.

The unwillingness of Trans Mountain to address most of my questions and the Board's almost complete endorsement of Trans Mountain's decision has exposed this process as deceptive and misleading. Proper and professional public interest due diligence has been frustrated, leading me to the conclusion that this Board has a predetermined course of action to recommend approval of the Project and a strong bias in favour of the Proponent.

In effect, this so-called public hearing process has become a farce, and this Board a truly industry captured regulator.

In addition to gutting the oral-cross examination feature of a public hearing process that supports proper questioning and an adequate level of due diligence, there are other Board decisions that have been made over the course of this hearing that reflect a pre-determined outcome.

The evidence on the record shows that decisions made by the Board at this hearing are dismissive of Intervenor's. They reflect a lack of respect for hearing participants, a deep erosion of the standards and practices of natural justice that previous Boards have respected, and an undemocratic restriction of participation by citizens, communities, professionals and First Nations either by rejecting them outright or failing to provide adequate funding to facilitate meaningful participation.

The above is reflected in the following:

1. The Board elected not to request assistance from the Intervenor's in the formulation of issues that would assist the Board in the conduct of the proceedings at the commencement of this hearing. This approach represents a double standard. Trans Mountain requested and received an amendment to the List of Issues in the earlier Part IV Toll Application. Also, this "no more issues" position is completely a reversal of what took place in the Northern Gateway

Project hearing when the Board actively solicited assistance from intervenors in the determination of issues to be included in the scope of the review. The Gateway Panel also included three sets of Information Requests (two on initial evidence and one on reply evidence) and an oral cross-examination of the evidence.

2. Given the highly technical nature and voluminous size of the TMEP application, requests from numerous participants, including municipal governments, environmental organizations and First Nations were made asking the Board to provide significant additional time to prepare Information Requests. The Board basically rejected these requests.
3. The Board has been alerted to numerous instances where Trans Mountain studies by its employees and commissioned consultants lack basic professional standards of disclosure, source verification, references, data, assumptions and methodology. It is shocking that in a process such as this where due diligence is required on a major capital project that the Board has not held Trans Mountain to a minimum professional standard of accountability and transparency. This is especially reflected in the Board's own written Information Requests to the Proponent on the alleged economic benefit materials put forward. The Board's veneer examination of the Proponent's case is reflective of a decision not to dig too deeply for fear the economic case may crumble, or a lack of economic, financial and business acumen on behalf of the Board to know where and how to dig. The Board's Information Requests related to Trans Mountain's economic case are tantamount to a sweetheart written cross. And when basic business questions from intervenors are asked to test the evidence at a higher level of scrutiny, Trans Mountain refuses to answer them.
4. The Board, in an unprecedented fashion, has rejected the previously established practice in Section 52 public hearings on oil pipelines to provide for oral cross-examination on the evidence submitted at the hearing. The Board maintains that two rounds of written information requests is sufficient to test the evidence. Even the Government of Canada's Department of Justice (DOJ) has informed the Board that evidence given without cross-examination should be rejected. The DOJ stated "Canada's position is that cross-examination is necessary to ensure a proper evidentiary record ...". Furthermore, "cross-examination serves a vital role in testing the value of testimonial evidence. It assists in the determination of credibility, assigning weight and overall assessment of the evidentiary record. It has been termed 'the greatest legal invention ever invented for the discovery of truth' ... without cross-examination the Board will be reviewing only untested evidence."
5. With the absence of oral cross-examination of Trans Mountain executives and their experts, the only process now available to understand and test the application is through written Information Requests. The National Energy Board Rules of Practice and Procedure provides the NEB with the power to direct a party "to provide full and adequate" responses to Information Requests, without which the hearing process cannot be meaningful and cannot meet the requirements of procedural fairness and natural justice.

For most intervenors submitting Information Request No. 1, Trans Mountain has failed to respond and address the actual core elements of the question. They have either provided non-responses, general statements, or referred back to the inadequate information in the original application that gave rise to the question in the first place. In many instances Trans Mountain has assumed the regulator's role declaring that the question asked is outside the List of Issues established by the NEB.

Given the Board's lack of objectivity it is not surprising that out of the approximately 2000 questions not answered by Trans Mountain that intervenors called on the Board to compel answers, only 5 per cent were allowed by the Board and 95 per cent were rejected.

The Board had stated that the elimination of cross-examination of the Proponent's evidence can be evaluated through the two scheduled Information Requests. But we have a Kafkaesque outcome. Trans Mountain refuses to answer questions and the Board does not compel them to do so.

6. The Province of British Columbia stated that "Trans Mountain's failure to file the evidence requested by the Province in Information Request No. 1 denies the Board, the Province and other intervenors access to the information required to fully understand the risk posed by the Project, how Trans Mountain proposes to mitigate such risk and Trans Mountain's ability to effectively respond to a spill related to the Project."

The Province of British Columbia has the responsibility for undertaking due diligence on behalf of the public trust of British Columbians. The 80 questions Trans Mountain refused to answer — which the Province believed important enough to ask the Board for assistance and compel Trans Mountain to answer — were denied by the Board.

The Board has sided with Trans Mountain dismissing the Province of BC's need for answers in pursuit of its duty to British Columbians. The NEB's bias in support of the Proponent is reflecting poorly on the Province of BC in that it is unable to obtain necessary answers to conduct its due diligence. Accordingly, it raises the question as how it is possible for the Province of BC to continue to participate in this hearing process. The Province should cancel the Equivalency Agreement with the NEB on this project and undertake its own environmental assessment as the only meaningful way in which it will be able to effectively obtain the answers it seeks.

The National Energy Board is not fulfilling its obligation to review the Trans Mountain Expansion Project objectively. Accordingly it is not only British Columbians, but all Canadians that cannot look to the Board's conclusions as relevant as to whether or not this project deserves a social license. Continued involvement in the process endorses this sham and is not in

the public interest.

Yours truly,

Marc Eliesen

*Fed up with the federal pipeline review process? Think British Columbians should vote on Enbridge and Kinder Morgan's crude oil transport proposals? Add your name at <http://LetBCVote.ca>*

[Share on Facebook](#) [Twitter](#)

---

**CAMPAIGNS**

[no tankers](#)

[coal](#)

**CONTACT US**

**MEDIA CENTRE**

**GET INVOLVED**

[organize with us](#)

[attend an event](#)

[work with us](#)

[stay in the loop](#)

**ABOUT US**

[blog](#)

[privacy policy](#)

[our annual report](#)

[publications](#)

**SUPPORT OUR WORK**

[donate](#)

[other ways to give](#)

# BLOGWOOD

Monday, April 13, 2015 by Kai Nagata

## How To Kill A Pipeline

*A version of this article originally appeared in The Tyee.*

On the night of April 12, 2014, I was a long way from the North Coast. Surrounded by a ballroom full of grey-haired guys in camo vests and stone-washed Levis, I drained another can of Bone Beer and checked my raffle tickets. I had that lucky feeling. My friend and I were volunteering at the B.C. Wildlife Federation annual meeting in Kelowna and I just knew we were going to win something.

I spotted reporter Robin Rowland's tweet just after nine o'clock: "Kitimat votes NO," it read.

For the first time, B.C. citizens directly in the path of a heavy oil project had been asked to vote on it. Kitimat is the proposed end point for the \$8-billion-plus Northern Gateway project. A twin pipeline would carry bitumen 1,177 km from Alberta to a supertanker terminal there at the head of Douglas Channel.

The non-binding plebiscite was set up by the local municipality, which until then had avoided taking a position on the project. Many felt the question itself was confusing. Haisla Nation members next door were barred from voting and the proponent, Enbridge, had no spending limit. But in the end none of that was enough to tilt the outcome.

The final tally was 41.6 per cent in favour, 58.4 percent opposed. "The people have spoken," said then-mayor Joanne Monaghan.

The results prompted a roar of cheers and drumming outside Kitimat's City Centre mall. Speaking through a megaphone, former Haisla chief councillor Gerald Amos delivered this prescient political analysis: "I think Enbridge, and the government, really don't understand what happened here tonight. But I think all of us do. What we witnessed was a community-building exercise that should scare the shit out of them."

### Why Goliath loses

The key to that night's victory lies in a simple tactical fact: Energy companies have not, so far, figured out how to move votes. They can easily outspend opponents in the 'air war,' but they don't have the lists, the organizing tools or the volunteer strength to get large numbers of people to the polls.

If the battle is fought on their field – the world of advertising, political donations, lobbying and strategic litigation against public participation (SLAPP suits) – 'Big Oil' will win every time. But if a corporate giant like Enbridge can be drawn into an electoral skirmish, the odds are less certain.

Like Goliath shuffling down to the Valley of Elah in heavy armour for his fight with a young shepherd, energy companies are ill-equipped for asymmetrical conflict.

The group in Kitimat that went toe-to-toe with Enbridge was about as grassroots as it gets. Douglas Channel Watch is a kitchen-table coalition comprised of, among other people, retired Alcan workers, local teachers, a shy postal worker, and a self-described "radical Baptist grandma."

They had \$200 dollars in the bank. Their master plan was this: Knock on doors, talk to neighbours, encourage them to vote.

The weekend of the vote last April, Dogwood staff hastily built an online pledge called Let BC Vote. We bet on a win in Kitimat, and we bet that once British Columbians heard about it, others would demand their democratic say. We issued a challenge to people feeling shut out of the power game in Ottawa: "Join us in reclaiming our decision-making power."

When the results came in I grabbed my phone and pushed my way out into the courtyard of the lakeshore Delta Grand, where jolly hunters and anglers stood puffing on flavoured cigars. I fired off emails through a haze of smoke and manly laughter. The first pledge signatures started trickling in. Up at the head of Douglas Channel, a fresh breeze was blowing. As Gerald Amos rightly noted, Enbridge was in deep trouble.

It's not that the company didn't understand the importance of voter contact. Enbridge employees flew in from Calgary and rented every black SUV in the Northwest. They set up a mobile command centre at the local rod and gun club. They prowled through the town's rainy cul-de-sacs carrying souvenirs and glossy "Yes" pamphlets. They just didn't have a very good story to tell.

They also clearly misjudged British Columbians, even after 10 years of sales trips. The best anecdote I heard from the Kitimat campaign concerned a resident with a very big truck. An Enbridge employee knocked on his door, hoping for an



Dogwood organizers working hard this past year

easy mark. But the guy looked past the clipboard down to the bottom of the driveway, where one of the black SUVs sat idling on the curb. Shaking his head, he said to the Enbridge employee, "Man, don't you care about the environment?"

Douglas Channel Watch won because several hundred people who didn't participate in the previous municipal election, many of them young people, decided the plebiscite was important enough to vote. Voter turnout rose to 62 per cent, compared to 56 per cent in the previous municipal election. The difference would suggest the Enbridge issue triggered a deeper set of values than are accessed by conventional electoral politics.

In a nutshell, the Kitimat residents who canvassed house to house were working in service of the broader public interest. Enbridge's staff, on the other hand, were there to represent their employer's corporate interests. Corporations may be a form of legal person, and they can certainly spend unlimited money in B.C. elections. But they can't actually vote – so an organized group of citizens can still beat a corporation at the ballot box.

### **The emperor's best clothes**

Polling conducted two months prior showed that by a majority of two to one, British Columbians continued to oppose "allowing crude oil supertankers through B.C.'s northern inside coastal waters." But the same survey also found 64 per cent of respondents believed Enbridge's project would be built anyway. Only 12 per cent thought the pipeline would likely fail.

Enbridge executives knew long beforehand that the project was exceedingly vulnerable. But the federal government's shock-and-awe campaign on behalf of any and all pipelines had temporarily clothed the emperor. That public sense of inevitability was Enbridge's greatest weapon.

It's also what drove me to join Dogwood Initiative, a scrappy Victoria-based NGO with a penchant for issuing grandiose political threats. If the provincial government went along with Ottawa and approved the Enbridge project, Dogwood organizers said they'd run a citizens' initiative – the same process that eventually defeated the Harmonized Sales Tax.

It was a nutty plan, but I didn't see a lot of better options. Two thirds of people in the province believed the federal government was getting ready to ram through a pipeline opposed by dozens of First Nations and a democratic majority of voters. When I visited communities along the right-of-way, people openly predicted another Oka Crisis. They fully expected to see troop carriers rolling through reserves.

Premier Clark was the last line of defence before blockades went up, but I wasn't sure she'd stand up to Harper for long.

The real problem was that the power relationship between citizens and their representatives was broken. People expected to be betrayed by their politicians. On this issue, even seasoned activists expected to lose. I heard the same grim joke over and over: "see you in front of the bulldozers."

We needed something to reverse that sense of helplessness, and we found it in the Kitimat plebiscite.

That said, citizens seeking to block provincial pipeline permits would need signatures from more than just one town. B.C.'s unique citizens' initiative law allows any registered voter to bring forward a bill, but success would require support from 10 per cent of voters in each of 85 ridings.

A proponent seeking to halt a pipeline proposal would have to secure those signatures in just 90 days. Fortunately they wouldn't be starting from scratch. Dogwood Initiative organizers have been gathering contact info from supportive voters ahead of time, in case we're forced to launch abruptly.

### **Walking dead**

Northern Gateway was first conceived more than a decade ago. In 2005 Enbridge signed a deal with PetroChina, China's biggest state-owned oil producer. Beijing would kick in the cash to get it built, in return for dibs on pipeline capacity. Ten years later, despite federal government approval, Enbridge CEO Al Monaco now says the earliest the pipeline could be up and running is 2019.

Even that seems optimistic. Enbridge still has no firm shipping agreements with oil producers. One of the 209 conditions attached to the certificate issued by the National Energy Board is that 60 per cent of the pipeline's capacity be confirmed, six months before shovels can hit the ground. If Enbridge can't sign transportation shipping agreements by June 2016, the NEB certificate expires.

Preventing that means winning the confidence of the oil patch at a time when head offices in Calgary are preoccupied with a long, deep price crash. From investment newsletters to energy conferences to the halls of the Alberta government, people who follow pipeline politics are now talking about the likelihood that Northern Gateway will never be built. In fact, in energy circles the project has become a cautionary tale.

One major reason is Enbridge's longstanding enmity with some of the most powerful Indigenous groups on the continent. Eight First Nations are currently challenging the project's approval in federal court: Gitga'a't, Gitxaala, Haida, Haisla, Heiltsuk, Kitasoo Xai'Xais, Nadleh Whut'en and Nak'azdli.

Together Sierra Club BC and RAVEN, a charity that raises money for First Nations litigation, have crowd-funded more than \$350,000 for these court cases. The "Pull Together" campaign has now set its sights on another quarter million.

Four other NGOs are mounting their own court challenges, as is Unifor – the private-sector union that represents energy workers.

It seems likely that one of those court cases will eventually stall Northern Gateway indefinitely. However, the axe could fall

much sooner through the actions of elected lawmakers. Three federal opposition parties have promised to kill the project if they hold the balance of power in the next parliament. In other words, Enbridge needs the Conservatives to win 170 seats just to hang on past October.

It's no wonder the project lead, Janet Holder, retired quietly at the end of last year.

## The long haul

Even if the stars align for Enbridge – a friendly government is elected in Ottawa, Premier Clark reverses her government's rejection of the project and every attempt to secure a legal injunction fails – the project will have to get past the people of British Columbia.

Winning an official citizens' initiative would still be an enormous challenge, especially in the ridings where we don't have canvassers working yet. But we're many months from having to consider that step. In the meantime, the sense of inevitability around these projects is crumbling. The court cases plus the scale and stamina of organizing efforts across the province have combined to change the political math. Where will we be in another twelve months?

Kinder Morgan's proposal to expand its existing Trans Mountain pipeline proposal, nearly tripling its oil flow, was once seen as a shoo-in. But it has encountered headwinds of its own. The Texas company mounted a slick, far-reaching ad campaign during last fall's municipal elections, reminiscent of Kitimat. It backfired badly, motivating Dogwood organizers to get young, issue-driven voters to the polls in key communities along the southern tanker route. Turnout spiked and candidates swept into office on platforms of staunch opposition to the project.

Last week's bunker fuel spill in English Bay served as a small but graphic illustration of the risks involved in turning Vancouver into a global oil port. Just 17 barrels of spilled oil proved too much to contain for Western Canada Marine Response Corporation, the private spill-response company majority owned by Kinder Morgan. Federal officials were pilloried over their slow and poorly-coordinated response.

Now the provincial government is under pressure to boycott the Kafkaesque joke that is the National Energy Board's review of Kinder Morgan's expansion. Seven local mayors have declared "non-confidence" in the National Energy Board. A high-profile intervenor – former BC Hydro CEO Marc Eliesen – already withdrew in frustration and others are considering joining him.

Meanwhile the Gitga'at Nation is in B.C. Supreme Court seeking to overturn a 2010 equivalency agreement under which the province signed away its powers of review to Ottawa. What most voters don't know yet is that B.C. can launch its own independent assessment of the Kinder Morgan project at any time. What's missing so far is political backbone. If the Gitga'at case proceeds and the NEB continues to alienate intervenors, Premier Clark may be left with no other choice.

What lessons can citizens draw from Douglas Channel Watch and other grassroots victories? If you're working to defeat an opponent much bigger and stronger than you, don't fight on their terms. Start by finding your allies closest to home. Build trust and shared purpose through stories that connect to deeper values. Knock on doors. Grow your list. Pick skirmishes you know you can win. Over time, draw Goliath down to the valley bottom.

The lesson for energy companies? First of all, never underestimate the strength and determination of people who are defending their home. Don't confuse your shareholders' interests with the public interest. Don't rely on the federal government to do your dirty work. Ultimately, if your project puts you in conflict with a democratic majority of people in the place where you hope to operate – just walk away.

[Share on Facebook](#) [Twitter](#)

---

CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

# BLOGWOOD

Tuesday, May 19, 2015 by Robyn Allan

## Economist Robyn Allan Withdraws From Kinder Morgan Review

*Robyn Allan has withdrawn as an intervenor in the federal government's review of Kinder Morgan's Trans Mountain pipeline and oil tanker expansion project, detailing her reasons for quitting in a scathing letter to the National Energy Board.*

*Allan is former President and CEO of the Insurance Corporation of British Columbia, was Vice-President Finance for Parklane Ventures Ltd., and Senior Economist for B.C. Central Credit Union.*

*Here is the full text of her letter to the secretary of the NEB:*



May 19, 2015

Dear Ms. Young,

I am withdrawing as an expert intervenor from the National Energy Board review of the Trans Mountain Expansion Project. After dedicating professional expertise for more than a year, *pro bono* and in good faith, I have concluded that withdrawal is the only course of action. Continued participation endorses a broken system and enables the pretence of due process where none exists.

The review is not conducted on a level playing field. The Panel is not an impartial referee. The game is rigged; its outcome pre-determined by a captured regulator. The NEB's integrity has been compromised. Its actions put the health and safety of the Canadian economy, society and environment in harm's way.

The NEB has unconscionably betrayed Canadians through a restricted scope of issues, violated the rules of procedural fairness and natural justice, and biased its decision-making in favour of Kinder Morgan. These are discussed below:

### 1. Restricted Scope of Issues

#### (a) Review is not of the Pipeline System

Once expanded, the Trans Mountain system will consist of two pipelines, related storage facilities and a three-berth marine terminal at Westridge dock. The cumulative impact and risk of this entire system is of concern to the public, but not to the NEB. The Panel has excluded from its assessment the impact and risk of the sixty year old legacy line, existing terminals and storage tanks—these are outside the scope of its review.

What the NEB is considering is the impact of the "Project" which only includes the incremental, new, facilities. It is treating the expansion as if it is not part of a larger, and much more vulnerable system, but as if it is being constructed on a stand-alone basis.

It is a well-known aspect of prudent risk analysis that aggregate risk—the risk of the entire system everywhere along that system—is the relevant scope, not a self-serving limitation that restricts the scope of the review to half the system's potential transport capacity, much less than half the system's aggregate risk, and less than half its potential negative consequence.

This dangerous limitation in scope is how Kinder Morgan successfully argued that its existing Emergency Management Plan (EMP) documents "are not relevant to the Board's consideration of the Project...Trans Mountain notes that although BC considers the EMP documents for the existing system to be relevant for the Board in considering this Application, the Board itself has never taken that position."<sup>41</sup>

The Panel agrees, "the EMP (Emergency Management Plan) documents relate to the existing facilities that are not the subject of the present Project application...Whether Trans Mountain is meeting its obligations with respect to its EMP for the existing facilities is a matter for the Board to consider outside of the hearing for this Project. The safe operation of the existing Line 1 facilities under current operating conditions is out of scope for this hearing."<sup>42</sup>



At the Northern Gateway proceedings the Panel relied on similar polluted logic to conclude that the Kalamazoo oil spill was irrelevant to informing the Board of the risk, and cost, Enbridge's project posed to the Canadian public interest.<sup>[iv]</sup>

**(b) Review Restricted to Applied-for Capacity not Designed Capacity**

The new pipeline is designed to carry 780,000 barrels a day of oil (for total system capacity of over 1.1 million barrels a day), but the Panel is restricting its review to the applied-for capacity of 540,000 barrels a day.<sup>[v]</sup>

When Kinder Morgan comes forward to request NEB approval to increase throughput to designed capacity it will not fall within the definition of a designated project under the *Canadian Environmental Assessment Act 2012*. An NEB Act section 52 review will not be required. The impact of an almost fifty percent increase in capacity on Line 2, including the marine traffic it triggers, will never undergo proper scrutiny.

**(c) Review Excludes Socio-economic and Environmental Effects of Bitumen Exploitation, Upstream and Downstream Activities**

On April 2, 2014, the Board released its List of Issues. Intervenors were offered no opportunity to comment. The Panel excluded economic, environmental and social impact activities that are of significant concern to Canadians. In particular, the Board *"does not intend to consider the environmental and socio-economic effects associated with upstream activities, the development of the oil sands, or the downstream use of the oil transported by the pipeline."*<sup>[vi]</sup>

This means the Board will not consider:

(i) greenhouse gas emissions from the production of diluted bitumen shipped down the pipeline and from its use in foreign markets;

(ii) environmental impacts of tanker traffic beyond a 12 nautical mile territorial sea limit;

(iii) risks and costs of climate change;

(iv) crowding out of economic activity and the erosion of quality of life in British Columbia as English Bay and Burrard Inlet become oil tanker parking lots for Alberta's heavy oil;

(v) the opportunity cost to the Canadian economy when raw bitumen is exported to foreign markets for upgrading and refining at the expense of value added, job creation, and economic wealth generation in Alberta; and

(vi) the cost to the Canadian economy of a condensate import dependency. Roughly one of every three barrels intended for Trans Mountain's expansion consists of imported condensate from the US, much of it brought into Canada on Kinder Morgan Cochin. The expansion is pitched to Canadians as a Made-in-Canada heavy oil export strategy when it is in no small part a US condensate export strategy, making its way to foreign markets via Trans Mountain pipeline and our marine waterways.

The Board received Notices of Motion from the *City of Vancouver* and *Parents from Cameron Elementary School in Burnaby* requesting expansion of the List of Issues. Ten Intervenors supported the motions, including the Intervenor Robyn Allan.

The Board argued that, *"Oil sands projects, including expansions, have and continue to be subject to provincial environmental assessment or combined provincial and federal assessment. This supports the conclusion that the CEAA 2012 does not require the Board to include in its environmental assessment activities that have been so assessed."*<sup>[vii]</sup>

The Board provides false assurances. The Board has accepted Kinder Morgan's supply forecasts in Volume 2 of its Application. These forecasts include production volumes from some projects that have not received regulatory approval, therefore it is not possible that the environmental costs of these projects have been considered. The NEB attempts to lull Canadians into the delusion that they have.

The Board also argues that it *"is mindful that the environmental and socio-economic effects of petroleum exploration and production activities in Canada are assessed in other federal and provincial processes that involve those conducting those activities, and that the end use of oil is managed by the jurisdiction within which that use occurs."*<sup>[viii]</sup> This spurious reasoning is nonsense since subsection 52 (2) of the NEB Act grants the Board *"authority to determine what is relevant to it in fulfilling its mandate."*<sup>[ix]</sup>

The duplicity of the Board becomes glaringly apparent when its reasons to exclude upstream activities, oil sands extraction, and downstream use are viewed in light of the Board's decision on marine transport issues. The Board has no authority with respect to marine shipping, navigation, safety and spill prevention and yet, the Board included *"the potential environmental and socio-economic effects of marine shipping activities that would result from the proposed project, including the potential effects of accidents or malfunctions that may occur."*<sup>[x]</sup>

**(d) Review Restricts Marine Shipping Activities Assessment to 12 Nautical Miles**

Strangely, the Panel has limited the assessment of marine shipping activities to 12 nautical miles, as if somehow

environmental impact and spill threat cease beyond this limit.<sup>[iv]</sup> The Board is deluding us with this territorial limit. The environmental threats from oil tankers must be evaluated throughout the entire marine vessel trip. For example, Canada is a signatory to the North American Emissions Control Area (ECA)<sup>[v]</sup> requirements, which assist in reducing air pollution from ships, but the boundary extends to only 200 nautical miles. Once past this point, tankers shift to much dirtier, and more environmentally challenging fuel sources, most notably Bunker C—the same oil that spilled recently in English Bay.

If the Board is purporting to assess the potential environmental and socio-economic effects of marine shipping activities then the full atmospheric and spill threat of oil tankers transiting to and from Westridge must be included, not just the incremental tanker traffic within an arbitrary limit of 12 nautical miles.

## **2. Compromised Principles of Procedural Fairness and Natural Justice**

Much has been written about the Panel's unprecedented exclusion of cross examination and how this undermines the integrity of the review process. The Intervenor, Robyn Allan, formally requested that it be re-introduced into the hearing schedule.<sup>[vi]</sup> Numerous Intervenors sent in letters of support. The Board rejected the request siding with Kinder Morgan, the beneficiary of the Board's decision.

The Board assured participants that two rounds of written requests would be sufficient to test the evidence. The Board's assurances are without merit. The first round of information requests resulted in Intervenors formally petitioning the Board to compel Kinder Morgan to answer thousands of questions, but the Board granted only 5% of them. In the second round, the Board compelled Kinder Morgan to answer less than 3%. Separate Information Requests, required because of late TERMPOL and Seismic reports, have experienced similar, unsatisfactory, responses from the Board.

The absence of oral cross has turned this public hearing into a farce, and the written information request process into an exercise in futility.

*"For two centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening the experience."<sup>[vii]</sup>*

The Board was advised by the Department of Justice that the absence of oral cross is a failure of the process pointing out that beyond any doubt cross examination *"is the greatest legal engine ever invented for the discovery of truth."*<sup>[viii]</sup>

The Board claims to be an independent regulatory tribunal guided by the principles of natural justice and procedural fairness. It is a court of record and has a duty to act fairly. The NEB has failed in upholding these responsibilities.

## **3. Biased Decision Making**

One of the fundamental features of our market system is that the risk borne by shareholders is balanced against the financial reward they expect to receive. This risk-reward trade-off sends appropriate market signals and supports a more efficient and effective allocation of capital.

In an unprecedented decision—the Firm 50 decision—the NEB violated this important principle by allowing Kinder Morgan to amass \$136 million to pay for the pre-development costs related to the Trans Mountain expansion project. This fund was not accumulated through shareholder, at risk, capital, but through a pre-approved surcharge on shipper tolls.<sup>[ix]</sup> Ultimately, this cost is borne by the Canadian economy and public through foregone tax revenue and—as Kinder Morgan told the NEB during the Firm 50 Hearing—higher oil prices.<sup>[x]</sup> In contrast, there is no risk to Kinder Morgan's shareholders for the pre-development phase of its project.

Not only did the NEB undermine the market system by granting Kinder Morgan a fund to push through its project, it has knowingly stacked the deck in favour of the Proponent. The NEB did not ensure concomitant financial resources would be available to Intervenors during these same NEB proceedings.

The NEB socialized project approval costs onto the backs of Canadians while it knows the project's vast financial returns—some \$850 million a year—will be privatized into the pockets of Kinder Morgan's US based investors.<sup>[xi]</sup> When the Intervenor, Robyn Allan, requested the Board compel Kinder Morgan to reconcile inconsistencies between the economic benefits claims in its application against what it has told its shareholders in Texas—that it intends to siphon away close to a billion a year from the Canadian economy while paying almost no Canadian corporate taxes—astonishingly, the Board concluded this is outside the scope of its review.

By its actions it is clear the Board has no intention of considering the economic impact and financial viability of this application but for accepting Kinder Morgan's bogus case in Volume 2. Refusing to compel Kinder Morgan to answer questions, the Board allows Kinder Morgan to pretend benefits exist where they do not. When Intervenors submit evidence on the economic issues the Board will give it little, if any, weight; it has already ruled meaningful critique is outside the

scope of issues. This is a travesty.

The Board's unfair approach is also reflected in its determination that the application was complete when it was not. This is most clearly illustrated by Kinder Morgan's uncertainty over its route and the Board's accommodation of Kinder Morgan's lack of preparation inside the review process.

Although aware of the Panel's violation of the public trust, Peter Watson, NEB Chair and CEO has not sought to rectify the broken process. The entire National Energy Board is perpetrating a fraud on the Canadian public.

Withdrawing as an expert intervenor is not only a form of formal protest against the broken system, it is also a reasoned decision considered in light of efficiency and effectiveness. Protection of our democracy and market economy is best undertaken outside the industry contrived, and controlled, NEB failed system.

The NEB is not a national energy board; it is a parochial board steeped in Calgary petro culture, run by corporate interests.

Industry bias began in the 1990s when the NEB moved from Ottawa to Calgary, leaving two-thirds of its staff behind and requiring permanent Board members to live in proximity to Calgary. Regulatory capture continued as the Federal Government and Board adopted the practice of offering Board and staff positions to people with energy industry backgrounds, at the expense of establishing a diversification of interests.

The Board abandoned prudent and sound economic and financial analysis when these led to decisions recommending projects be rejected because costs outweighed benefits. Rather than continuing to rely on Cost-Benefit analysis as a sound analytical approach, the NEB rejected it in favour of Input-Output analysis; a flawed and misleading substitute that presents impacts as if they are benefits and ignores known and reasonable costs.

The Board is charged with environmental assessment without appropriately skilled and experienced staff to undertake it. The Board does not have the expertise, or will, to understand complex corporate structures designed to minimize corporate taxes, siphon vast financial wealth out of the country, and leave Canadians holding the bag when major or catastrophic events happen.

I withdraw from this process in defence of the market system and a sound economy. I withdraw from this process in defence of sustainable economic progress that promotes resource development rather than resource exploitation.

The fight to protect the Canadian public interest must be conducted in an open and transparent forum, where those who desire to participate, have a right and opportunity to do so.

The fight to protect the Canadian public interest must include those issues that fully represent the Canadian public interest, not limit them—as the Panel has done—to a definition serving industry. We are being conned by the very agency entrusted to protect us. This must stop. The health and welfare of our economic, social and environmental systems are at stake.

Sincerely,

Robyn Allan

cc

Intervenors

Kinder Morgan

Peter Watson, Chair and CEO, NEB

[Share on Facebook](#) [Twitter](#)

---

<sup>[i]</sup> Kinder Morgan Response to the Province of BC Motion December 5, 2014, page 5, Letter

<sup>[ii]</sup> NEB Ruling No. 31, September 24, 2014, page 4, Ruling

<sup>[iii]</sup> Vancouver Sun, NEB Review Panel Violated Public Trust, January 9, 2014, Robyn Allan, Article

<sup>[iv]</sup> Kinder Morgan Pipeline Expansion Designed to Carry Much More Oil, The Tyee, May 28, 2014, Robyn Allan, Article In contrast, the NEB approved the \$5.4 billion capital budget that includes costs for the designed capacity and incorporated these into approved tolls to be charged to shippers.

<sup>[v]</sup> NEB Hearing Order OH-001-2014, Appendix A—List of Issues, page 18, Hearing Order

<sup>[vi]</sup> NEB Ruling No. 25, page 3, Ruling

<sup>[vii]</sup> Ibid., page 6.

[viii] Ibid., page 6.

[ix] NEB Hearing Order, List of Issues #5, op. cit. The Board provided a follow-up to Issue #5 on September 10, 2013 titled Filing Requirements Related to the Potential Environmental and Socio-Economic Effects of Increased Marine Shipping Activities, Attachment 1

[x] NEB Letter September 10, 2013, Attachment, Ibid, page 1. 12 nautical miles translates into 22.2 km from the low water mark of the coast.

[xi] Canada Implements North American ECA Requirements, May 10, 2013. Article

[xii] Notice of Motion, Robyn Allan, April 14, 2014, Motion

[xiii] Wigmore on Evidence (Chadbourn Rev. 1974) vol 5, p.32, para 1367.

[xiv] Attorney General of Canada, June 27, 2014, page 5, para 16. Written Response

[xv] The National Energy Board Guaranteed Kinder Morgan a Fund to Push Pipeline Expansion Through Regulatory Review, June 17, 2014, Robyn Allan, Report

[xvi] Application for Firm Service to Westridge Marine Terminal, RH-2-2011, Reasons for Decision, page 13.

[xvii] Ian Anderson, Kinder Morgan Inc. Transcript Part IV Toll Hearing Evidence, January 30, 2013, page 3.

---

CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
CONTACT US	<a href="#">work with us</a>	<a href="#">our annual report</a>	
MEDIA CENTRE	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

# TAB

# 23

# BLOGWOOD

Tuesday, June 21, 2011 by Will Horter

## A Page Out Of The Civil Disobedience Book

The media has widely praised the civil disobedience occurring throughout the Arab world, but when protest came home to roost in Canada's Senate recently the vitriol began to fly.

Compared to the graphic images from the "Arab Spring," Senate page Brigitte DePape's silent display of a "Stop Harper!" sign during the throne speech was fairly tame. Who would have guessed that a stop sign could cause so much controversy?

The Canadian press alternatively praised DePape as a "hero" or excoriated her as "dangerous" or a "spoiled child."

Generally I abide by Texas pundit Jim Hightower's famous saying: "There's nothing in the middle of the road but yellow stripes and dead armadillos," but not this time. I disagree with both extreme perspectives, finding myself — for one of the few times in my life — right in the middle of the debate.

On one hand, the critics denouncing DePape clearly misunderstand or reject the very idea of civil disobedience. On the other hand, if DePape was attempting to create real change she surely could have highlighted something less mushy than "Stop Harper!"

Civil resistance is an important political tool, especially for the disadvantaged with minimal access to the levers of power.

DePape's silent sign-holding is a part of the long honourable history of civil disobedience, or what some people prefer to call civil resistance. Civil disobedience occurs when people consciously refuse to obey certain laws, customs or commands of a government with the aim of bringing about a change in laws or policies. In DePape's case, the laws and customs she was defying were the rules around decorum in Parliament and the non-partisan role of staff. Clearly she thumbed her nose at these rules and customs and was promptly fired for doing so.

While DePape engaged in civil resistance, her actions certainly won't be chronicled in the history books alongside the likes of Gandhi or anti-apartheid activists. But her failure to achieve greatness doesn't delegitimize her action.

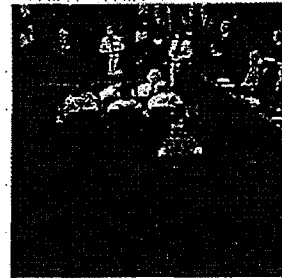
Critics have denounced DePape as "disrespectful to our grand history and to Parliament itself," a "lefty kook," "arrogant," "immature" for polluting what Mike Duffy ironically calls "the people's place." These people obviously don't believe in civil disobedience.

The current reality is that protests don't even get mentioned unless they are the first, biggest, most violent or involve something edgy or creative. Simply refusing to obey a law doesn't have the power it used to. People objecting to government or corporate actions have to be extremely creative in getting their messages out.

For example, our notankers.ca" loonie decals played to the edge of the law. We expected the Canadian Mint to claim we were defacing currency, but our research suggested that because there was no adhesive and the decals could easily be removed, we couldn't be successfully prosecuted. We were prepared to defend our position in court. We believed the unacceptable risk that oil tankers would bring to B.C.'s coast far outweighed the risk of being found to break the law. Ultimately, we were surprised when the Royal Canadian Mint threatened us not with defacing, but with a trademark violation and sections of the Currency Act designed to prohibit the melting of coins. We fought back telling the Mint that we did not think those laws applied and indicated we were willing to defend our actions in court. The Mint huffed and puffed, but never followed up.

*The current reality is that protests don't even get mentioned unless they are the first, biggest, most violent or involve something edgy or creative.*

Civil resistance is an important political tool, especially for the disadvantaged with minimal access to the levers of power. Its strength lies in the debate it generates about the law and the moral justification of violating it. By defying a societal norm, and being willing to suffer the consequences, protestors shine a spotlight on the bad law or draconian consequences and seek to both bring it into disrepute and catalyze others to stand against it.



Brigitte de Pape holds a "Stop Harper" sign in the House of Commons during the throne speech.

That brings us to the question: was the throne speech stop sign effective civil resistance?

While well-intentioned, it fell short. DePape's call out to "Stop Harper!" was vague and confusing. Was it a call to action over Prime Minister Harper's lack of accountability and contempt for Parliament and its institutions? Was it a protest against Harper's failure to act on global warming? Or was it a stunt to highlight the massive expansion of power of the Prime Minister's Office? It certainly wasn't clear from the message itself, nor from the media interviews following, where DePape made reference to all these things.

Our communities, our nation and our world are all facing enormous challenges, including a growing disparity between rich and poor and major disruptions from a rapidly changing climate. Harper and many other political leaders are ignoring the consequences of the choices they are making today.

Just as it has in toppling abusive governments across the Arab world, if we want the future of the Canada we believe is possible, civil disobedience will play an important role. I can't think of any major political shift that has ever occurred in Canada that didn't have a component of people breaking laws. For example, many Canadians forget the role civil disobedience played in helping Tommy Douglas get a universal health care system first in Saskatchewan and later throughout Canada. Given the role corporations, the media and government have in maintaining the status quo, I can't imagine Canadian governments taking meaningful action on global warming or reducing poverty without some people engaging in civil disobedience.

So when we evaluate any civil resistance — an audacious Canadian page or the Arab people struggling for a different vision of their country — we must remember it is not about the perfect strategy or new social media gadgets; it is about people who are passionate about their beliefs being brave enough to step away from the convenient path, to ruffle feathers and break a few rules in pursuit of a more just, equitable and sustainable future.

On that note, while I give DePape a "C" for messaging, she gets an "A" for effort. I applaud her for taking action. Perhaps that's all that matters.



---

**CAMPAIGNS**

no tankers

coal

**CONTACT US****MEDIA CENTRE****GET INVOLVED**

organize with us

attend an event

work with us

stay in the loop

**ABOUT US**

blog

privacy policy

our annual report

publications

**SUPPORT OUR WORK**

donate

other ways to give

# BLOGWOOD

Thursday, January 19, 2012 by Will Horter

## Predictions For 2012 841

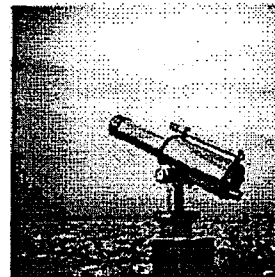
Never make predictions, especially about the future.

- Casey Stengel Hall of Fame Baseball Manager

Almost every year when I get a new calendar I sit down to ponder what's likely to happen in the coming year. I don't use a crystal ball or tea leaves — generally I just take a few moments to ponder the economic and political trends and imagine how they may extend into the future. It's not an exact science, but my record of predictions is pretty good.

### 2012 Predictions

- 1: More civil disobedience.
  - 2: Tankers will get political.
  - 3: Vancouver's role in exporting global warming pollution will get attention.
  - 4: Rise of B.C. Conservatives will kneecap provincial Liberals.
  - 5: Calls for governance reform in the CRD will gain momentum.
- 1: More Civil Disobedience



Hold onto your hat, I predict 2012 is going to be a wild year in British Columbia. Image: Boliston

Throughout the world people are getting increasingly frustrated by their political leaders' lack of progress on the big challenges facing humanity. With the global climate and economy in jeopardy, many feel that traditional means of dialogue and decision-making are broken and corrupted by the influence of corporate interests. The solution: take it to the street. While British Columbia is not Cairo, or New York, tangible disconnects do exist between what people want and what our political leaders are delivering.

the meltdown that is coming if we don't dramatically reduce our heat-trapping pollution is becoming clearer every week. While Prime Minister Stephen Harper plays strongman for the oil and gas industry and B.C. Premier Christy Clark promotes virtually any polluting industrial project she can get a photo op from, people are desperately searching for a way to break the paralysis. For people deeply concerned about the liveability of the world their children will inherit, there are few paths forward other than active civil resistance (civil disobedience occurs when people consciously refuse to obey certain laws, customs or commands of a government with the aim of bringing about a change in laws or policies).

In British Columbia this means that large infrastructure projects that will tie our province into selling fossil fuels for generations are likely to become targets for civil disobedience. Enbridge's proposed oil tanker and pipeline project in northern B.C., Kinder Morgan's plan to quadruple the number of oil tankers passing through Burrard Inlet and Port Metro Vancouver's expansive coal export facilities are likely targets. Another trend fuelling potential boots in the streets is the growing perception that the one per cent and their political supporters are rigging the rules in their favour. While the Occupy movement is in transition, I expect it will reconstitute and focus more narrowly on some of the one per cent corporate fat cats benefiting from rigged tax and environments laws. Potential targets are: Jimmy Pattison because of his massive investment in exporting B.C. resources (coal, salmon, timber), Warren Buffet's Burlington Northern & Santé Fe's trains importing U.S thermal coal to export for coal-fired power plants in China, as well as coal giant Teck, the largest donor to the governing provincial Liberals.

Also, First Nations are likely to increasingly blockade logging, mining and oil and gas projects to both bring attention to the poverty in their communities and the enormous amount of wealth being generated from the territories. Increasingly I'm hearing First Nations leaders say that the only way to get Ottawa and Victoria to pay attention is to create "uncertainty." Getting between corporations and their money is the best way to get governments to commit to change.

### 2: Tankers And Pipelines Will Get Political

Premier Clark continues to sit on the fence on Enbridge's proposal to bisect British Columbia with two pipelines that will bring 225 oil tankers to the north coast each year. The premier says she will await the recommendations of the regulatory process that has just started.

While she may want to avoid a decision, Premier Clark won't have that luxury (especial now that Prime Minister Harper and Minister of Natural Resources Joe Oliver have put their thumb on the scale with their incendiary remarks about foreign radicals highjacking the regulatory process).

By the end of next year, between 200,000 and 250,000 British Columbians will have joined the growing movement to ban tankers. More than 20,000 have already going the movement in first half of January.

These No Tankers supporters aren't randomly distributed across the province — they are strategically located in many of the battleground ridings that will determine who forms the next provincial government. People in battleground ridings — Oak



Bay-Gordon Head, North Saanich, Comox Valley, Burnaby North, Burnaby Lougheed, Maple Ridge-Mission, Vancouver-Fraserview, Vancouver-Fairview, and Vancouver-Point Grey — are organizing and the numbers are growing fast.

The last federal election proved that oil tankers can be a voting issue. What many people don't know is that in seven of nine B.C. ridings where oil tankers were an election issue last May the pro-oil tanker candidates lost. Conservative candidates Troy de Souza, Gary Lunn, and Deborah Meredith lost by narrow margins in part because of their support for oil tankers.

The same will be true in the upcoming provincial election.

The battle lines over West Coast tankers will also intensify now that Kinder Morgan is planning to quadruple the number of oil tankers setting sail from its facility in Burnaby. Municipal opposition is already solid with the mayors of Vancouver, North Vancouver, Burnaby and Victoria already calling on the federal government for extra consultation. The Islands Trust and the Union of British Columbia Municipalities (UBCM) are also taking action.

Outreach efforts began a few months ago to expand the No Tankers support base throughout the Port Metro Vancouver municipalities and battleground ridings. This will have political consequences beginning in 2012, especially if Clark tries to remain on the fence.

### **3: Vancouver's Role In Exporting Global Warming Pollution Will Get Attention**

Vancouver has set the ambitious goal of becoming the greenest city in the world during the next eight years.

These efforts could be sabotaged by the rapidly expanding exports of coal and oil coming from its ports. Vancouverites will be appalled to discover that Jimmy Pattison's Westshore coal export facility near the Tsawwassen ferry terminal is actually the largest single source of global warming pollution in North America. That's right folks, the largest source of pollution on the continent.

While the port is not under the city's jurisdiction, they do have a seat on the "port cities committee" of Port Metro Vancouver. As civil resistance increases the notoriety of Vancouver's climate unfriendly exports, city officials will have no other option but to begin flexing their muscles with provincial and federal authorities.

The juxtaposition of the city's green aspirations and the polluting reality will get interesting in 2012.

### **4: The Rise Of B.C. Conservatives Will Kneecap Provincial Liberals**

Recently enshrined B.C. Conservative leader John Cummins will be the political game changer in 2012.

If Cummins continues to rise in the polls, Clark and the B.C. Liberals can kiss goodbye any chance of being re-elected. Even if the B.C. Conservatives fall from 20 per cent to 10 per cent Clark's chances to form government will be slim.

Elections in B.C. are generally two-horse races. When third parties in B.C. garner around 10 per cent in an election, strange things happen.

- In the 1972 election — the last time provincial Conservatives pulled more than 10 per cent of the vote — the three-way split vaulted the NDP to a landslide over W.A.C. Bennett's Social Credit Party.
- In 1991, the rise of Gordon Wilson's Liberals (or the demise of Rita's Johnson's SoCredits) led to a NDP landslide.
- In 1996 the Reform Party attracted almost 10 per cent (and the Progressive Democratic Alliance got almost six per cent) and the NDP formed government despite coming second in the popular vote.
- In 2001 the Green Party pulled almost 12 per cent and the B.C. Liberals won a landslide.

While Adrian Dix and the NDP's strengthening polling numbers must concern the B.C. Liberals, if the B.C. Conservatives solidify their vote at around 10 per cent it will be fatal to Clark's election chances and probably her leadership.

Clark's team seems to be counting on right-leaning voters to return to her party once the election is called. Likely some will, but I think she is underestimating the betrayal many of these voters feel towards her party and Gordon Campbell because of the HST and Campbell's policies on First Nations and the environment. This underlies Clark's obsession with distancing herself from Campbell and his legacy, although she would love to have some of Campbell's undervalued success in keeping right-leaning voters in one big tent.

Only two things could potentially save Clark and the Liberals:

1. If the provincial Tories are unable to build an efficient "Get Out The Vote" machine and cannot convert their polling numbers into votes; and
2. If the mercurial Conservative leader Cummins implodes before the election.

Given the high-profile federal Conservative insiders rumoured to be joining up with Cummins, the latter is more likely.

So far the former MP Cummins, who holds controversial views on both First Nations and women, has avoided major mistakes, but there are 17 months until the election an eternity for a loose cannon like Cummins.

We will soon be able to tell which way the winds are blowing for the B.C. Conservatives. Now there are two by-elections that have to be held this spring: Port Moody-Coquitlam (to replace Liberal Ian Black) and Chilliwack-Hope (to replace Liberal Barry Penner).

If the B.C. Conservatives maintain their position in the polls I predict more incumbent Liberal MLAs will retire. I expect at least four by-elections in 2012 and perhaps more.

### **5: Calls For Governance Reform In The Capital Regional District Will Gain Momentum**

Cities everywhere are facing enormous challenges. The combination of an increasingly unstable global economy and climate, growing inequality, the rising cost of fuel and food and downsizing of provincial and federal governments, means our local governments are going to have to quickly restructure how they make decisions about the big challenges we collectively face to feed ourselves, house ourselves and transport ourselves. Unfortunately, our regional decision-making structures are not up to these challenges and need to be modernized. The voting structure at BC Transit and the Capital Regional District are ill-equipped to deal with these larger problems that no one municipal government can resolve by itself.

Despite years of effort, little progress has been made in developing a top-notch regional public transportation system, in solving the growing homelessness problem, in protecting and expanding local food production or in managing growth and protecting green spaces from reckless development.

Given the controversy surrounding sewage, light rail transit and the land-use decisions in Juan de Fuca and Central Saanich, some critics — particularly developers and their political supporters — are calling for the 13 municipalities in the CRD to be amalgamated into one body like Ottawa or Toronto.

This won't work on southern Vancouver Island. Many of the communities in the CRD have distinct cultures, and the makeup of the CRD is too diverse for a one-size-fits-all solution. The challenges facing Sooke are different from those of downtown Victoria. The character of Saanich is unlike that of the Juan de Fuca area.

That said, there is need for modern decision-making rules and structures that facilitate co-operative decision-making on the enormous collective challenges facing our region. We must consider how together we can create and implement a plan to make our region the most liveable in the world.

Many influential people in the region are searching for a path forward on these issues. I predict a conversation about developing a "made in the region" solution will begin to percolate in 2012, and a solution will coalesce in 2013 just in time for the next round of municipal elections.

*"Politics is not predictions and politics is not observations. Politics is what we do. Politics is what we do, politics is what we create, by what we work for, by what we hope for and what we dare to imagine." — Paul Wellstone, Former U.S. Senator*

#### Other Famous Predictions:

- "I think there is a world market for maybe five computers." — Thomas Watson (1874-1956), Chairman of IBM, 1943
- "Heavier-than-air flying machines are impossible." — Lord Kelvin, President, Royal Society, 1895
- "Everything that can be invented has been invented." — Charles H. Duell, Commissioner, U.S. Office of Patents, 1899
- "There is no reason anyone would want a computer in their home." — Ken Olson, president, chairman and founder of Digital Equipment Corp., 1977
- "This 'telephone' has too many shortcomings to be seriously considered as a means of communication. The device is inherently of no value to us." — Western Union internal memo, 1876.
- "The wireless music box has no imaginable commercial value. Who would pay for a message sent to nobody in particular?" — David Sarnoff's associates in response to his urgings for investment in the radio in the 1920s.
- "The concept is interesting and well-formed, but in order to earn better than a 'C,' the idea must be feasible." — A Yale University management professor in response to Fred Smith's paper proposing reliable overnight delivery service. (Smith went on to found Federal Express Corp.)
- "All attempts at artificial aviation are not only dangerous to life but doomed to failure from an engineering standpoint." — editor of 'The Times' of London, 1905
- "640K ought to be enough for anybody." — Bill Gates (1955-), in 1981.
- "Louis Pasteur's theory of germs is ridiculous fiction." — Pierre Pachet, Professor of Physiology at Toulouse, 1872
- "We don't like their sound, and guitar music is on the way out." — Decca Recording Co. rejecting the Beatles, 1962
- "Drill for oil? You mean drill into the ground to try and find oil? You're crazy." — Drillers who Edwin L. Drake tried to enlist to his project to drill for oil in 1859.
- "Airplanes are interesting toys but of no military value." — Marechal Ferdinand Foch, Professor of Strategy, Ecole Supérieure de Guerre
- "The abdomen, the chest, and the brain will forever be shut from the intrusion of the wise and humane surgeon". — Sir John Eric Ericksen, British surgeon, appointed Surgeon- Extraordinary to Queen Victoria 1873
- "You would make a ship sail against the winds and currents by lighting a bonfire under her deck...I have no time for such nonsense." — Napoleon, commenting on Fulton's Steamship
- "Man will never reach the moon regardless of all future scientific advances." — Dr. Lee De Forest, inventor of the Audion tube and a father of radio, 25 February, 1967.
- "The aeroplane will never fly." — Lord Haldane, Minister of War, Britain, 1907
- "But what ... is it good for?" — Engineer at the Advanced Computing Systems Division of IBM, 1968, commenting on the microchip.

*Image courtesy of Bolstin on Flickr. Used under a Creative Commons license.*

<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

# BLOGWOOD

Friday, May 31, 2013 by Will Horter

## Why Premier Clark Said 'No' To Enbridge

Lots of people, particularly eastern pundits, were surprised by B.C. Premier Clark's decision to formally reject Enbridge's oil tanker and pipeline proposal to ship Alberta crude oil through B.C. to China and other Asian markets.

We weren't.

Why? Simply because its good politics.

I'll explain.



Premier Clark has staked her political future on rapidly ramping up Liquefied Natural Gas (LNG) exports from B.C. It was the centerpiece both of her jobs plan and the cash cow that would help her claw her way out of significant budget deficits.

Anything but a strong NO to Enbridge would have raised the ire of northern First Nations and communities – those whom she quickly needs to appease to fast track her LNG plans. Simply put, a YES to Enbridge would have – as UBC Prof George Hoberg recently said – unleashed a backlash of civil disobedience unprecedented in our province's history, as well as potentially spurred a citizen initiative similar to the HST referendum, which could seriously derail her government's priorities.

The second reason is that despite what some eastern pundits may claim, pro-oil tanker and pro-pipeline positions are politically toxic in B.C. What's been lost in the myriad of opinion editorials claiming the tanker issue is what cost the NDP the election is the fact that Christy Clark campaigned on 'Standing up for BC.' Her 'protect B.C. against Alberta and Ottawa' rhetoric served her well in the elections campaign, insulating her from what was substantively a weaker policy position than the NDP.

*Also lost in the media coverage so far is the fact that not one MLA was elected who had a pro-oil tanker or pro pipeline position:*

*MLA's who opposed or raised serious concerns about oil tanker proposals = 85*

*MLA's who supported oil tanker proposals = 0*

Despite the rejection, backed by a thorough and compelling technical submission, there were aspects of the B.C. government's news release that raise concerns. The repeated use of the phrase "as presented to the Joint Review Panel" to qualify their rejection raises the possibility of some post-review secret deal. These weasel words, combined with Minister Lake's comments yesterday after a meeting in Alberta where he said he saw a "path to Yes," raises questions about the possibility of further negotiations between Clark's government, Alberta, Ottawa and Enbridge outside of public process.

It is true: Ottawa could still try pushing through an approval for Enbridge while relying on promises to make the project better after the review. However, the public process is now over, so this would mean any changes Enbridge might make to their proposal would presumably be evaluated behind closed doors. After the HST backlash, it would be political suicide for either Harper or Clark to make backroom changes to their position on such a controversial proposal.

Another problem with a backroom, post-review deal with Ottawa and Alberta is that it would completely undermine the JRP process as well as future review processes. Why would 1,161 people make oral presentations to the JRP or why would interveners waste countless hours reviewing testimony and spend hundreds of thousands of dollars on lawyers if proposals can get revised and approved post-review through backroom negotiations? This approach would open up more legal and political risks than it would solve. Imagine what would happen to the upcoming regulatory review of the Kinder Morgan proposal if Victoria and Ottawa bring out the gaffers tape and approve Enbridge post review?

Another reason Clark's opposition to Enbridge isn't a surprise is that by all accounts she is a federal Liberal at heart. After the largest perceived election comeback in Canadian history, Clark is in a strong position to play hardball with Harper. Clark successfully cozied up to Tory-aligned interests to unify the so-called 'Free Enterprise' vote before and during the election, but insiders indicate it was always a forced marriage. Most of her closest advisors – including her ex-husband who's rumoured to be on the short list as Justin Trudeau's point man in B.C. – align with the Grits and not the Tories.

Given the massive opposition from across the political spectrum – Dogwood Initiative alone has more than 150,000 No Tankers supporters – and the federal Liberals long-standing opposition to the expansion of oil tankers in B.C. (going all the way back to Justin's dad), the Liberal brand is enhanced by a firm NO position and a face-off with Harper.

In fact, polls suggest 'Standing Strong Against Oil Tankers' is perhaps the best issue in B.C. to differentiate Grits from the Tories and rebuild support for the Liberal Party of Canada.

Given the collapse of the provincial Conservatives, her unexpected comeback, her deep political ties to the Grits and her desire to fast track LNG, Clark's decision to reject Enbridge as it stands makes a great deal of political sense.

[Share on Facebook](#)   [Share on Twitter](#)

---

CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

---

# TAB

# 24

## Civil Disobedience Meeting

Feb. 20, 2013

*In attendance:* Will Horter, Emma Gilchrist, Celine Trojand, Matt Takach, Karl Hardin, Eric Swanson, Lyndsey Easton

*Chair:* Will Horter

### *Context*

The issue of participating in civil disobedience has arisen as a topic worthy of further discussion and clarification — both in terms of Dogwood Initiative's position on civil disobedience and Dogwood Initiative's policy surrounding staff participating in civil disobedience on Dogwood issues.

### *Dogwood's position on civil disobedience*

Started with a round table conversation about current understanding of our position. It was generally agreed upon by all staff that Dogwood has not taken a blanket position on civil disobedience — rather, we consider it a tool in the tool box to be strategically evaluated on a case-by-case basis.

**Action item:** It was decided that we will publish a blog outlining Dogwood's position on civil disobedience. Will is going to take the lead on combining Eric's Defend Our Coast blog (unpublished) and his previous Bridget DePape blog and is going to provide to Emma for editing and review before he leaves on vacation on Feb. 27<sup>th</sup>.

### *How a decision to use civil disobedience will be made*

Any decision for the organization or its staff to participate in civil disobedience needs to be signed off on by the Executive Director, in consultation with the Campaign Director and the Communications Director.

### *Policy on staff participating in civil disobedience*

Further conversation was had about the issue of Dogwood staff participating in civil disobedience on Dogwood issues in instances where the organization has not made the strategic decision to pursue civil disobedience.

It was generally agreed upon by all present that as a Dogwood Initiative employee you are representing Dogwood (whether you like it or not) whenever you make statements or take actions on an issue that Dogwood Initiative is currently working on.

Following on this, it was agreed upon that to participate in civil disobedience on a Dogwood issue without written consent (as detailed above), would be a contravention of the employment contract and

would risk bringing the organization into "disrepute." Your right as a citizen does not trump your responsibility to abide by your employment contract.

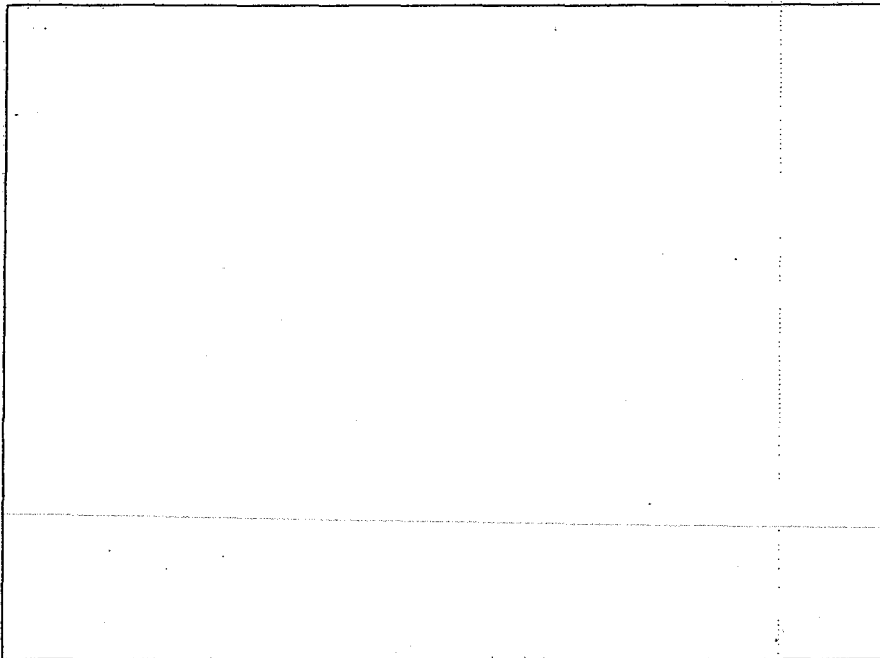
It was also flagged that if you are considering becoming involved in another organization that is partaking in civil disobedience this could present a conflict of interest and should be flagged with the executive director before involvement commences.



**TAB**

**25**

# Celine Trojand



**Celine Trojand** - *Director of Organizing ext.24*

Politics around the kitchen table has always been commonplace for Celine, who grew up with her family in rural Northeastern B.C. Her family made a living in agriculture and commercial horticulture until they relocated to the Okanagan in 2003. Celine earned a degree in Anthropology from UBC Okanagan where she was an active student leader and Course Union Chair. Celine began working for Dogwood in 2009 and has weathered three election campaigns, three leadership races and countless rallies. She still does not enjoy rally chanting but is unfalteringly devoted to building power in communities across her home province.

Celine is one of those extreme extroverts — she's best when she's having exciting conversations and meeting new people. On the weekends you might find her doing Organizer trainings, taking pottery classes, competing in archery shoots, or making huge feasts for her friends, family and her dog, Loup.

---

CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

# TAB

# 26

## Terry Dance-Bennink



**Terry Dance-Bennink - Regional Organizer - Vancouver Island South**

Terry joined Dogwood in 2013 after searching for an environmental organization that asked more of its volunteers than a donation and a signature. She returned from a two week visit to the tarsands a changed woman, determined to stop pipeline expansion and stand in solidarity with Canada's First Nations. Now she's a full-time volunteer regional organizer, responsible for Vancouver Island South. She calls Vic West home but is deeply attached to more than 100 volunteers in Sooke, Metchosin, Esquimalt, View Royal, Colwood and Victoria. A retired vice-president academic of an Ontario college, Terry has her M.Ed. and brings decades of organizational and communication skills to her role. She's also a breast cancer survivor/volunteer and a member of Esquimalt United Church. In her down time, she loves to walk along Victoria's harbour front, meditate and sip a raspberry ale at Swan's Brew Pub with Dogwood buddies.

---

CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

**TAB**

**27**

[Home](#) » [Blog](#) » A River Pilgrimage to the Tar Sands: Part One - First Encounters

## Share River Pilgrimage to the Tar Sands: Part One - First encounters

by Rikki Ayers at Oct 03, 2013 12:50 PM | [Permalink](#)  
under: [First Nations](#), [climate change](#), [global warming](#), [Tar Sands](#), [No Tankers](#)

by Terry Dance-Bennink, M.Ed.

Six of us set off on a pilgrimage along the Athabasca River this fall, starting at its headlands in Alberta's ice fields and culminating in "Hiroshima" as singer, Neil Young, so rightly describes the tar sands. It's the largest energy extraction project on the planet and yet it's out of sight, out of mind for most of us.

I'm an active volunteer with the Sierra Club and the Dogwood Initiative and support "no tankers off our coast." But I've never seen the tar sands. I joined this trip because I wanted to see the source of the threat, as well as nature untouched by our greed. This is my testimony to what I learned on a journey through a healthy natural wilderness, a man-made hell, and my own emotional wilderness.



Terry and her husband Theo on the Athabasca River.

### Our First Encounter

Our trip was organized by Maureen Wild, a retreat guide and Sister of Charity, who focuses on sacred ecology (see her website, [www.paxgais.ca](http://www.paxgais.ca)). Five women and one man (my 77 year-old husband, Theo) met each other for the first time at a peaceful Franciscan retreat house with a beautiful view of the Rockies on September 3rd.

We were to spend two weeks accompanying the river whenever we could, travelling in two cars. We roughed it at times and did our own cooking as much as possible. We soaked up the beauty of nature and spent time with a Metis family in Brule, Alberta and a native family and whistle-blower, Dr. John O'Connor, in Fort McKay. We explored Fort McMurray and saw and smelt the tar sands.

It was good to start off in a quiet place as each of us was excited but also a bit nervous. I'm a breast cancer survivor with digestive issues, so I was anxious about our accommodation and venturing into "Mordor". A Franciscan brother joked as we left, "don't get killed up there."

We met "the river" the next day and marvelled at its power and milky sheen as we soak up the spray from Athabasca Falls. I can't get over the vast swaths of green velvet forest, untouched by clear-cutting. Further along the Icefields Parkway, we hiked up to the foot of a glacier but returned somewhat sad as evidence of global warming was all around us. I'd visited this glacier 10 years ago and it's noticeably smaller.

We spend the first night in a river-side hostel with a gorgeous view but no running water or electricity, smelly pit toilets, and a group of male cyclists drinking hard liquor at the end of a long ride! The six of us shared a tiny cabin with bunk beds. After that restless night, I say thank you to all my ancestors who survived far worse and acknowledge my own dependency on oil-based comforts.



Two pilgrims at the glacier's edge. Photo: Terry Dance-Bennink

### A Metis perspective

A surprise awaited us outside Jasper in the tiny hamlet of Brule, Alberta. Fellow-traveller

Maureen had booked a B & B which turned out to be just beautiful, complete with mountain and river views, flush toilets, running water, and electricity! The owners, Laura Vinson and David Martineau are a Metis couple and fantastic musicians.

We spent the first night listening to the DVD of their European tour celebrating Metis culture and its diverse roots, and we talked about the fracking operations for natural gas which encircle their community. We also heard about ancestors who were pushed off their land when Jasper National Park was born.

We gathered around the fire pit the next night and met our host Laura's sister, Lavone, who works for the Athabasca Watershed Planning & Advisory Council (WPAC). She tells us that water is being pumped out of local creeks for natural gas operations, leaving them dry. WPAC is working well, however, and will soon move into developing a management strategy. As we drive off the next day, we can see small fracking operations on farmers' lands – a reminder of what B.C.'s government has embraced in a big way in the northeastern part of our province.

We sense friction between the Metis and treaty native people when Lavone tells us that treaty natives in Fort McKay are considered "rich" in comparison with the Metis who have no treaty rights.

Share ext day, we rested close to the town of Athabasca as we prepared ourselves mentally and physically for highway 63, known as the highway to hell, enroute to Fort McMurray. We enjoyed a dip in a small lake, an encounter with a black bear, quiet reading on the cabin porch, and communal meals. My husband Theo gave each woman a huge big chocolate bar which definitely helped seal their approval of the only man in our estrogen-laden circle!



View from the bed-and-breakfast Terry and crew stayed at in Brule, Alberta.  
Photo: Terry Dance-Bennink.



Evidence of global warming. The glacier has receded noticeably since 1992. Photo: Terry Dance-Bennink

*To be continued . . .*

*(Click to [Part Two](#), [Part Three](#) or [Part Four](#))*

Filed under: [First Nations](#), [climate change](#), [global warming](#), [Tar Sands](#), [No Tankers](#)

Share **River Pilgrimage to the Tar Sands: Part Two - Hell, Greed and Fever**

by Rikki Ayers at Oct 05, 2013 03:00 AM | [Permalink](#)  
under: [climate change](#), [global warming](#), [Tar Sands](#), [No Tankers](#), [oilsands](#), [Climate Change](#)

Terry Dance-Bennink, M.Ed.

[Continued from Part One - First Encounters](#)

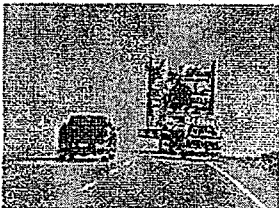


Oil industry employee barracks along highway 63. Photo: Terry Dance-Bennink

## The highway to hell

Highway 63 is weird - like nothing I've ever seen. We drove north for several hours on a straight, flat road bordered with small, stunted trees struggling to grow in marshy land. Pit toilets are the only rest areas. We didn't see many signs of oil exploration because it's hidden by the trees, but every once in a while we glimpsed ugly three-storey barracks housing oil workers. We'd been told that sniffer dogs roam the corridors each night to detect drugs.

Huge trucks, some of them two storeys high, rush past us with escorts to halt traffic when needed. Pick-up trucks are the name of the game up here. Theo and I felt very small and conspicuous in our car with B.C. license plates. The infamous highway is being expanded into a four lane expressway, a sign the oil companies are here to stay. Fatigue, alcohol, drugs and notorious weather conditions resulted in 3,339 accidents and 93 deaths between 2006-10 (*Oilsands Review*, Sep. 2013).



An oversized load along the highway to hell - Highway 63 - to Fort McMurray, A.B.

We all breathed a sigh of relief when we entered Fort McMurray (Fort Crack according to washroom graffiti). Our relief didn't last long. We felt the frenetic energy of the place and had to watch our step every moment to avoid being run down. The four lane highway buzzes with trucks 24/7. We saw men everywhere, huddled in small groups on corners, outside bars and restaurants, from all over the world, including Somalia and Newfoundland. As older women, we stand out in this testosterone-driven city filled with big toys for big boys.

## A museum of human greed

We stopped at the Oil Sands Discovery Centre on the way into town. It's an informative, slick propaganda tool designed by the oil industry, mainly for children. But I got to touch and feel bitumen in its original form - it's a thick, sticky, hard substance, just like tar. We were shocked by the coloured map which shows Fort McMurray and Fort McKay surrounded by dozens of oil companies. Every inch of land is claimed. The map shows only 20% of the total industry

- the surface mining operations that use giant trucks and shovels. The remaining 80% is secured through in situ drilling, a steam-driven process to secure oil deeper down.

The tar sands region is the size of Florida! How many Canadians know this? How many have seen it?

We climbed up on a two-storey truck with the biggest tires I've ever seen and sit in the driver's seat watching video footage of a real operation on a Martian-like landscape. Every scrap of natural vegetation, derogatorily called the "overburden", has been stripped away as the men hunt for black gold. It's rape by another name.

The only nod to the environmental impact of the tar sands is a short video with a native elder who says quietly, "Water is more precious than oil and I'm worried about the future." An industry spokesman responds by stating "10% of the active mining footprint has been reclaimed since the 1960s and we are making efforts." (*Upstream Dialogue: The Facts on Oil Sands*)



To my surprise, the *Oilsands Review*, an industry magazine, actually quotes Alexis Bonogofsky from the National Wildlife Federation: "The Albertan government wants the Oil Sands Discovery Centre to be perceived as a celebration of human ingenuity, but what they don't understand is that it is a museum of human greed, folly and recklessness." A series of similar quotes fill the single page devoted to what people are saying about the industry in the media around the world.

## Black gold fever

Black gold fever enveloped us that night as we went for a meal at Earl's next door to our hotel, staffed with waitresses dressed like hookers who tell us they have to be ready for "red-carpet treatment." The place is packed as every hotel is booked for the annual trade show. Once again, we're conspicuous in a room filled with tired men, drinking and having a good time, ogling the waitresses' white thighs.

As we leave the restaurant, we see a man slumped in a red car at the end of a street with his car engine running. We call 911. The ambulance driver threatens to bash in the driver's window unless he opens up. The next day, we see the empty red car still parked in the same



A negative filter on this map of oil company claims shows the breadth of tarsands and other fossil fuel development. Original photo: Terry Dance-Bennink

average age in Fort McMurray is 31 and the average annual income is \$177,000. Theo remarks, "Everyone here is going to put down 5 cents and pick up a dollar." The female staff in our hotel (which costs \$155/night for a dark, smoky room) are eager to chat. They work long hours and there's little for women to do in town. They seem eager for female company.

Fort McMurray, however, is quite genteel – across from the highway and up a hill – with house prices averaging in the high 300s. Housing is a real issue in Fort McMurray, even though oil industry executives and workers earn such high salaries. Our young mayor, however, is trying her best to civilize this modern-day gold rush town.

## A toxic stew

We then headed off to Fort McKay the next morning to meet 77-year-old Celina Harpe, a Cree-Chipewyan elder, who's lived in the area all her life. Maureen is writing her life story. On the way we finally glimpsed the scope of the destruction – enormous tailings lakes (not ponds) filled with toxic chemicals, water and sand, some stretching as long as 14 miles (Syncrude).

These tailings lakes total 170 sq. kilometres and just sit there like huge oozing sores, waiting for some miracle cure that even the oil industry acknowledges is difficult to find. Ducks, geese and shorebirds die in agony when they mistakenly land in this disgusting stew that never freezes over.

The region smells of sulphur and oil – all the way to Fort McKay – and yet government and industry deny "the odours". It's two weeks later and I'm still hacking from a brief exposure. How do the workers and native people survive? Some workers are lucky and return upstream to Fort McMurray at night where the air is relatively clean; others are stuck all week in barracks beside the plants, while the native people downstream are slowly dying from cancer, skin, digestive and respiratory diseases. I feel incredibly privileged to live in Victoria.

The tailings lakes increase in volume at a rate that would fill the Toronto Skydome on a daily basis, according to Edmonton's Pembina Institute. And they leak. The water is kept in an unlined earthen structure and even the official oil industry publication, *Upstream Dialogue*, acknowledges seepage into the ground water and Athabasca River. We heard a lot more about this when we met our native family and Dr. O'Connor.

The mines used 800 million bathtubs of fresh water last year, mostly from the Athabasca river (*Oilsands Review*, Sep. 13, p. 73). That's as much water as a city of 2 million people require, according to Andrew Nikiforuk, author of *Tar Sands*. And 70% of this water ends up in tailings lakes. *Upstream Dialogue* makes no mention of the contaminants in this water, but Natural Resources Canada provides a long list of the cancer-makers.

Canada has one of the worst records of pollution enforcement of any industrial nation.

To be continued . . .

(Click to [Part One](#), [Part Three](#) or [Part Four](#))

Filed under: [climate change](#), [global warming](#), [Tar Sands](#), [No Tankers](#), [oilsands](#), [Climate Change](#)

[Home](#) » [Blog](#) » [A River Pilgrimage to the Tar Sands: Part Three - Don't Drink the Water](#)

## Share **River Pilgrimage to the Tar Sands: Part Three - Don't Drink the Water**

d by [Rikki Ayers](#) at Oct 07, 2013 03:00 AM | [Permalink](#)  
under: [climate change](#), [global warming](#), [Tar Sands](#), [No Tankers](#), [oilsands](#), [Climate Change](#)

by Terry Dance-Bennink

[Continued from Part Two: Hell, Greed and Fever](#)

[\(Also read Part One: First Encounters\)](#)



The polluted Athabasca River near Fort McKay. Photo: Terry Dance Benrink

### Native hospitality

The dirt road into Fort McKay is a bumpy ride. It's currently being expanded and paved and is home to 700+ treaty native people and a Metis community. We met Celina, who has dark curly hair and a spark in her eye, at her modest home beside the river and we drove together to her sister Clara's house. Like Celina, Clara was born and raised in Fort McKay and she welcomes us warmly. She's prepared fried bannock with home-made jams and a lovely stew for us all. She lives in a new subdivision in a modern house but the tap water is undrinkable.

"Our new-borns come home from Fort McMurray and within a week, they show signs of asthma," Clara tells us. "We have to drink bottled water and can only shower briefly in lukewarm water because it's so toxic from chemicals used by the oil companies. We have all kinds of skin rashes. Dr. O'Connor tells our pregnant women and new-borns to completely avoid tap water." One of us goes to the sink to wash our hands, and we're quickly told to stop.

Celina and Clara tell us about Moose Lake – a sacred area of native reserves which the Dover/Brion Energy project intends to mine. "I grew up in Moose Lake in the bush with my six brothers," Celina tells us proudly. "I know everything and anything about trap lines. Red cranberries were everywhere. And the foxes, lynx, squirrels, even wolverines, are coming back. They're not being hunted as much. On our recent summer trip to Moose Lake, we came back with three white fish. But if that mine goes, this will all change."

Earlier this year, the Fort McKay First Nation and Metis community opposed the portion of the project nearest the reserve and requested a 20 km no-development buffer zone around Gardiner and Namur Lakes. They also asked for assurance of environmental best practices and an access management plan.

Despite evidence from 24 expert witnesses at the public hearing, the Alberta Energy Regulator rejected all three requests. The government claimed "the economic impacts of the buffer zone are too significant to lose and that government policy is to fully develop the oil sands." (*Red River Current*)

"Every mining request is approved, so no wonder we lose hope," Celina comments sadly. The fight is not over yet, and outside support and media attention is crucial.

Despite protests by the band council, they're in a bind. In 2010 alone, the oil companies contracted more than \$1.3 billion worth of goods from aboriginal-owned businesses in the region and industry gave \$5.5 million to support aboriginal community programs (*Upstream Dialogue*). Most employable people in Fort McKay work for the oil companies. Are you going to bite the hand that feeds you? But it sure smacks of an industry buy-off until the native people either die, move away or shake hands.

### A gentle warrior

We're shocked by the polluted water and toxic air and can't understand why nothing has been done. We learn even more when we interview whistle-blower, Dr. John O'Connor.



Dr. John O'Connor,  
gentle warrior.  
Share to: Terry  
ce-Bennink

Dr. O'Connor is a family physician and director of Health and Human Services in Fort McKay. He first started working with Fort Chipewyan residents in 2000 and was concerned by the high incidence of cancer among the 1,200 people living downstream from the oil sands. When he raised his concerns publicly, Health Canada supported by Alberta Health raised spurious complaints and his license was on the line for almost three years.

He was subsequently cleared after public protest and evidence from the Alberta Cancer Board that, indeed, cancer rates were 30% higher in the area than normal in 2009. The prestigious Proceedings of the National Academy of Sciences published Prof. David Schindler's et. al findings related to heavy metals and other contaminants emanating from the tarsands in 2009-10.

O'Connor is a gentle warrior. "I have stacks of documentation concerning the high incidence of respiratory disease, skin conditions, rashes, digestive disorders and cancer," he tells us. "I have lines of people coming into the clinic with rashes. There's dust everywhere." We can attest to that as our car is covered in it.

O'Connor had a conference call with Health Canada in February 2011 about the town's water quality. The water has been regularly tested for E. coli and more often now for disinfectant compounds (DBPs). "But we still have elevated levels of DBPs," he pointed out. "One hundred is the upper limit and our levels have reached close to 200, double the safety level, since 1994. The level ranges from 1 Edmonton and Fort McMurray and 180-260 in Fort McKay."

has nothing been done?" I ask him. "If this was Victoria, it wouldn't be tolerated for a minute and the media would be all

years ago, the government announced a letter of intent to conduct a health study," O'Connor replied. "The band chief me to lead the process. A few months ago, we stopped hearing anything from the government. In essence, the communities of McKay and Chipewyan have been abandoned by Alberta and Canada in terms of health studies."

"We had a support group for close to 100 people suffering from cancer in Fort McMurray a few years ago," O'Connor continued. "The Canadian Cancer Society helped facilitate the process, but even this organization was denied access to information by the Alberta health ministry, which cited privacy as the reason."

"I'm curious why Public Health has never questioned the government on the issue of human health impacts downstream," he said. "Not even once. And I demand the governments of Alberta and Canada be accountable to the people who have to endure the as-yet unstudied risks of merely living downstream."

"How can we support you?" we asked him.

"Talk to people – spread the word," he urged us. "There's no point watching your Ps and Qs – just say it all. But there has to be a balance, because Fort McKay would fall through the floor if industry pulled out completely. If I had three months, I'd be all over this, filing requests for information and talking to everyone I could."

## A pipeline for clean water

We returned to our hotel in a sober mood after this exchange with John O'Connor. The next day we drove back north to Fort McKay for lunch with Celina Harpe. She serves us baked bannock and a delicious moose stew – a first for me. Celina is more than willing to share her life story with us, but focuses a lot on the health issues in her community.

"In the old days, not many people died in one year. But we lost ten people last year – seven adults and three kids. Ten in one year is awful. My husband, Ed, sleeps all the time now because he has a cancerous tumour. When he takes a bath, I have to put antibiotic salve on him due to the water. My hands hurt so from the tap water. My friend has big brown marks all over her. Now they're talking of a swimming pool in town! Are they going to put tailings pond water in it? I worry so about all the children."

"There are dollars for housing but no clean water or air," she points out. "They're going to build an extended care building right beside the river. But what about the toxic water? If they can build a pipeline between here and the USA, why not a pipeline for clean water between Fort McMurray and Fort McKay?"

"They like it when people die here – I've said that in meetings. Families are moving away one at a time when they have the money."

"Everyone's related here. We're like family. My sister, Clara, and I always go wherever there's a need. I don't like politics because it gets in the way and material stuff is just material stuff. As long as I pray to God – that's what matters. We live with love and faith. What more can you ask for? That's the way my mother lived."

"Lots of people came to the healing walk through the tailings ponds from Crane Lake to Syncrude this summer," she told us. "We need all the help we can get. I didn't go because I wasn't feeling well. Everywhere we go here, there are gates and this is our land. It's not right!"

After three hours of sharing, Celina wrapped up with a moving story about her grandfather's prediction of the devastation of their land.

"My grandfather used to sit on top of the hill – only he had a house there then. He'd look at the river for hours. I ran over one day and sat with him when I was a little girl. He said, 'You know, God gave this river and ice and clear water – it's so beautiful. In the future, if you have children, you're going to have to tell them the white man is going to spoil that water. You're going to have to buy clean water and they're going to dig big holes for oil. There's lots of oil here. They will tear up mother earth. Nice trees will be torn up. I don't know where your grandchildren are going to go after that. I don't like it but I see it.'"

"I still remember what he said," Celina says. "Now I think about it and he was so, so right. **My grandfather's hunting ground is right where Suncor is now.**"

We leave Celina later that afternoon, grateful for her incredible hospitality given all she and her community have suffered at the hands of white people. The next morning, we drive south and begin the journey home with somewhat heavy hearts but honoured to have met such brave souls.

*To be continued . . .*

(Click to [Part One](#), [Part Two](#) or [Part Four](#))

Filed under: [climate change](#), [global warming](#), [Tar Sands](#), [No Tankers](#), [oilsands](#), [Climate Change](#)

Share

## Share **River Pilgrimage to the Tar Sands: Part Four - Lessons Learned**

by [Rikki Ayers](#) at Oct 09, 2013 01:00 AM | [Permalink](#)  
under: [climate change](#), [global warming](#), [Tar Sands](#), [No Tankers](#), [oilsands](#), [Climate Change](#)

by [Terry Dance-Bennink, M.Ed.](#)

[Continued from Part Three: Don't Drink the Water](#)

(Also read [Part One](#) & [Part Two](#))

### Renewable is doable

Theo and I collapsed into our own bed two days after visiting with Celina Harpe and Dr. John O'Connor in Fort McKay, although I woke up in the night and asked him where the bathroom was! In 14 days, we'd spent 10 nights in different accommodations, which I found hard.

I left the tar sands feeling quite overwhelmed. When you actually see the size of the devastation and the ruthlessness with which black gold is pursued, it's easy to feel despair. But a few days later after some quiet time, my spirits picked up as I listened to a webinar entitled "100% renewables – powering states, countries and the world with water, wind and sun" sponsored by the [BC Sustainable Energy Association](#).

Standford University professor, Mark Jacobson, told 500 participants from BC and all over the world that renewable energy is doable by 2030. His institute has developed concrete plans for California and New York proving that solar, wind and water-based energy is both possible, cost-effective and creates jobs. The key to change is our political will.

### What I learned

- I live within driving distance of one of the world's most environmentally damaging activities and yet I've never seen it. I'm not alone. If I remain silent, I'm complicit.
- The government and the oil industry are in collusion and Canada is becoming a petro-state with its characteristic lack of democracy. No wonder Prime Minister Harper is so unpopular here in the west. I'll continue to speak up and volunteer with local environmental groups, the Cancer Society and the United Church.
- Outside support and media attention are crucial. Those living in the belly of the beast are isolated and can be compromised. It may be easier for people like me to speak up than someone who depends on an oil industry job or grant to eat.
- "No tankers off our coast" is only part of the solution. The source of the problem, tar sands extraction, must be slowed at the very least, if not stopped outright.
- It's not enough to apologize to the native people for stealing and ruining their lands. They have not given up and they will not "move away". I must stand beside them when they ask for support.



The Athabasca River, upstream. Photo: Terry Dance-Bennink



Athabasca Falls. Photo: Terry Bennink

- **Renewable is doable.** The BC Liberals were re-elected last spring on the basis of their job-creation strategy. We environmentalists need to get specific about opportunities in the renewable energy sector. Be positive not just negative.
- **Mother earth will outlast us.** The rocky mountains convinced me of this. No matter what happens in 100 years, the planet will continue. Hopefully, we humans will find a way to curb our cancerous appetites and see ourselves as but one tiny chain in a living universe.
- **Time apart in nature restores my spirits.** I need regular time in the natural wilderness and the silence of meditation.
- **I must look at my own life style once again.** Walk more, drive less. Turn down the lights and heat whenever possible. Re-cycle kitchen scraps. Buy local organic food.....
- **I'm grateful for Victoria's clean water and air.** I'm privileged to live here while so many others in the world lack these basic rights.
- **The Athabasca River runs through my heart.** I will not forget you.

*Terry Dance is a breast cancer survivor who volunteers with the Canadian Cancer Society and local environmental groups. She's  
Share her vice-president academic of an Ontario college and a writer/personal historian.*

under: climate change, global warming, Tar Sands, No Tankers, oilsands, Climate Change

# TAB

# 28

# BLOGWOOD

Friday, January 24, 2014 by Lyndsey Easton

## The First Steps Of Organizing

If enough British Columbians pledge to sign up their friends, family and neighbours, it will be politically disastrous for Premier Clark if she does not stand up for B.C. against risky oil tanker proposals. That's because together, we'll have the people-power necessary to organize the hundreds of thousands of people across the province required to win a citizen's initiative.

The first step is to get so big that success would be nearly guaranteed if we launch a citizen's initiative. So what does that mission look like for people? You have to start small to get big: team up with a few friends or neighbours and together, find and sign up as many people in your community as possible.



Registering 9,885 people to knock on doors and collect pledges in all 85 B.C. ridings starts in places like coffee shops, churches and potlucks. Small tight-knit local groups will add up to a huge movement. This phase of Dogwood's new No Tankers strategy relies on consistent ground work led by people who have taken ownership of the movement to protect B.C.'s coast – just like Esquimalt resident Terry Dance-Bennink.

After a life-changing trip to the oil sands this past September, she decided she wanted to step up. Terry says the most upsetting part of her trip was meeting people living in First Nations communities who were dying from toxins released by the tarsands.

"Cancer rates are 30 per cent higher than normal in some areas. As a cancer survivor, my heart goes out to them," Terry says.

"When I came home, I felt the urge to do more than sign petitions, donate money and attend protest rallies. I've been giving talks about our trip at various churches and now I'm a Dogwood organizer. It's a big leap from being a supporter to an organizer, but we have to step up to the plate before it's too late."

Since participating in Dogwood and Organize BC's December organizing workshop, Terry has already helped develop a team in Esquimalt-Royal Roads with a clear target of collecting 5,888 pledges in the riding.

The foundation of the Esquimalt-Royal Roads team can be partially attributed to a relationship that developed at Dogwood's January 2012 Get Out the Vote event where Terry and teammate Maureen Burgess met for the very first time.

"We canvassed together and hit it off. She's raring to go along with Jane Devonshire, a working mother involved in many community networks."

Terry says when you're building a team, you simply have to start where you are:

"We sat down with Peter Gibbs, the regional organizer, and discussed our targets, team structure and roles, and events we could sponsor to recruit volunteers. We started out by identifying our own personal networks in order to follow-up with people who may be interested. In my case, I'm a member of the Justice & Outreach team at Esquimalt United Church and we have ten folks who are now committed to the campaign... Our immediate goal is to recruit 15 core organizers to work with future canvassers."

This kind of organizing approach is called a "Snowflake model" or a distributed leadership structure. Power, responsibility and ownership are distributed – not concentrated.

Extending the reach of their network even further, their team goes door-to-door every other Sunday afternoon, which includes an orientation, training and debrief afterward at the church.

"Anyone is welcome," says Terry.

Terry will be giving a talk about her trip to the oil sands on Feb. 26 at Sidney's St. Paul's United Church, as well as a public meeting on March 24 at her church in Esquimalt to involve a broader circle of people in the campaign.



"Celine Trojand and I will speak about the citizen's initiative and a member of the Coastal First Nations will speak to First Nations involvement. Guy Dauncey from the BC Sustainable Energy Association will answer the question often put to us: What DO you support? How can we transition from fossil fuels to sustainable energy in B.C.? It will be a lively evening for sure!"

Terry says she believes in building a grass-roots movement in B.C. as a way to influence politics, as we've known all along this was going to be a political decision. As of the time of publication, 9,243 people have taken the pledge to stand up for B.C. if Premier Clark won't, and 1,058 of those people have raised their hands saying they want to receive training about how to bring together British Columbians who believe in a healthy coast and a healthy economy. We're lucky Terry is one of them.

"It won't be easy, that's for sure. But when I wake up at 2 a.m. worrying about some campaign detail, I remember Nelson Mandela, Martin Luther King and countless others who drew on their faith in God, human goodness and the planet to keep going. We have to be brave and in it for the long haul."

To help the movement stay connected, we're running regular trainings, conference calls and webinars to support organizers in every way we can. E-mail Dogwood's organizing director Celine at [celine@dogwoodinitiative.org](mailto:celine@dogwoodinitiative.org) to get connected.

If you haven't already, please sign the pledge to Stand Up for BC. The path to victory is clear, and it starts with building real community power.

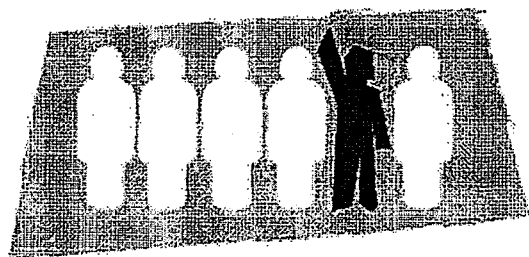
[Share on Facebook](#)   [Twitter](#)

---

CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
<a href="#">no tankers</a>	<a href="#">organize with us</a>	<a href="#">blog</a>	<a href="#">donate</a>
<a href="#">coal</a>	<a href="#">attend an event</a>	<a href="#">privacy policy</a>	<a href="#">other ways to give</a>
<a href="#">CONTACT US</a>	<a href="#">work with us</a>	<a href="#">our annual report</a>	
<a href="#">MEDIA CENTRE</a>	<a href="#">stay in the loop</a>	<a href="#">publications</a>	

# TAB

# 29



Published on *DeSmog Canada* (<http://www.desmog.ca>)

[Home](#) > [The Day I Found Out the Canadian Government Was Spying on Me](#)

## The Day I Found Out the Canadian Government Was Spying on Me <sup>[1]</sup>

[Emma Gilchrist](#) <sup>[2]</sup> | November 20, 2013

By [Emma Gilchrist](#) <sup>[2]</sup> • Wednesday, November 20, 2013 - 11:43



Nov. 19<sup>th</sup>, 2013. A Tuesday. The day started out sunny, but hail fell out of the sky in the afternoon. It was a Victoria day like any other until I found out the Canadian government has been vigorously spying on several Canadian organizations that work for environmental protections and democratic rights.

I read the news in the [Vancouver Observer](#) <sup>[3]</sup>. There, front and centre, was the name of the organization I worked for until recently: Dogwood Initiative.

My colleagues and I had been wary of being spied on for a long time, but having it confirmed still took the wind out of me.

I told my parents about the article over dinner. They're retired school teachers who lived in northern Alberta for 35 years before moving to Victoria.

I asked them: "Did you know the Canadian government is spending your tax dollars to spy on your daughter?"

Then I told them how one of the events detailed in e-mails from Richard Garber, the National Energy Board's "Group Leader of Security," was a workshop in a Kelowna church run by one of my close friends and colleagues, Celine Trojand (who's about the most warm-hearted person you could ever meet). About 30 people, mostly retirees, attended to learn about storytelling, theory of change and creative sign-making (cue the [scary music](#) <sup>[4]</sup>).

In the e-mails, Garber marshals security and intelligence operations between government operations and private interests and notes that his security team has consulted with Canada's spying agency, CSIS.

To add insult to injury, another set of documents [5] show CSIS and the RCMP have been inviting oil executives to secret classified briefings at CSIS headquarters in Ottawa, in what The Guardian [5] describes as "unprecedented surveillance and intelligence sharing with companies."

These meetings covered "threats" to energy infrastructure and "challenges to energy projects from environmental groups." Guess who is prominently displayed as a sponsor on the agenda of May's meeting? Enbridge, the proponent of a controversial oilsands pipeline to the coast of British Columbia.

I asked my folks: "Isn't that scary? CSIS is hosting classified briefings sponsored by Enbridge?" No answer. My parents are not the type to get themselves in a flap about things like this, but I prodded them: "Dad, this is scary, right?"

"It's scary," he admitted.

How much information is being provided to corporations like Enbridge? What about state-owned Chinese oil companies like Sinopec, which has a \$10 million stake in Enbridge's Northern Gateway pipeline and tanker proposal?

What kind of country spies on environmental organizations in the name of the oil industry? It seems more Nigerian than Canadian.

I fought the urge to react with indignation, a sentiment I find all too common in the environmental movement. I also didn't want to be overwrought about it. Fact is though, the more I thought about those documents, the more I began to feel a sense of loss for my country.

I'm not the touchy-feely type. Everyone from my conservative cousins in Alberta to my former colleagues at the Calgary Herald could attest to that. I grew up in northern Alberta playing hockey and going to bush parties. I think our oil and gas deposits, including the oilsands, are a great asset to our country — if developed in the public interest. Yes, that's a big "if" — but Canadians own these resources and the number one priority when developing them should be that Canadians benefit.

For speaking up for the public interest and speaking out against the export of raw bitumen through the Great Bear Rainforest, hundreds of people like me have been called radicals [6] and painted as enemies of the state, as somehow un-Canadian. That last bit is what hits me in the gut.

I love my country. And in my eyes, there isn't anything much more patriotic than fighting for the interests of Canadian citizens. I've argued [7] that after 25 years of oilsands development, Albertans should have something to show for it — not be facing budget crises and closing hospital beds; that Albertans aren't collecting a fair share [8] of resource revenues; that we should develop resources at a responsible pace that doesn't cause rampant inflation, undermining Canadians' quality of life and hurting other sectors of the economy; that we should prioritize Canadian energy security (half of Canada is currently dependent on foreign oil). And I've agreed with the Alberta Federation of Labour [9] that exporting raw bitumen and 50,000 jobs to China doesn't make sense for Canadians.

Now, I don't expect everyone to agree with me, but it's a stretch to portray any of those

statements as unpatriotic or radical. In fact, one of my proudest moments as a Canadian was encouraging citizens to register to speak at the public hearings on Enbridge's pipeline and tanker proposal for B.C. With a team of committed people at Dogwood, in collaboration with several other groups, we helped more than 4,000 people sign up to have their say — seven times more than in any previous National Energy Board hearing.

It was this act of public participation that sparked the beginnings of the federal government's attacks on people who oppose certain resource development proposals. Helping citizens to participate in an archaic public hearing process is a vital part of democracy— not something to be maligned.

What makes me sad is the thought that we've been reduced to being the type of country that spies on its own citizens when they speak out against certain corporate interests. Not only that, but our government then turns around and shares that intelligence with those corporations.

Disappointingly, a scan of today's news coverage indicates Canada's major newspapers never picked up the spying story, save for one 343-word brief <sup>[10]</sup> on page 9 of the Vancouver Province. Is it now so accepted that the Canadian government is in bed with the oil industry that it doesn't even make news any more? Now that's really sad.

Whether you agree or disagree with my ideas about responsible natural resource development, I'd hope we could all agree Canada should be a country where we can have open and informed debate about the most important issues of our time — without fear of being attacked and spied on by our own government.

#### Tags:

spying <sup>[11]</sup>

CSIS <sup>[12]</sup>

oilsands <sup>[13]</sup>

enbridge northern gateway <sup>[14]</sup>

Dogwood Initiative <sup>[15]</sup>

Vancouver Observer <sup>[16]</sup>

Tweet

<sup>[17]</sup>

EMAIL <sup>[18]</sup> PRINT <sup>[19]</sup> SUBSCRIBE <sup>[20]</sup>

Source URL: <http://www.desmog.ca/2013/11/20/day-i-found-out-canadian-government-was-spying-me>

#### Links:

[1] <http://www.desmog.ca/2013/11/20/day-i-found-out-canadian-government-was-spying-me>

[2] <http://www.desmog.ca/user/15024>

[3] <http://www.vancouverobserver.com/politics/harper-governments-extensive-spying-anti-oilsands-groups-revealed-fois?page=0%2C0>

[4] <http://www.youtube.com/watch?v=NzIG28B-R8Y>

[5] <http://www.theguardian.com/environment/2013/oct/09/canadian-spies-met-energy-firms-documents>

[6] <http://dogwoodinitiative.org/blog/wildstart>

[7] <http://dogwoodinitiative.org/blog/fivereasons>

[8] <http://thetyee.ca/News/2012/08/08/Norway-Oil-Commandments/>

[9] <http://www.vancouversun.com/business/Chinese+energy+companies+wait+hear+fate+Northern+Gateway+pipeline/5947635/story.html>

[10] <http://www.theprovince.com/business/Monitoring+oilsands+opponents+raises+concerns/9188054/story.html>

[11] <http://www.desmog.ca/directory/vocabulary/14164>

[12] <http://www.desmog.ca/directory/vocabulary/3694>

[13] <http://www.desmog.ca/directory/vocabulary/2738>

[14] <http://www.desmog.ca/directory/vocabulary/12760>

- [15] <http://www.desmog.ca/directory/vocabulary/5560>
- [16] <http://www.desmog.ca/directory/vocabulary/9005>
- [17] <http://twitter.com/share>
- [18] <http://www.desmog.ca/printmail/7638>
- [19] <http://www.desmog.ca/print/7638>
- [20] <http://www.desmog.ca/subscribe-newsletter>

# TAB

# 30

---

From: **Fiana** <[fianaliu.04@gmail.com](mailto:fianaliu.04@gmail.com)>

Date: Tue, May 12, 2015 at 1:01 PM

Subject: Re: Summer Position

To: "Arie Ross, Dogwood Initiative" <[arie@dogwoodinitiative.org](mailto:arie@dogwoodinitiative.org)>

Hey Arie,

Yes I'm looking forward to the fall elections! Oh but since bill C-51 also passed, are dogwood's activities still okay?

And yes I've heard from grace that you were mainly looking to hiring university students that could start from May 15th! That's too bad then and thanks for letting me know!!

Fiana



**TAB**

**31**



## About ForestEthics Advocacy Association

ForestEthics Advocacy was founded in 2012 in response to the Canadian government's unprecedented crackdown to intimidate and silence environmental advocates. While being singled out and targeted directly in the federal government's crosshairs was very challenging, it also speaks to the efficacy of our work.

ForestEthics' Advocacy's focus is to ensure that destructive projects and weakened environmental laws are vigorously and successfully opposed. We are able to devote an unlimited amount of our time and resources to environmental advocacy, and are a member of the ForestEthics coalition, which includes ForestEthics in the US and ForestEthics Solutions in Canada. Together, we have secured the protection of 65 million acres of wild places, changed the environmental practices of more than 100 major US corporations like Dell, Staples, & Walgreens, and shifted hundreds of millions of dollars toward more responsible purchasing. Check out [ForestEthics.org](http://ForestEthics.org) to get all the latest from ForestEthics Advocacy & our coalition partners.

### WE ACHIEVE OUR GOALS BY:

- Advocating for industry-wide changes in the extraction, purchasing and sourcing of natural resources,
- Advocating for large scale, legislated protection of endangered forests and wild places,
- Educating and informing the public by providing workshops, seminars, and publications,
- Co-operating with governments and with other persons, societies, corporations and organizations in furtherance of these purposes.

### STAFF MEMBERS:

#### Sven Biggs, Campaign Organizer

Sven joined ForestEthics Advocacy in February of 2013, bringing with him more than a decade of community and online organizing experience. As Campaign Organizer he will be playing a leading role in the organization's work to build community opposition to pipeline and tanker proposals, and to work towards a tar sands free future.

Born and raised in London, Ontario, Sven came west in late 1999 and quickly fell in love with British Columbia's big trees and wild coast lines. Before joining ForestEthics he worked as Campaign Director at Tanker Free BC and as the Wilderness Committee's Director of Outreach.

When not at work Sven can often be found preparing and enjoying Mexican cuisine.

#### Melyssa Hudson, Campaign and Administrative Associate

Springing from the Sunshine State, Florida, Melyssa began her relationship with ForestEthics during the Victoria's Secret campaign in 2005. This gave her the first taste of taking action in her community.

With bachelor degrees in Social Science and Natural Resource Conservation, she joined the team of

game-changers at ForestEthics Advocacy in Vancouver in 2009 as a dedicated volunteer. In 2012, she became the Campaign and Administrative Associate.

Melyssa's vision for authentic environmental activism is to promote a shift in consciousness on the relationship between people and the natural world. She's a tireless believer in the ingenuity of the human race. When not working, Melyssa enjoys spending time in this outdoor paradise they call British Columbia. She enjoys bird watching, searching for bears and hawks on the trail, and cooking scrumptious meals for any foodies willing to adventure.

#### BOARD MEMBERS:

- Candace C. Batycki
- Tzeborah Berman
- Karen M. Mahon

#### CONTACT INFORMATION

##### Office Address

ForestEthics Advocacy Association

Suite 350-163

163 West Hastings

Vancouver, BC v6b 1h5

Phone: 604.331.6201

Email: [info@forestethicsadvocacy.org](mailto:info@forestethicsadvocacy.org)

#### QUESTIONS?

View our FAQs about the ForestEthics coalition organizations >>

---

ForestEthics Advocacy is a member of the ForestEthics coalition. Check out [ForestEthics.org](http://ForestEthics.org) to get all the latest from ForestEthics Advocacy & our coalition partners.

ForestEthics Advocacy Association Suite 350-163 West Hastings Vancouver, B.C. V6B 1H5

Privacy Policy | © Copyright 2014 | Contact Us: [info \(at\) forestethicsadvocacy.org](mailto:info@forestethicsadvocacy.org)



## Tar Sands

Oil derived from Canada's tar sands is considered some of the most toxic and destructive on earth. The price we all pay for this unconventional oil is too high to bear.

Once a pristine forest and watershed, the Athabasca River Valley in Alberta has been permanently damaged by the energy-intensive practice of squeezing oil out of sandy sludge beneath the forest. Elevated levels of rare cancers have appeared in communities downstream from the lakes of toxic waste and downwind of toxic spewing smokestacks that are required by the destructive tar sands industry. While large corporations reap incredible profits for this tarry gold, communities pay a staggering cost. If we don't stop the endless quest for more tar sands oil, the project, already visible from space, is projected to grow to the size of Florida.

Oil giant Enbridge corporation plans to punch two 1,170-kilometer (730 mile) pipelines from Alberta all the way to British Columbia's stunning and fragile coast. Not only do the proposed pipelines, called Northern Gateway, cross over 1,000 streams and rivers, it also leads to an even more dangerous end: the introduction of hundreds of supertankers to the rugged coastal waters of the Great Bear Rainforest.

What's the likelihood of an Enbridge spill?

"I know there'll be an accident, no ifs about it," said Sammy Robinson, Haisla First Nation Elder and carver, who resides in Kitimaat, BC where the tankers would depart.

"Can we promise there will never be an accident? No. Nobody can," said Enbridge CEO Pat Daniel.

Canada's western coast is legendary for its treacherous waters, which is why there have never been oil tankers there. If Enbridge has its way, that will all change, putting the world-renown Great Bear Rainforest at risk for catastrophic oil spills.

To phase out dirty fossil fuels, such as those from the tar sands, there must be a multifaceted, worldwide approach. Some aspects of this vision for a clean energy future include: reducing overall energy usage; phasing in clean, renewable energy; planning more sustainable communities and transportation systems; and building more efficient vehicles, appliances and buildings that run on clean energy.

The time to stop the accelerating development of the tar sands is *now*.

---

ForestEthics Advocacy is a member of the ForestEthics coalition. Check out [ForestEthics.org](http://ForestEthics.org) to get all the latest from ForestEthics Advocacy & our coalition partners.

ForestEthics Advocacy Association Suite 350-163 West Hastings Vancouver, B.C. V6B 1H5

Privacy Policy | © Copyright 2014 | Contact Us: [info \(at\) forestethicsadvocacy.org](mailto:info@forestethicsadvocacy.org)

TAB

32



## O J L L J T L V D F

Senior Energy Campaigner, ForestEthics Advocacy



Nikki joined ForestEthics in 2009, the sole employee in our Smithers, BC, office. Her current focus is in stopping the Enbridge Tar Sands pipelines, creating permanent solutions to Shell's drilling of coal-bed methane in the Sacred Headwaters, and promoting green energy solutions provincially. For several years Nikki worked with One Sky on policy and practical programs in Canada, Sierra Leone, Nigeria and Peru. She began to focus on energy issues after coordinating Canadian NGOs around the World Summit on Sustainable Development in 2002.

Nikki has advocated for renewable solutions at the United Nations, Canadian, provincial and local levels, and has practical experience installing solar panels. Nikki sits on several Boards including the Canadian Renewable Energy Alliance, the Wetziwka Community Forest and the Smithers Sustainable Advisory Committee. She holds a degree in Canadian Studies and International Relations from University of British Columbia.

Nikki's passion is creating social and environmental change at multiple levels. She lives with her Argentine partner and daughter Lucia.



Follow Nikki Skuce on Twitter: @nikkiskuce

N P S F D P O U F O U C Z U I J F B V U I P S ;

Call of distress: The Simushir and the threat of tankers on British Columbia's northern coast  
OCT 24, 2014

"For over 200 days a year, we're going to wake up in the morning wondering if this is the day our community dies. Does any company have the right to make us live this way?" said Councilor Clifton of Haida Gwaii about moving oil off British Columbia's north coast.

Enbridge Northern Gateway Investor Report: The Peoples Version  
OCT 1, 2014

ForestEthics reports facts left out about the 2014 Enbridge Investor Report for the company's Investor Days held this week. We highlight to investors that Enbridge is facing significant roadblocks in the current legal, political, and commercial landscapes when it comes to Northern Gateway.

2014 Enbridge Investor Report Northern Gateway  
SEP 30, 2014

Enbridge's Northern Gateway pipeline project faces substantial obstacles ahead, making it unlikely to ever be built. This briefing for investors highlights the First Nations legal risks, political risks, and lack of commercial commitment to Northern Gateway.

A Rallying Cry: Six Reasons Harper's Canada-China FIPA Agreement Is Not in Our Best Interest  
SEP 19, 2014

Amid the stalemate of international agreements, it appears as if Canada turned to more bilateral talks on a piece of a free-trade agreement, namely investor protection. Appearing as blips in the news cycle, the Canadian government signed a number of Foreign Investment Promotion and Protection Agreements (FIPA).

Hidden in conditions, politics, power and place: 4 things that stood out after Harper approved Enbridge's pipeline  
JUN 20, 2014

Harper's Conservative Government may have approved Enbridge's Northern Gateway pipeline, but the battle isn't over!

Harper Will Regret Approving the Enbridge Pipeline  
JUN 17, 2014

The Harper government announced its long-awaited decision on Enbridge's proposed Northern Gateway pipeline today. The approval comes as no surprise to environmental groups who say the fight is far from over.

5 Ways That Harper and Big Oil Have Tried to Ease the Enbridge Opposition - And Why They Don't Work  
JUN 11, 2014

## CONNECT WITH US



British Columbia to Enbridge: Checkmate

Enbridge Northern Gateway is Causing More Rumours than Lady Gaga

MAY 21, 2014

As the controversial pipeline decision looms, the rumours are a-swirl

We'll Say it Again, Enbridge: We Still Don't Want Your toxic Northern Gateway Pipeline

MAY 9, 2014

Regardless of government permits, Northern Gateway does not have the people's permission and will never be built

Join us for the No Enbridge Rally in Vancouver and Across Canada on May 10

APR 28, 2014

Get together with fellow Canadians on Saturday, May 10th as part of a National Day of Action

People versus Tar Sands Pipelines: +1 for the People, Thanks to Kitimat

APR 14, 2014

This past weekend, the people of Kitimat, BC delivered a major blow to Enbridge

So much has changed since the Exxon Valdez oil spill. Except this one critical thing.

MAR 24, 2014

Exxon Valdez oil spill marks 25 years

Exxon Valdez 25 Years Later Has Lessons We Shouldn't Re-Learn With Enbridge

MAR 7, 2014

Why British Columbia should reject the Enbridge pipeline permanently

That Sinking Feeling About Enbridge's Northern Gateway Pipeline

DEC 11, 2013

As opposition to tar sands pipelines and tankers rises, this project is sure to sink.

Over 500,000 Barrels of Tar Sands Oil Per Day by Rail? CN Is on the Wrong Track.

OCT 2, 2013

In Canada, we're getting further and further away from the ideal of passenger travel, nation-building and eco-friendly transport.

In Canada, PM Harper has lists of "Friends" and "Enemies." Guess Which Side We're On?

JUL 22, 2013

Once, we were collaborators with the federal government on projects like protecting the Great Bear Rainforest. Now we've been accused of working against the government.

Enbridge's Northern Gateway Tar Sands Pipeline—Rejected Once, Twice, a Thousand Times...

JUN 19, 2013

At the rally, the message was clear: British Columbians will do what it takes to stop Enbridge's climate-polluting, bad-for-Canada Northern Gateway pipeline

5 Reasons Amongst Thousands Why Enbridge's Tar Sands Pipeline is Unacceptable

JUN 3, 2013

We've said time and time again that the risks associated with this tar sands project far exceed any economic benefits.

Remixing Dr. Seuss: "Enbridge's Greedy Sham"

FEB 22, 2013

Nikki Skuce: "In celebration of my daughter's birthday and the welcoming of my new child, I leave for maternity leave with this spoof on Dr. Seuss' Green Eggs and Ham."

Letter the CN Rails from Environmental and Community Groups

FEB 8, 2013

There's one very real threat being proposed by Canadian National Railway (CN) and the ports in BC – becoming a "pipeline-on-rails" to transport tar sands oil to the West Coast where it will be loaded onto supertankers to access Asian markets. As well as the climate change, threats to salmon, and tanker risks, the impacts from this kind of rail traffic increase would hugely impact residents along the corridor (as well as increase moose kills among other things).

Blowing the Whistle on the Tar Sands Pipeline-on-Rails

FEB 8, 2013

Opposition in BC to expanding oil tanker traffic and putting wild salmon watersheds at risk is the same, whether tar sands oil is shipped by pipeline or rail

Report reveals costs too great to risk pipelines through BC

FEB 7, 2013

Province's 5 demands would never be adequate in case of oil spill

Respect Costs Nothing

JAN 11, 2013

Nikki Skuce on mainstream media's coverage of Idle No More: "Racism carries high costs. Respect costs nothing."

**Tankers in Turbulent Waters? Prince Rupert Boat Ride Shows What's at Stake**  
DEC 20, 2012

Enbridge hearing attendees venture into Hecate Strait, where they get a taste of the rough waters

**Stop the CN Tar Sands Train Before it Leaves the Station**  
DEC 12, 2012

CN wants to build a Northern Gateway on rails, but British Columbians' opposition to oil tankers and risky tar sands transport remains strong

**New Enbridge Report: Pipelines and Promises**  
DEC 10, 2012

A summary of missing Enbridge evidence during the pipeline hearings, highlighting the lack of information provided by the energy giant.

**Harper Approves CNOOC/Nexen Deal, But in Whose Interest?**  
DEC 8, 2012

Harper's government increasingly rules in favour of foreign-oil companies while cutting the environmental safeguards in Canada

**Four highlights from Enbridge's cross-examination on pipeline proposal**  
NOV 28, 2012

Given the opportunity to shed light on its proposed Northern Gateway Pipeline project at the NEB's Joint Review Panel (JRP) hearings currently taking place in Prince George, Enbridge lawyer Laura Estep chose instead to focus on ForestEthics Advocacy's use of the media, campaigning and previous questions directed to Enbridge. The following are four highlights from the cross-examination of ForestEthics Advocacy's senior energy campaigner, Nikki Skuce.

**Corporate Canada – A Bad Deal for Residents.**  
NOV 7, 2012

Conservative party loses ground in British Columbia, as Harper continues to put profits over people

**Letter to the Editor on Canada-China trade agreement: "It's a bad deal"**  
OCT 24, 2012

Nikki Skuce, senior energy campaigner, thanks Lawrence Martin of the Globe and Mail for addressing the Canada-China trade agreement, a sweeping deal that the media has been deafeningly silent on

**Four reasons to oppose China-Canada trade deal**  
OCT 22, 2012

Canada is about to enter into a major trade agreement with the largest undemocratic power, China, with no debate and a bizarre lack of major media coverage on the issue

**Enbridge declines ForestEthics Advocacy's request for performance guarantee**  
OCT 19, 2012

"Can Enbridge give this panel any guarantee that the Northern Gateway Pipeline will never leak?"

**China-Canada trade agreement: Let's not make a deal**  
OCT 18, 2012

How much does Harper want Chinese investment? So much so, that he's willing to sell off democracy and rights over our natural resources

**ForestEthics Advocacy Reacts: Canada's new omnibus budget bill**  
OCT 18, 2012

Bill C-45 drastically reduces Canada's waterway protection and specifically excludes pipelines from environmental assessments when looking at effects on rivers, lakes and oceans

**A contested union, an uncontested sense of place**  
OCT 12, 2012

Enbridge hearings - compelling stories from community members participating in the process, spending hundreds of hours of volunteer time finding gaps in Enbridge's application

**Another tall tale from Enbridge**  
OCT 11, 2012

Take Action! Canadian energy giant Enbridge tries gloss over clean-up efforts following their Kalamazoo River tar sands disaster

**Victoria: Stand up and sit in!**  
OCT 10, 2012

Upcoming mass sit-in in front of the provincial legislature in Victoria, British Columbia on October 22-Let officials know that BC isn't for sale!

**Enbridge Investor Days: Energy giant can't gloss over its trouble with tar sands**



OCT 4, 2012

Countering the company's spin on developing Canada's tar sands

Enbridge Northern Gateway Pipelines: A Dead-End Investment

OCT 2, 2012

Investor report exploring the risks Canada faces if it moves forward Enbridge Northern Gateway pipeline and tanker project

Victory! Union of BC Municipalities passes No Tankers Resolution, A8

SEP 28, 2012

The Union is a formidable voice that can influence British Columbia's government to do the right thing by protecting the province's stunning coast from pipelines and tankers

Ad: British Columbia's coast is priceless

SEP 25, 2012

Our way of saying 'thanks' to all municipalities and political leaders who have stood up for BC's coast

Northern Gateway pipeline hearings: Vagueness and spin from energy giant Enbridge

SEP 20, 2012

If Enbridge claims they are learning from their spills, why is it that they've made no improvements?

Edmonton Journal Op Ed: No price tags on West Coast paradise

SEP 18, 2012

While Enbridge and other economic experts haggle over numbers, it seems obvious that some things can't be assigned a dollar value. Some things are priceless

Enbridge JRP Technical Hearings Begin

SEP 7, 2012

ForestEthics Advocacy's Nikki Skuce reports from inside the hearings

We're winning against Enbridge - But it ain't over

AUG 16, 2012

We need to up the ante soon - you have until August 30 to let the review panel know why YOU oppose Enbridge's massive project

Worried citizens across Canada and US mark anniversary of costliest pipeline disaster in history

JUL 25, 2012

Enbridge's toxic tar sands goo still in water as company wants to build more pipelines

Rivers closed: Enbridge could spill tar sands here

JUL 24, 2012

On the anniversary of the Kalamazoo spill, volunteers installed "River Use Closed" signs across many wild salmon rivers along the proposed Northern Gateway route in Canada

ForestEthics Reacts: Despite tar sands pipeline revisions, still no trust in Enbridge

JUL 21, 2012

Enbridge claims they're making changes having listened to people - if they were really listening to British Columbians, they would drop the project

Ground zero of tar sands development in Canada

JUL 20, 2012

Nikki Skuce reports from the field: "witnessing the scale and level of destruction first-hand was powerful. It feels endless. It feels soulless."

Zoom in on Enbridge's pipedream

JUL 14, 2012

Conduct your own investigation into the proposed pipeline as you tour the pipeline route through western Canada

ForestEthics Advocacy reacts: Scathing report from US Transportation Board on Enbridge's Kalamazoo oil spill

JUL 10, 2012

Nikki Skuce, Senior Energy Campaigner, says report shows Enbridge can't be trusted to build Northern Gateway

You can't dress up dirty energy by giving it a new name

JUN 28, 2012

Nikki Skuce writes a Letter to the Editor about calling liquefied natural gas "clean energy"

Top reasons to oppose changes to the Fisheries Act

JUN 5, 2012

Six reasons why proposed changes to Canada's Fisheries Act would be undemocratic and potentially devastating to coastal wildlife

**Who Benefits? An investigation of foreign investment in tar sands**

MAY 10, 2012

New briefing report by ForestEthics Advocacy calls into question the true beneficiaries of Harper's pro-oil policies

**Report back from Enbridge AGM**

MAY 10, 2012

700 people rallied behind the Yinka Dene Alliance for a peaceful march to Enbridge's AGM in Toronto

**Hundreds rally against oil tanker expansion on BC's coast**

MAR 26, 2012

First Nations, unions, academics, environmentalists come out in droves to protect our coast

**Vancouver Sun—Oil pipeline, tankers threaten rural way of life**

MAR 21, 2012

By Nikki Skuce, ForestEthics' senior energy campaigner

**Report: Our Nation, Their Interest**

MAR 13, 2012

The case against the Northern Gateway pipeline and tanker project

**ForestEthics Reacts: River along pipeline route named #3 Most Endangered in British Columbia**

MAR 12, 2012

Enbridge's Northern Gateway pipeline and tanker project threatens BC's Kitimat River

**Enbridge CEO Retires, Ensuring Pipeline Decision Will Not Occur on His Watch**

FEB 27, 2012

Why is Enbridge replacing its top executive in the middle of a critical review process for its proposed

Northern Gateway pipeline and tanker project?

**Prime Minister Harper should follow President Obama's lead and put the interests of Canadians above the interests of the Foreign Oil Industry**

JAN 9, 2012

Why Should Canadians and our Wild Salmon be exposed to the same Tar Sands pipeline risks that the US President has rejected for his own people?

**Dear Enbridge, Don't Call Us Hypocrites: Municipal Election Candidates Say Northern British Columbians Are Committed to Sustainable Transportation**

OCT 28, 2011

New report shows governments at all levels must lead the way in removing barriers to sustainable transportation, while opposing unsustainable projects like the Enbridge Gateway pipeline

**Opposition to BC oil tankers on the rise**

MAY 26, 2011

New poll shows tough odds for Enbridge Northern Gateway Pipeline

**Michigan oil spill shows B.C. that Enbridge can't be trusted**

JUL 28, 2010

Spill undermines the company's credibility, strengthens grassroots opposition to Northern Gateway pipeline

**TAB**

**33**

# ForestEthics

ABOUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY

SUPPORT COMMUNITY



SIGN UP FOR EMAIL ALERTS

DO SOMETHING

DONATE



## The Root Word: ForestEthics Blog



### Tankers in Turbulent Waters? Prince Rupert Boat Ride Shows What's at Stake

DEC 20, 2012

Enbridge Hearings



BY NIKKI SKUCE, SENIOR ENERGY CAMPAIGNER, FORESTETHICS ADVOCACY

As the Prince Rupert Enbridge hearings resumed with a focus on marine issues, we thought it was important to get the media out on the water. As we left Rupert harbour we heard stories of past freighter accidents, either due to weather or shallow waters, all with a local pilot on board.

We spotted two pods of humpback whales as our Metlakatla captains let us out toward Hecate Strait. Although only tails and sprays from spouts in the choppy waters, it was a great showing of the marine life on the coast. It wasn't long before porpoises were following two metres from the boat.

Although grey and rainy, it was a calm day on the coast, but calm in Hecate Strait once we arrived meant heaving swells; the 24-foot tides that are 'normal' on the Northwest Coast make for a nauseating ride.

By the time we were in Hecate Strait where Enbridge's proposed tankers will pass, most on the boat were feeling nauseous from the 'calm' waters. As we made our way back to the Port of Prince Rupert, we passed one of the coastal First Nations' sustainable business ventures. Lines of buoys with over two million scallop seed plotted an inlet with operations to get underway next year. This has the potential to create 400 to 500 jobs on the North Coast.

Just to the north, the community of Metlakatla invested over \$1 million last year in a 10-kilometre trail promoting recreation and cultural tourism for the area. In its first semi-season, the trail brought in 750 visitors, each paying \$25 to walk this exquisite piece of coastline. Metlakatla Pass is a National Historic Site used for millennia by the Coast Tsimshian.

It's the existing coastal economy and these new sustainable initiatives that will all be put at risk with Enbridge's Northern Gateway pipeline and tanker project.

Even after a short boat trip, in relatively calm waters, it's easy to catch a glimpse of the rich marine life and existing sustainable economic initiatives, as well as the risks of an oil spill and rough weather that would make spill clean-up impossible.

As we left the hearings in Prince Rupert, we heard Enbridge VP Janet Holder claim on CBC radio that a tarsands spill is "easy" to clean up. Easy. This false, astounding comment (that the host had her repeat) just further diminishes Enbridge's credibility. And if British Columbians

Recent

Popular

Related



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters



The Winds of Change are Blowing Through the Oil Patch

#### STAY CONNECTED

Like Share 48,937 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets



DeSmogBlog @DeSmogBlog 2h  
@ForestEthics: Minority, Low-Income Communities Bear Disproportionate Share Of Risk From #OilTrains In #California  
bit.ly/1Hc1wkk  
Retweeted by ForestEthics  
Expand

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral  
action report back Alberta  
art & activism art + activism bay area  
BC BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy

have their way, we'll never get to the stage where we need to cleanup Enbridge's oil spills.

Tags: no tankers first nations



By Nikki Skuce, Senior Energy Campaigner, ForestEthics Advocacy

Follow Nikki Skuce on Twitter: @nikkiskuce

More by Nikki Skuce:

Call of distress: The Simushir and the threat of tankers on British Columbia's northern coast

Enbridge Northern Gateway Investor Report: The Peoples Version

2014 Enbridge Investor Report Northern Gateway

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSS  
obama Oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

# ForestEthics

ABOUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY

SUPPORT COMMUNITY



SIGN UP FOR EMAIL ALERTS

DO SOMETHING

DONATE



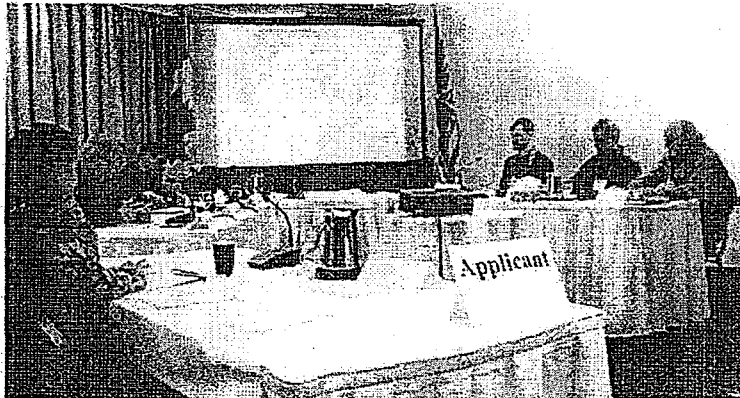
## The Root Word: ForestEthics Blog



### Contrasting worlds: A look inside (and outside) the Enbridge JRP hearings

JAN 18, 2013

Enbridge Hearings



ForestEthics Advocacy's Joan Bailey shares his experience testifying at the Enbridge Northern Gateway project JRP hearings in Vancouver.

BY JOLAN BAILEY, CANADIAN OUTREACH COORDINATOR, FORESTETHICS ADVOCACY

The community hearings for Enbridge's Northern Gateway pipeline and tanker project are underway in Vancouver this week amidst a flurry of criticism over the panel's decision to shut the public out of the hearings.

Registered speakers were allowed to bring just one guest into the room as they addressed the panel. All others were forced to watch a video-cast in another hotel dozens of blocks away.

Contrast to the closed and inaccessible hearings, a uniquely inclusive conversation on the pipeline and tanker project was happening—on the side of a 25-foot whale named Hope. Hope, an interactive sculpture created from recycled sail cloth and reclaimed wood, provided a forum for British Columbians to express their vision for an oil free coast. Messages from opponents of Enbridge's project were submitted online and in person to be displayed on the magnificent sculpture. It is a great sight.

After delivering my oral statement to the review panel I was glad to be able to come outside and visit Hope the Whale. Where the review process felt bureaucratic and intimidating, the conversations around Hope felt lively and exciting. The whale excites peoples' imagination, sparks positive conversations about what we're fighting for, and inspires people to join together in action.

The connections we form with one another around a shared vision for an oil-free coast are what will give us the power to defeat Enbridge. That's why this year ForestEthics Advocacy will be hosting community events to strengthen and empower our movement.

Our first event, Leaked, is planned for January 31<sup>st</sup> and will feature speakers who've experienced oil spills in their communities, from Kalamazoo, Michigan to the Lubicon Cree territories of Northern Alberta. Join us for a powerful evening of stories that remind us all why we need to stand up against the threat of oil spills.

Tags: art & activism BC's coast events kalamazoo river spill

Recent

Popular

Related



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters



The Winds of Change are Blowing Through the Oil Patch

#### STAY CONNECTED

Like Share 48,937 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets

Follow



DeSmogBlog @DeSmogBlog 2h  
@ForestEthics: Minority, Low-Income Communities Bear Disproportionate Share Of Risk From #OilTrains In #California  
bit.ly/1Hc1wkK  
Retweeted by ForestEthics  
Expand

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral  
action report back Alberta  
art & activism art + activism bay area  
BC BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy



By *Jolan Bailey*, Canadian Outreach Coordinator, *ForestEthics* Advocacy

More by *Jolan Bailey*:

Thousands rally at 'Defend Our Coast' in Victoria, BC

Video: Activists greet Enbridge at Energy Summit, demand truth over greenwash

Access: Denied.

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSB  
obama oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

# ForestEthics

ABOUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY

SUPPORT COMMUNITY



SIGN UP FOR EMAIL ALERTS

DO SOMETHING

DONATE



## The Root Word: ForestEthics Blog



### Enbridge: exit stage left; Communities opposed: take a bow

JAN 24, 2013

Enbridge Hearings



Transcripts from the Joint Review Panel's Vancouver community hearings for Enbridge's proposed pipeline and tanker project could read like a script from a play:

**THE CHAIRPERSON:** Thank you Ms Tam Wu for taking time to participate and express your views. Please begin.

**MS. KAREN TAM WU:** Thank you good morning. I would like to tell you my personal story and connection to the north, where Enbridge is proposing to build a pipeline and ship crude on tankers through the Great Bear Rainforest.

*This past summer, I was able to spend two weeks on the coast. It had been two years since my last visit to the coast and I saw the region through –*

*— (Short pause, crying)*

*through new eyes. I saw it through the eyes of what if this is the last time I see this place as it is, untouched, with the ocean free of tankers.*

*I'm not here today voicing my opposition to the proposed Enbridge Northern Gateway pipeline and tankers representing only myself, a Canadian-born Chinese, a resident of British Columbia, a forester who works for a conservation organisation, I'm also representing my parents who came here to a cleaner country that looked after its environment. I'm representing the voice of youth, like my nieces, who shouldn't be writing letters to the Minister of Natural Resources asking why this project went through despite broad opposition and previous examples of catastrophic oil spills. And I'm representing visitors who come to enjoy the beauty of Canada's wilderness and experience the wonder of the mythical spirit bear and the grace of a humpback whale defying gravity.*

*— (Applause, high fives, hugs)*

The words and emotions are genuine to what really happened during my testimony. But there was no drama—no applause or hugs or high fives, which were vibrant throughout hearings in other cities—during the hearings in Vancouver. In Vancouver, the experience was impersonal and isolating - just as the National Energy Board (NEB) wanted.

Only in Victoria and Vancouver, the NEB prohibited the public from attending the hearings in person. So unlike other hearings around the province, presenters in these cities did not have the support of their community members en vivo, to applaud, put out a comforting hand, or lighten the mood with laughter. Transcripts from hearings around the rest of the province reflect this community support with (Applause) or (Laughter) noted.

Recent Popular Related



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters



The Winds of Change are Blowing Through the Oil Patch

#### STAY CONNECTED

Like Share 48,937 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets

Follow



DeSmogBlog @DeSmogBlog 2h  
@ForestEthics: Minority, Low-Income Communities Bear Disproportionate Share Of Risk From #OilTrains In #California bit.ly/1Hc1wkk  
Retweeted by ForestEthics  
Expand

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral  
action report back Alberta  
art & activism art + activism bay area  
Bc BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy



In Vancouver, presenters were escorted in groups of three into a separate hearing room to the sit in front of the panel. I watched fellow presenters on the two-dimension projector screen in a waiting room, and cheering them on in my head and comforting others with the thought of a hug.

After I made my presentation, I wasn't allowed to stay and witness others' presentations. I could join other members of the public at a hotel across town to watch a live webcast of the hearings, where presenters would never know they were being applauded.

— (Karen exits secured room, hands in pass, and leaves the building)

But it didn't matter.

I wasn't there to put on a show or an act. I know nothing I said, or any others as individuals will affect the panel's decision this December. I went in knowing that threat of a pipeline and tankers carrying crude is too great to remain silent. I know our collective voices will become one, like the many blue drops we've seen around Vancouver, collectively becoming one giant ocean of change.

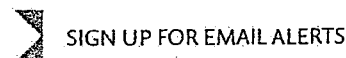
The effort to isolate and intimidate voices of opposition to the Enbridge pipeline were obvious. But organized events in Vancouver (like the Blue Drop action and LEAKED: Stories of Oil Spills) surrounding the hearings have united our community, demonstrating that our voices remain powerful.

Tags: BC's coast art & activism no tankers events  
By .

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSS  
obama Oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

# ForestEthics

ABOUT US PROTECT FORESTS OPPOSE DIRTY ENERGY SUPPORT COMMUNITY



DO SOMETHING DONATE



## The Root Word: ForestEthics Blog



### Remixing Dr. Seuss: "Enbridge's Greedy Sham"

FEB 22, 2013

Enbridge Hearings



Nikki at Vancouver's No Tankers rally where she spoke last March

BY NIKKI SKUCE, SENIOR ENERGY CAMPAIGNER, FORESTETHICS ADVOCACY

It wouldn't hurt Prime Minister Harper and Enbridge execs to brush up on their Dr. Seuss reading, as the Merritt Herald recently suggested. In celebration of my daughter's birthday and the welcoming of my new child, I leave for maternity leave with this spoof on Dr. Seuss' Green Eggs and Ham. I hope that our children will continue to enjoy wild salmon, skating on frozen lakes, clean water and strong community with their friends and children. We all need to stand up to protect our watersheds and environment against irresponsible development projects like Enbridge's Northern Gateway pipeline and tanker project. The unity created in fighting for our cultures, livelihoods and future generations continues to provide strength and hope that we will leave a better legacy behind.

#### Enbridge's greedy sham

We do not like oil from tar sands  
We do not like them  
Harper, I am.

We do not like them here or there  
We do not like them in the Great Bear  
We do not like them on supertanker boats  
We do not like them on the West Coast


We will stop your pipelines across the rivers  
We love our wild salmon, bears and beavers...  
We do not like dirty oil by trains,  
Not by pipe, or whatever you arrange.

We do not like oil from tar sands  
We do not like them  
Harper, I am.


We do not like oily ducks,  
The environmental record really sucks.  
We do not want tar sands with CCS,  
We do like this Alberta mess.


First Nations, towns, fishers and ENGOS,  
Have all stood up and said clearly - "No".


Recent Popular Related

 What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?

 Pope Francis On the Way to Paris

 Three Lessons I've Learned about Why Activists Should Meditate

 The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters

 The Winds of Change are Blowing Through the Oil Patch


#### STAY CONNECTED

Like Share 48,939 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets

Follow

 Ross Hammond @RossHammondSF15m  
Protest over oil trains in Milwaukee:  
"I don't want to be one of those 47  
people who blow up & die"  
to.fox6now.com/1flph41  
@BradHicksFox6

Retweeted by ForestEthics

Show Summary

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral

action report back Alberta  
art & activism art + activism bay area

BC BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy

There are solutions to change our course,  
Policies, planning and renewable resource.

We do not like oil from tar sands  
We will stop them  
Steve, I am.

Large oil companies, no fear!  
We'll send them packing out of here.  
We nearly got a tanker ban  
Until Harper came and ruined the plan.

But all of us in BC are in position,  
To form the unbroken wall of opposition.  
We will stop Enbridge Northern Gateway  
So our children have clean water in their day.

We will never like oil pipelines and tar sands.  
So thank you,  
Thank you,  
For taking a stand.

Tags: art & activism no tankers



By Nikki Skuce, Senior Energy Campaigner, ForestEthics  
Advocacy

Follow Nikki Skuce on Twitter: @nikkiskuce

More by Nikki Skuce:

Call of distress: The Simushir and the threat of tankers on British  
Columbia's northern coast

Enbridge Northern Gateway Investor Report: The Peoples Version

2014 Enbridge Investor Report Northern Gateway

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSB  
obama oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Philips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

# ForestEthics

ABOUT US   PROTECT FORESTS   OPPOSE DIRTY ENERGY   SUPPORT COMMUNITY



SIGN UP FOR EMAIL ALERTS

DO SOMETHING

DONATE



## The Root Word: ForestEthics Blog



### Not All Quiet on the Enbridge Front

APR 10, 2013

Enbridge Hearings



Coastal First Nations executive director, Art Sterritt, speaks at a tar sands rally in Prince Rupert, BC. Photo © Amanda Follett

BY AMANDA FOLLETT, COMMUNICATIONS CONTRACTOR, FORESTETHICS ADVOCACY

It feels like there's a lull in the media fervor over the Enbridge Northern Gateway tar sands pipeline proposed for northern British Columbia.

Maybe we're all tired of the rhetoric. Maybe the public can only take so much stalling, colluding and repetition from Enbridge panelists before it begins to tune out the Joint Review Panel (JRP) hearings currently taking place in Prince Rupert, BC.

The silence could be partly attributed to a two-week recess in the hearings, which resumed last Thursday. Immediately before the break, Province of BC lawyers cross-examined Enbridge about oil spill response and prevention, and walked away somewhat bewildered. Environment Minister Terry Lake released a statement that he still wasn't clear on Enbridge's plans for accessing oil spills in remote areas and recovering submerged oil.

#### That odd BC refinery idea that the press likes to cover

Remarkably, what is getting a lot of play in the news is Canadian media mogul David Black's harebrained idea to build an oil refinery in Kitimat. Black's proposal would see diluted bitumen from Alberta's tar sands piped through northern BC, refined on our world-renowned coast, and loaded onto tankers to China.

Although news reports suggest BC Premier Christy Clark would offer her support to the project, it's unclear what about this plan would make sense to the premier, whose five conditions for approving Northern Gateway include an approved environmental assessment, world-leading oil spill response, a fair share of profits and the support of First Nations.

#### First Nations walk away from Enbridge hearings

Not only are the majority of First Nations opposed to Northern Gateway, some are walking away from the JRP process because they disagree with it. The Heiltsuk First Nation has filed a constitutional challenge to the hearings, saying they are being treated as a stakeholder rather than a group with specific rights to the land.

Coastal First Nations executive director, Art Sterritt, announced the group's withdrawal from the hearings in February, citing a lack of funds and dissatisfaction with the process. "We are having a very difficult time getting straight answers or getting any answer at all," Sterritt told the Vancouver Sun.

#### Tar sands spills plague North America in March

Meanwhile, several more oil spills have been getting media attention. On March 30, the

Recent   Popular   Related



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters



The Winds of Change are Blowing Through the Oil Patch

#### STAY CONNECTED

Like Share 48,939 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets

Follow



Ross Hammond @RossHammondSF16m  
Protest over oil trains in Milwaukee: "I don't want to be one of those 47 people who blow up & die" to.fox6now.com/1flph41 @BradHicksFox6

Retweeted by ForestEthics

Show Summary

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral  
action report back Alberta  
art & activism art + activism bay area  
BC BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy

Exxon Pegasus pipeline rupture in Mayflower, Arkansas resulted in more than 10,000 barrels of tar sands crude gushing into a suburban neighborhood.

Two days prior, a Canadian Pacific (CP) Rail train derailed in Minnesota, dumping an estimated 15,000 gallons of oil including tar sands. Last Wednesday, another train derailment spilled crude in northern Ontario. These accidents serve as reminders why the noise CP has been making about transporting diluted bitumen to Kilitmat by rail need to be stifled. Highly corrosive tar sands is dangerous to transport and difficult, if not impossible, to clean up no matter how it gets from point A to point B.

Ironically, underreported in the media was the oil spill response vessel that ran aground on its way to a Vancouver news conference where Oliver was announcing the government's plans for a "world-class" oil spill response plan.

**We're watching, listening, and will still yell 'NO' to Enbridge**  
World-class responses, more detailed engineering: This is just some of the rhetoric coming from both the oil-hungry Canadian feds and Enbridge. A person couldn't be blamed for beginning to tune it out. But just because we're tired of hearing the talk, doesn't mean we aren't listening.

We are entering the hearings' final round of cross-examinations; in late May, the panel will receive final arguments and begin its deliberation on a recommendation to the government later this year.

Perhaps Enbridge and the federal Conservatives would like to see this pipeline quietly approved. Maybe they think the furor has died down. If that's the case, then they haven't yet experienced just how loudly British Columbians can yell "no!"

Tags: first nations refineries BC's coast



By Amanda Follett, Communications Contractor, ForestEthics Advocacy

Follow Amanda Follett on Twitter: @amandajfollett

More by Amanda Follett:

Northern Gateway Decision: What Did the Panelists Actually Hear?

Dear Enbridge: Economics Aren't Everything. Northern Gateway Pipeline Would Impact Much More.

Seeing the Light: Province of British Columbia Joins Opposition to Proposed Enbridge Pipeline

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabeona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSS  
obama oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

# ForestEthics

ABOUT US PROTECT FORESTS OPPOSE DIRTY ENERGY SUPPORT COMMUNITY

 SIGN UP FOR EMAIL ALERTS

## The Root Word: ForestEthics Blog

### 5 Reasons Amongst Thousands Why Enbridge's Tar Sands Pipeline is Unacceptable

JUN 3, 2013

Enbridge Hearings



No Tankers Rally in Vancouver, British Columbia. Photo credit: Flickr/Larissa

BY NIKKI SKUCE, SENIOR ENERGY CAMPAIGNER, FORESTETHICS ADVOCACY

By the end of 2013, the three-member Joint Review Panel will submit their decision to the federal government on whether or not the Enbridge Northern Gateway tar sands pipeline and tankers project should proceed. You know, the project that hopes to bring Alberta's tar sands oil over 1,000 kilometres (700 miles) across hundreds of salmon-bearing rivers and streams to British Columbia's stunning, fragile coast?

The audacity of the proposed project echoes the arrogance of the company. Enbridge regularly boasts about having submitted "over 2,000 pages" in its application and for undergoing "one of the most rigorous reviews in history." But we all know that quantity has never equaled quality. Not all sagas are worth the paper they're written on. Despite showing up to the hearings with a small army of staff and experts, Enbridge played defense, made lots of promises and answered few questions.

Everyone participating in the hearings experienced frustration with Enbridge's refusal to answer simple questions. In fact, Enbridge made over 250 promises during the hearings for "once they received their certificate" (approval to go ahead with the project). As the British Columbia (BC) government stated in its final arguments against the project, "trust us" doesn't cut it.

Below are five key reasons why the panel ought to reject Enbridge's proposal (based on the official submission by ForestEthics Advocacy, Raincoast Conservation Foundation and Living Oceans Society with representation from EcoJustice).

1. Enbridge doesn't have a spill response plan. No, seriously, they don't.


Here's what we know about tar sands oil spills: they're bound to happen, and when they do, they're nearly impossible to clean up. Plus, no one—not Enbridge, not ExxonMobil—knows how to deal with the highly corrosive gunk. *Exhibit A: the devastating 2010 Kalamazoo, Michigan spill, the costliest onshore oil disaster in US history.*

Enbridge repeatedly claimed that they had "learned" from their Kalamazoo river spill during the hearings, but British Columbians shouldn't trust Enbridge's oil spill schooling, as they've never graduated and continue to spill almost weekly.


DO SOMETHING


DONATE


Recent Popular Related

 What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?

 Pope Francis On the Way to Paris

 Three Lessons I've Learned about Why Activists Should Meditate

 The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters

 The Winds of Change are Blowing Through the Oil Patch


#### STAY CONNECTED

Like Share 45,939 people like this. Be the first of your friends.

#### LATEST TWEETS

Tweets

Follow

 Ross Hammond @RossHammondSF17m  
Protest over oil trains in Milwaukee: "I don't want to be one of those 47 people who blow up & die" to.fox6now.com/1flph41 @BradHicksFox6

Retweeted by ForestEthics

Show Summary

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral  
action report back Alberta  
art & activism art + activism bay area  
bc BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy

They also made claims that tar sands floats in water. Ironically, this part of the hearings took place at the same time that the US Environmental Protection Agency (EPA) was asking Enbridge to return to Kalamazoo to dredge a section of the river that still had tar balls on the bottom.

If there were a marine oil spill, who knows how Enbridge would handle it. As of now, Northern Gateway would rely mostly on chemical dispersants currently illegal in fish-bearing waters in Canada. The project proponents have not presented a feasible recovery strategy for submerged oil, let alone given anyone confidence that they could do much to clean it up.

## 2. Enbridge hasn't done their research.

If Enbridge's environmental impacts assessment, which they submitted and defended in front of the Joint Review Panel, were a homework assignment, it would get a big, fat "Incomplete."

It fails to answer the single most important question: What exactly would be harmed if this project were to proceed? Enbridge has little to no baseline data on important impact questions, like how the project and the 200+ tankers it would introduce to our coastline would affect orca whales. The only fish survey Northern Gateway conducted was in the summer of 2005.

## 3. We like our salmon tar sands oil-free, thank you very much.

Wild salmon are a cultural, commercial and environmental cornerstone in British Columbia.

For all their talk of economic benefits, Northern Gateway proponents seem to have very little to say about the potential costs to our multimillion-dollar per year salmon economy. The people of British Columbia cannot risk the future of our salmon, based on Enbridge's promises to learn more and do better.

Again, Northern Gateway hasn't done its homework. For example, it hasn't studied the project's effects on spawning habitat for salmon. Probably because it knows their project would be devastating to those habitats.

## 4. This project is in Big Oil's interests—Not those of the Canadian people, or people elsewhere on this planet, for that matter.

The hearings proved that the economic arguments provided by Enbridge were full of pipedreams. They conveniently left out key information in their calculations, from condensate imports, to other proposed pipelines coming on board. Chinese investment in the pipeline could also prevent oil from entering the free market, which challenges the basis of Enbridge's arguments.

Northern Gateway could at some point be controlled by foreign state-owned entities whose interests aren't necessarily shared by the Canadian public.

So, BC would be bearing all of the risks and very little of the benefits. Whose interest is this pipeline in, anyways?

## 5. This is a tar sands project. Need I say more?

The Northern Gateway pipeline would increase tar sands production by an estimated 30 per cent. That's not what we need, at a time when scientists are saying that developing Canada's tar sands could mean game over for our climate. Despite this, the Panel ruled that the environmental effects of tar sands development were outside the scope of its review.

At the same time, Enbridge relied almost entirely on the economic benefits from increased oil production from the tar sands. We argue that Enbridge can't cash in on the tar sands loot without costing the environmental devastation and carbon emissions, too.

There are thousands of other reasons why the Joint Review Panel should reject this bad-for-BC, bad-for-planet-Earth proposal. One of the biggest reasons is that hundreds of First Nations, environmental groups, communities and individuals simply don't want it. The Province of BC has firmly rejected Northern Gateway. No means no. Enbridge has no social license to build their proposed pipelines.

We've said time and time again that the risks associated with the project far exceed any economic benefits. Those voices repeatedly state that our rivers, oceans, forests, fisheries, wildlife, health and way of life are too valuable to risk for uncertain economic benefits. It is

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSS  
obama oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

now up to the Joint Review Panel to prove they've listened, and recommend an end to Northern Gateway—a project that is not in Canada's public interest, or in the interest of our planet at large.

Tags: BC's coast wild salmon responsible economies



*By Nikki Skuce, Senior Energy Campaigner, ForestEthics Advocacy*

*Follow Nikki Skuce on Twitter: @nikkiskuce*

**More by Nikki Skuce:**

Call of distress: The Simushir and the threat of tankers on British Columbia's northern coast

Enbridge Northern Gateway Investor Report: The Peoples Version

2014 Enbridge Investor Report Northern Gateway



# ForestEthics

ABOUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY

SUPPORT COMMUNITY



SIGN UP FOR EMAIL ALERTS

DO SOMETHING

DONATE



## The Root Word: ForestEthics Blog



### Enbridge's Northern Gateway Tar Sands Pipeline—Rejected Once, Twice, a Thousand Times...

JUN 19, 2013

Enbridge Hearings



Rally attendees in opposition to Enbridge's Northern Gateway pipeline and tanker project

BY NIKKI SKUCE, SENIOR ENERGY CAMPAIGNER, FORESTETHICS ADVOCACY

Today in Terrace, a community in northern British Columbia, Enbridge's Northern Gateway President John Caruthers told a media scrum that he thought that it was "highly probable" that Enbridge's pipelines from Alberta's tar sands to the BC coast would be built.

This comment as three years of a federal environmental review is wrapping up in Terrace this week? Apparently, John and I haven't been at the same review hearings.

Let's take a look at what happened at those Joint Review Panel (JRP) hearings, which ForestEthics Advocacy has played an active role in:

- Nearly 1,500 people took the time to make oral statements against the project before the three-member Panel
- Over 9,000 written submissions were made against the project
- Rallies have greeted the company wherever it goes
- Hundreds of days were spent in hearings, which were full of inadequate responses from the tar sands pipeline proponent. On the other hand, interveners provided solid evidence countering Enbridge's argument
- After so much public pressure, the province of British Columbia came out rejecting the pipeline and tanker project in its final arguments
- Canada's indigenous people, or First Nations, have repeatedly made the case in their official interventions that their rights and title are not being respected. Plus, oil spills would devastate their cultures and ecosystems
- Finally, evidence time and time again has shown that the environment will suffer if built

The day before the hearings resumed, hundreds of BC northerners from across the region were out on a hot, sunny day to state loudly and clearly (once again) that the answer to Enbridge's tar sands proposal is still "no." We don't want more tar sands developed, nor do we want to bear the risk of pipeline and tanker spills.

Speakers at the rally included First Nations from across northern BC and national and provincial representatives from along the proposed pipeline and tanker routes. Robin Austin, the local representative (MLA) for Skeena, who represents a ground zero along the route, said: "We do not want diluted bitumen crossing northern BC, not to ship it on tankers and not to any refinery."

Recent

Popular

Related



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters



The Winds of Change are Blowing Through the Oil Patch

#### STAY CONNECTED

Like Share 48,939 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets

Follow



Ross Hammond @RossHammondSF17m  
Protest over oil trains in Milwaukee: "I don't want to be one of those 47 people who blow up & die" to.fox6now.com/1flph41 @BradHicksFox6  
Retweeted by ForestEthics

Show Summary

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral  
action report back Alberta  
art & activism art + activism bay area  
BC BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy

Skeena-Bulkley representative, MP Nathan Cullen, spoke to the crowd: "Raising our voice in a free and fair democracy does not make us radical. We say 'no', we will continue to say 'no', until we are listened to and respected."

"Enbridge cannot stop the oil from leaking, and cannot clean it up once it spills," said Art Sterritt, executive director of Coastal First Nations. "Destroying the ocean we all depend on is not in the national interest. We will lay down our lives to stop this project."

Geraldine Thomas-Flurer, from a coalition of First Nations called the Yinka Dene Alliance, reminded the crowd that 160 First Nations have signed Save the Fraser Declaration, banning the transportation of tar sands through the Fraser watershed. "We are the wall that is going to stop Enbridge."

The message was clear: British Columbians will do what it takes to stop Enbridge's climate-polluting, bad-for-Canada Northern Gateway pipeline and tanker project. With too many risks and exaggerated economic benefits, this pipeline is not in the provincial, nor the national interest. The answer will always be no.

ForestEthics Advocacy, with representation from EcoJustice, will reiterate these points during these last couple of weeks of the hearings.

As we headed over to Terrace from my hometown in Smithers for the rally, we saw a black bear cub scrambling in the bushes along the Skeena River. With my own newborn in tow, it was a gentle reminder of both the beauty of the environment in this area, and the fragility of the future. We hope that it is one with no tar sands pipeline or tankers, and one where our grandchildren can be proud of all those who stood up and fought to keep our watersheds and coast oil-spill free.

Tags: action report back no tankers BC's coast



By Nikki Skuce, Senior Energy Campaigner, ForestEthics Advocacy

Follow Nikki Skuce on Twitter: @nikkiskuce

More by Nikki Skuce:

Call of distress: The Simushir and the threat of tankers on British Columbia's northern coast

Enbridge Northern Gateway Investor Report: The Peoples Version  
2014 Enbridge Investor Report Northern Gateway

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSB  
obama oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

# ForestEthics

ABOUT US PROTECT FORESTS OPPOSE DIRTY ENERGY SUPPORT COMMUNITY



SIGN UP FOR EMAIL ALERTS



## The Root Word: ForestEthics Blog



### Dear Enbridge: Economics Aren't Everything. Northern Gateway Pipeline Would Impact Much More.

JUN 25, 2013

Enbridge Hearings



A young activist at the Terrace rally that accompanied the Panel's final hearings. Her shirt reads "I've got this sinking feeling about Enbridge"

BY AMANDA FOLLETT, COMMUNICATIONS CONTRACTOR, FORESTETHICS ADVOCACY

It's been 531 days since Canada's federal Joint Review Panel hearings review of Enbridge's application for the Northern Gateway tar sands pipeline began in January 2012. Volumes of materials have been submitted. Seemingly endless hours of oral testimony and thousands of pages of transcripts have been compiled.

But as the hearings wrapped up in Terrace, British Columbia (BC) on Monday, there was really only one piece of evidence the Panel needed to hear.

"No."

All that needs to be understood is that not everyone hinges everything on economics. That different cultural perspectives exist. That some things are more important than money.

After 18 months of testimony, the final arguments lasted only a week, with the energy giant's lawyer Richard Neufeld hammering home the economics: "Canadians would be facing, we submit, an economic catastrophe of unprecedented proportions," he told the Panel, if the pipeline isn't approved.

He demeaned reasons from First Nations (Canada's indigenous people) for rejecting the pipeline by reducing those reasons to a dollar value, repeatedly referring to Nations who refused to meet with Enbridge as having "no desire to discuss economic benefits"—an underhanded and potentially divisive tactic when close-knit aboriginal communities are sometimes split on industrial initiatives.

About First Nations' claims of inadequate consultation on the project, which would punch a pipeline 1,170 kilometres (730 miles) from Alberta to BC, he said, "They're just wrong." As if Enbridge holds the measuring stick on what it means to be properly consulted!

Neufeld even went so far as to hint that First Nations' claims to rights and title under Canadian law were overstated. Then, he summarily brushed off residents of northern BC, who are overwhelmingly opposed to the project:

"In an ideal world, every person, every community, every region would be satisfied that the

DO SOMETHING

DONATE

Recent Popular Related



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters



The Winds of Change are Blowing Through the Oil Patch

#### STAY CONNECTED

Like Share 48,939 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets

Follow



Ross Hammond @RossHammondSF18m  
Protest over oil trains in Milwaukee: "I don't want to be one of those 47 people who blow up & die" to.fox6now.com/1flph41 @BradHicksFox6

Retweeted by ForestEthics

Show Summary

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral  
action report back Alberta  
art & activism art + activism bay area  
BC BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy

benefits of a particular proposal outweigh its burdens to them. That they, individually or regionally or locally or provincially, are better off with a project than without it," Neufeld said.

"But we don't live in an ideal world. Tradeoffs are a fact of life."

The message is clear: Sacrifice the wishes, values and lifestyles of BC residents for the financial gain of a few Calgary oil execs.

Totally ignoring the fact that not everyone is funded by Big Oil, Neufeld told the Panel that, "parties are completely free to engage or not to engage with the proponent leading up to a proceeding like this." Enbridge is throwing a party in your backyard and if you don't come, don't be upset if your house gets wrecked.

As the hearings drew to a close, the Panel ran up and down the list of intervenors, wringing out every last argument until it was Enbridge's turn for the final word. Neufeld focused on four points: job creation, respect, science and the public interest.

The thing is, if Enbridge knew anything about respect, they would understand why a pittance in jobs doesn't outweigh the potential costs to the Northwest from the tar sands pipeline. It's not about "tradeoffs" or balancing pros and cons. It's about respecting existing, sustainable economies, lifestyles and cultures that can't be measured—or replaced—with dollar signs.

After what Enbridge describes as years of planning, the company still knows nothing about the land and peoples that it wants to push its pipeline past. And it has no idea how big a fight it still has on its hands.

It's not that we're not "interested in discussing economic benefits." It's not that we don't understand what you would have us believe is a cornucopia of abundance. It's because Enbridge isn't hearing what northerners have to say about our own values.

The Panel has a big job ahead of it: to sift through the evidence and present a case to the Harper government, who may or may not heed its recommendations. Panel member Hans Matthews put it beautifully when he closed by saying, "I have all that information in my journals and I have all that information in my mind, but, more importantly, I have a lot of information in my heart."

Here's hoping that the Panel really will open its heart to the concerns of northern BC. The decision itself is relatively easy: just listen to the people.

Tags: first nations responsible economies



By Amanda Follett, Communications Contractor, ForestEthics Advocacy

Follow Amanda Follett on Twitter: @amandajfollett

More by Amanda Follett:

Northern Gateway Decision: What Did the Panelists Actually Hear?

Seeing the Light: Province of British Columbia Joins Opposition to Proposed Enbridge Pipeline

Uncertainty, Lack of Scientific Evidence Plague Enbridge Project

future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inslee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSB  
obama Oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work wild  
salmon

# ForestEthics

ABOUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY

SUPPORT COMMUNITY

DO SOMETHING

DONATE

SIGN UP FOR EMAIL ALERTS

## The Root Word: ForestEthics Blog

### Northern Gateway Decision: What Did the Panelists Actually Hear?

DEC 20, 2013

Enbridge Hearings



The Joint Review Panel on the Enbridge Northern Gateway pipeline

BY AMANDA FOLLETT, COMMUNICATIONS CONTRACTOR, FORESTETHICS ADVOCACY

On Thursday, December 19 the Joint Review Panel (JRP) assessing Enbridge's application for the Northern Gateway pipeline from the tar sands to British Columbia, Canada's northwest coast announced that it would recommend approval for the pipeline to federal cabinet. Here is a response, addressed to JRP chair Sheila Leggett.

Dear Ms. Leggett,

Sheila. May I call you Sheila? Over the course of 18 months, I saw you several times. You probably didn't notice me as I ducked in and out of the JRP hearings, sometimes to support friends, sometimes for the communications work I do in northern British Columbia. I also listened: countless hours streaming the hearings as they took place in Edmonton, Prince George and Prince Rupert.

I kind of felt like I got to know you. You're a strong woman with a dry sense of humor. I felt, for the most part, that you were fair—or tried to be—when solving disputes and keeping people to task. Like you, I like order. I prefer people stick to the agenda. In that way, I think we would have gotten along, although we come from very different worlds, you and I: you, as an advocate for the oil industry, while I left a suburban childhood and retreated to the north woods of BC. Here I found not just the beautiful outdoors, but a beautiful community.

You met some of my friends and neighbors during your time here. They were fish guides, engineers and teachers that sat before you in the community hearings, sharing their stories, their fears and even, at times, their tears. They were conservationists, hydrologists and politicians who spoke during the technical hearings. And they were the First Nations who stood before you and argued for the protection of the lands and waters they've inhabited sustainably for time immemorial.

As the hearings wrapped up, I began to feel optimistic that you'd heard them. In your closing comments you said, "It's difficult to come up with words at this point in a process like this. It's been a process that, for me personally, has been a time of tremendous growth. It's been a humbling experience. It's an absolute privilege to have been involved in this process."

I admit, I was taken, especially when your colleague Mr. Matthews added, "I have all that information in my journals and I have all that information in my mind but, more importantly, I have a lot of information in my heart." I began to believe that this process might end with a

#### LIKE WHAT YOU READ?

Sign up below to receive our latest blog posts by email.

Email



Recent Popular Related



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters



The Winds of Change are Blowing Through the Oil Patch

#### STAY CONNECTED

Like Share 48,939 people like this. Be the first of your friends.

#### LATEST TWEETS

##### Tweets

Follow



Ross Hammond @RossHammondSF18m  
Protest over oil trains in Milwaukee: "I don't want to be one of those 47 people who blow up & die" to.fox6now.com/1f1ph41 @BradHicksFox6

Retweeted by ForestEthics

Show Summary

Tweet to @ForestEthics

#### HOT TOPICS

#BlackLivesMatter #ThereIsNoNeutral

positive outcome.

But now I'm wondering what exactly you heard. I'm wondering if we were even at the same hearings.

Because what I heard was 1,200 of my friends and neighbors speak out strongly against this project. (Not to mention the 9,000 who wrote letters.) I heard compelling evidence that this pipeline is not in the nation's interest, as it would ship jobs to China, damage our salmon-bearing waterways, bring tankers to our pristine coastline and put at risk the First Nations cultures that have thrived here for millennia.

Yet, from Enbridge I heard very little. When asked about geotechnical surveys along the rugged pipeline route, it said that would come after approval. Strange, I thought. And yet the oddness continued: its oil spill response plan, assessment of impacts to the environment and First Nations, even defining the pipeline's route—all delayed until after approval. Well, then, I thought: What the heck are we all doing here?

You must admit, Sheila, that Enbridge's evidence was remarkably hollow over its 18-month-long opportunity to convince us all of its pipeline's merits. When the hearings wrapped up and I heard your closing comments, hope sprang up in me—hope that this process was not just an expensive exercise in feigned democratic process. Hope that the voices of northern BC had actually been heard.

You see, Sheila, I too believe in systems and order. I believe in our system of democracy to keep us all accountable and to find common ground where all voices have a place. But over the past two years my faith in our democracy has slid.

On January 9, 2012, the day before the JRP process began, Canada's Natural Resources Minister Joe Oliver came out in favor of Enbridge Northern Gateway, painting all those northern voices who had yet to approach a microphone as "environmental and other radical groups" set to derail the Canadian economy. Bill C-38 took the final decision on Enbridge Northern Gateway out of your panel's hands and put it into the unseeing, unhearing control of the federal cabinet, more than 4,000 kilometres away. It's with them that your recommendations now sit.

As the day of your announcement drew near, my optimism tumbled further. I learned that government agencies were spying on environmental groups, groups like ForestEthics Advocacy that exercised their democratic right to add their voices to the pipeline debate, and feeding the information to companies like Enbridge.

Then, an email from the National Energy Board's group leader of security Rick Garber, "In response to your query," revealed that the NEB had been consulting with CSIS and the RCMP to assess your safety while in our communities. He confirmed (as we all knew) that there were no threats to the panel. He did, however, make note of Idle No More activities and the All Native Basketball Tournament, which was being held in Prince Rupert but did not coincide with your stay there.

The All Native Basketball Tournament identified as a potential threat. I'm not sure whether to laugh or cry.

Then came the announcement, planned for Calgary and giving priority to Calgary's media, once again marginalizing the remote northwest, so removed from everyone's consciousness that its people and cultures matter so little.

So when you and your colleagues approved the pipeline with 209 conditions, I was disappointed but not surprised. What did surprise me was how deeply betrayed I felt. I think back on your often-blank-but-occasionally-empathetic faces and wonder, what exactly were you hearing? Is the cultural divide between northern BC and oil-rich Calgary so vast that more than a thousand voices couldn't carry across it? Was your decision filtered by your own experiences and perspectives? Or by some external force?

So, Sheila, for all I thought we had in common, I suppose we have our differences. I, too, came to northern BC from Alberta. Only I fell in love and stayed. You returned to your life in Calgary, where the repercussions of your decision must feel very remote. You will never see the impacts to the fishermen, the tourism operators or the First Nations. You are unlikely to ever face those people again.

action report back Alberta  
art & activism art + activism bay area  
BC BC's coast Blast Zone Bomb  
Trains british columbia Bunker Spill burnaby  
mountain California Californians Against  
Fracking canada Canadian Lawsuit  
caribou china clean energy  
future climate change Coal crude by  
rail crude oil Dogwood dot 111 Earth Day  
Ecosystem Based Management Enbridge  
English Bay environmental justice events  
exploding oil trains fair trade Ferguson  
first nations Fortune Minerals  
fracking freedom train free trade  
FSC G7 get inspired get the  
shell out Gitga'at nation Governor Inlee  
green divas greenwash Haida Gwaii  
Imperial Metals Institutional Racism just for  
fun kalamazoo river spill Kinder  
Morgan Klabona Keepers Lac-Mégantic  
lobbyists mindfulness mining blockades Mount  
Polley national geographic natural gas  
NEB Lawsuit net neutrality no FIPA  
Northern Gateway no tankers NTSB  
obama oil by rail oil spill oil train regulations  
oil trains paper policy paul colangelo  
pcm peatlands people's climate march Phillips  
66 Phillips 66 pipelines Pope Frances Rachel  
Notley Racial Injustice Rainforest Solutions  
Project Ralph Nader refineries  
responsible economies  
responsible resource development richmond  
sacred headwaters sacred waters safe oil  
trains San Luis Obispo SFI sierra club SOS  
Day of Action Staff Stories Tahltan take  
action Tarsands Invasion Tar  
Sands SOS Transportation Safety  
Board tree geek United Nations white  
house Why We Do Our Work Wild  
salmon

I, on the other hand, am prouder than ever to call them my friends and neighbours. I will stand behind First Nations when their aboriginal rights and title, which were never extinguished on these lands, challenge your decision in court. I will stand shoulder-to-shoulder with other community members who continue to oppose this project. Our voices will be heard, and this pipeline will never be built—even if we need to carry the message to Ottawa ourselves.

Tags: no tankers responsible economies BC's coast



*By Amanda Follett, Communications Contractor, ForestEthics Advocacy*

*Follow Amanda Follett on Twitter: @amandafollett*

**More by Amanda Follett:**

**Dear Enbridge: Economics Aren't Everything. Northern Gateway Pipeline Would Impact Much More.**

**Seeing the Light: Province of British Columbia Joins Opposition to Proposed Enbridge Pipeline**

**Uncertainty, Lack of Scientific Evidence Plague Enbridge Project**

TAB

34



## Nikki Skuce

Box 3022, Smithers, BC V0J 2N0  
Email: [nikki@forestethicsadvocacy.org](mailto:nikki@forestethicsadvocacy.org)

---

Profile: Coordinator, researcher and networker with over 15 years experience in the non-profit sector. Goal is to continue working toward social and environmental justice on local, national and international levels. Canadian citizen fluent in French and Spanish.

---

### Work Experience:

- Jan 2009 - *Forest Ethics Advocacy*, Smithers, BC.  
Present ([forestethicsadvocacy.org](http://forestethicsadvocacy.org)) Senior Energy Campaigner.  
Organizing around Enbridge Northern Gateway, finding permanent solutions for the Sacred Headwaters and promoting green energy solutions provincially. Working with First Nations and community groups; coordinating communications and media relations; undertaking research and participating federal review, corporate and government relations.
- July 2001 - *One Sky – The Canadian Institute of Sustainable Living*, Smithers, BC.  
Feb 2008 ([www.onesky.ca](http://www.onesky.ca)) Program Director.  
Local level – Developed energy efficiency commitments and co-wrote Community Energy Plan for the Town of Smithers; coordinated installation and workshops of renewable energy systems on office building; coordinated five renewable energy case studies; started community bike program; ran local food security project; supervise staff/volunteers; successfully fundraise and administer all local projects.  
Provincial/National level – Administer and was elected President of Canadian Renewable Energy Alliance ([www.canrea.ca](http://www.canrea.ca)); wrote and edited renewable energy policy papers; active in Canadian Environmental Network's International caucus; participate provincially in ENGO forum with BC government; engage in regional campaigns.  
International level - Coordinate food security and mining reclamation project in Sierra Leone; administer capacity building project in Peru; coordinate Canadian public engagement including "Green Diamonds" campaign; facilitated international youth internship program for five years (19 youths); coordinated and spoke at various international conferences; North American representative on network Citizens United for Renewable Energy and Sustainability (CURES).
- Jan. 2002 - *Canadian Environmental Network's Forum on the WSSD*, Smithers, BC.  
Oct. 2002 ([www.cen-rce.org/wssd](http://www.cen-rce.org/wssd)) Coordinator. With a Steering Committee of ENGOs, coordinated and edited a civil society report of Canada's environmental performance over a decade.
- Coordinated meetings, the listserve and website.
  - Attended the UN Preparatory Committee meetings and the World Summit on Sustainable Development (WSSD) as a member of the Canadian delegation.
  - Networked and chaired an international group of NGOs.
  - Coordinated and presented at post-WSSD workshop in Ottawa.

Nikki Skuce

- May 2001 - *International Institute for Sustainable Development*, Vancouver, BC.  
Editor and Assistant for the Sustainable Development Communications Web Initiative.  
- Edited and wrote materials for a web training manual for civil society organizations.  
- Assisted with facilitating an international "writeshop".
- Sept. 2000 - *Fundacion Ambiente y Recursos Naturales (FARN)*. Buenos Aires, Argentina.  
May 2001 ([www.farn.org.ar](http://www.farn.org.ar)) Researcher and Communications Assistant.  
- Researched and wrote on-line modules and case studies for the Sustainable Development Gateway, and conducted web reviews of South American NGOs.  
- Edited and translated NGO materials from Spanish to English.  
- Worked on a research project for WSSD in collaboration with the Director.
- Dec. 1998 - *The Society for Canadian Women in Science and Technology (SCWIST)*.  
Sept. 2000 Vancouver, BC ([www.harbour.sfu.ca/scwist](http://www.harbour.sfu.ca/scwist)). Coordinator.  
- Organized science conferences for high-school girls around the province  
- Started web-based mentorship and immigrant women support programs  
- Coordinated the Board of Directors and four committees  
- Wrote and published a quarterly newsletter, managed listserves and the website  
- Recruited and supervised volunteers, organized membership events and AGM  
- Wrote grants and final reports, and initiated new programs.
- April 1997 - *Environmental Youth Alliance*. Vancouver, BC  
Oct. 1997 Youth participant in group of five, including street involved youth.  
- Researched and designed signs and workshops on environmental technology systems for the Strathcona Community Gardens.  
- Built wheelchair accessible garden beds for a Seniors' home.  
- Started a seed saving program at the gardens.
- Sept. 1996 - *Sustainable Development Research Institute*. Vancouver, BC ([www.sdri.ubc.ca](http://www.sdri.ubc.ca))  
May 1997 Wrote, edited and coordinated an annotated bibliography on Gender in Sustainable Development.

**Volunteer Experience:**

- July 2011 - *GO2 Car Share Cooperative*.  
present Board member.
- 2006 - 2011 *Hometown Heroes*, Toronto, ON. Judge for national award.
- July 2005 - *Mountain Equipment Co-Op*, Vancouver, BC  
2009 NGO representative on Environment Fund Grant Review Committee.
- April 2005 - *Smart Growth Smithers Alliance*, Smithers, BC  
2007 Co-founder in campaign to promote sustainable community development.
- Aug. 2007 - *Wetzinkwa Community Forest Board*, Smithers, BC.  
2010 Accessed funds and coordinated a board development training session for community.
- Sept. 2001 - *Bulkley Valley Folk Music Society*, Smithers, BC.  
Sept. 2004 Performers Committee.
- April 1998 - *Langara College* Board Member. Vancouver, BC.  
Sept. 2000 Sat on three committees and participated in the ACCC national conferences.
- Feb. 1998 - *Humanities and Science 101 at UBC*. Vancouver, BC

Nikki Skuce

2000 Member of the Steering Committee of these free university level courses for people facing barriers to post-secondary education. Fundraised and did promotional work.

**Public speaking and Conferences:**

Aug/Sept. 2002 World Summit on Sustainable Development, Environmental NGO representative on Canadian delegation.

Nov. 2003 Amnesty International Conference: "Up In Arms: Raising awareness for war-affected children", Keynote speaker.

Jan. 2004 UBC Student Leadership Conference, Keynote speaker.

Nov. 2004 *Energetic Solutions: An international conference on making renewable energy a reality*, Nigeria. Coordinator and facilitator.

Nov. 2005 Beijing International Renewable Energy Conference (BIREC). NGO representative on Canadian delegation.

Dec. 2005 *Renewable Solutions: An NGO conference on renewable energy and climate change*, Montreal (COP 11/MOP 1). Speaker and coordinator.

---

May 2006 & 2007 UN CSD 14 and 15, Speaker at side-event organized by CURES.

March 2007 *Coming to Grips with the Emerging Global Energy Policy*, coordinated by CURES, E3 and Heinrich Boell Foundation in Bonn, Germany.

April 2007 G-8 NGO consultation in Bonn, Germany. Selected to speak as Canadian NGO in negotiator roundtable on energy concerns.

January 2010 - 2012 Reports: "Deciding the future of the Sacred Headwaters: An overview of land-use designation options"; "Our Nation, Their Interest"; "Enbridge Northern Gateway Pipelines: Community Opposition and Investment Risk".

**Education:**

1991-1992 University of British Columbia

1993-1995 Bachelor of Arts in International Relations and Canadian Studies

1996-1997

1995 Melbourne University, Australia  
Student Exchange Program, Hugh Brock Scholarship

**References:** Available upon request

# TAB

# 35

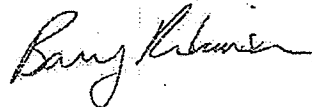
IN THE MATTER OF  
ENBRIDGE NORTHERN GATEWAY PROJECT JOINT REVIEW PANEL

WRITTEN EVIDENCE OF FOREST ETHICS

---

December 21, 2011

Date Submitted



Signature

Barry Robinson  
Barrister & Solicitor  
Representative for ForestEthics  
Suite 900, 1000 – 5th Ave. SW  
Calgary, Alberta T2P 4V1  
Tel: 403-705-0202 Fax: 403-264-8399  
E-mail: brobinson@ecojustice.ca

**TABLE OF CONTENTS**

<b>1.0 Introduction.....</b>	<b>3</b>
<b>2.0 Written Evidence of Nathan Lemphers.....</b>	<b>5</b>
2.1 Pipeline to Nowhere.....	5
2.2 Opening the Door for Oil Sands Expansion.....	13
2.3 Pipelines and Salmon in Northern British Columbia.....	18
2.4 Greenhouse Gas Emissions.....	24
<b>3.0 Written Evidence of David Hughes, Global Sustainability Research Inc.....</b>	<b>36</b>
3.1 Public Interest and Energy Security.....	37
<b>4.0 Written Evidence of Susan Casey-Lefkowitz, Anthony Swift and Nathan Lemphers.....</b>	<b>40</b>
4.1 Pipeline and Tanker Trouble Report.....	41
<b>5.0 Written Evidence of Nikki Skuce.....</b>	<b>50</b>
5.1 Enbridge Environmental Record.....	50
5.2 NRCAN Backgrounder.....	51
5.3 Clore Tunnel.....	51
<b>6.0 Written Evidence of Dr. Kirsten Zickfeld.....</b>	<b>53</b>
6.1 Greenhouse Gas Emissions and Climate Impacts.....	53
<b>7.0 Written Evidence of Marc Lee, Canadian Centre for Policy Alternatives.....</b>	<b>56</b>
7.1 Carbon Footprint of Canada's Fossil Fuel Exports.....	56

## 1.0 Introduction

1. ForestEthics hereby submits the following documents as its written evidence in the matter of the Enbridge Northern Gateway Project Joint Review Panel. The following written evidence is submitted:

- (a) the written evidence of Nathan Lemphers;
- (b) the written evidence of David Hughes;
- (c) the written evidence of Susan Casey-Lefkowitz;
- (d) the written evidence of Anthony Swift;
- (e) the written evidence of Nikki Skuce;
- (f) the written evidence of Kirsten Zickfeld; and
- (g) the written evidence of Marc Lee.

2. The following documents are submitted as attachments to these written submissions.

- A: Resume of Nathan Lemphers
- B: "Pipeline to Nowhere? Uncertainty and unanswered questions about the Enbridge Northern Gateway pipeline" (*Pipeline to Nowhere Report*)
- C: "Opening the Door for Oil Sands Expansion: The Hidden Environmental Impacts of the Enbridge Northern Gateway Pipeline" (*Oil Sands Expansion Report*)
- D: "Pipelines and Salmon in Northern British Columbia", (North Vancouver: Levy Research Services Ltd., 2009) (*Salmon Report*)
- E: "The Northern Gateway Pipeline: An Affront to the Public Interest and Long Term Energy Security of Canadians" (*Affront to Public Interest Report*)
- F: Resume of Susan Casey-Lefkowitz
- G: Resume of Anthony Swift

- H: "Pipeline and Tanker Trouble: The Impact to British Columbia's Communities, Rivers and Pacific Coastline from Tar Sands Oil Transport" (*Pipeline and Tanker Trouble Report*)
  - I: *Tar Sands Pipeline Safety Risks*, a joint report by National Resources Defense Council, National Wildlife Federation, Pipeline Safety Trust and Sierra Club. (*Tar Sands Pipeline Safety Risks*)
  - J: Enbridge Infractions Table (*Infractions Table*)
  - K001- K033: Corresponding *Infractions Table* documents.
  - L: Enbridge Northern Gateway Pipeline Project Backgrounder (*NRCAN Backgrounder*)
- 
- M: Clore Tunnel East Portal picture
  - N: Clore Tunnel Waste Rock Dump Site picture
  - O: Clore Tunnel Waste Camp Stage and Rock Dump Site picture
  - P: Resume of Kirsten Zickfeld
  - Q: "Greenhouse gas emission and climate impacts of the Enbridge Northern Gateway pipeline" (*GHG Emission and Climate Impact Report*)
  - R: Resume of Marc Lee
  - S: "Peddling GHGs: What is the Carbon Footprint of Canada's Fossil Fuel Exports?" (*Peddling GHGs Report*)

3. ForestEthics proposes to present Mr. Lemphers, Mr. Hughes, Ms. Casey-Lefkowitz, Mr. Swift, Ms. Skuce, Ms. Zickfeld and Mr. Lee as a panel at the hearing.



## 2.0 Written Evidence of Nathan Lemphers

Please state your name and business address

4. Nathan Lemphers  
Pembina Institute  
219-19<sup>th</sup> St NW  
Calgary AB T2N 2H9

---

Please provide your background and work history.

5. I have included my resume as Attachment "A" to this written submission

Have you previously testified before the National Energy Board ?

6. No.

### 2.1 *Pipeline to Nowhere Report*

Do you submit the contents of the report entitled, "Pipeline to Nowhere? Uncertainty and unanswered questions about the Enbridge Northern Gateway pipeline" (*Pipeline to Nowhere Report*) as your written evidence and was the report written by you?

7. Yes. I am the author of the *Pipeline to Nowhere Report* and I adopt it as my written evidence. The *Pipeline to Nowhere Report* is filed as Attachment "B" to this written submission.

Please describe the objective of the *Pipeline to Nowhere Report*

8. The *Pipeline to Nowhere Report* asks the following three questions: a) is there demonstrated market demand for the Enbridge Northern Gateway Pipeline, b) is there need for more export pipeline capacity from western Canada, and c) is there enough information for the Joint Review Panel to make an informed decision on the Northern Gateway Pipeline?

#### DEMONSTRATED MARKET DEMAND FOR THE NORTHERN GATEWAY PIPELINE

Please describe your concerns regarding market demand evidence

9. Enbridge has yet to provide adequate evidence that there is specific market demand for the oil products being transported in the proposed pipeline. Moreover, there are no long-term commitments from shippers and there is no refinery specific demand analysis, as conventionally provided in past export pipeline applications.

Are precedent agreements the same as long-term transportation shipper agreements?

10. In August 2011, Enbridge announced that it has secured 'precedent' agreements from Canadian oil producers and Asian markets.<sup>1</sup> But such agreements are not binding commitments. Former CEO of TransCanada, Hal Kvisle, calls precedent agreements a "good old boy handshake" that are "commitments in principle"<sup>2</sup> — in other words, tentative agreements that can be abandoned if a number of conditions aren't met.

<sup>1</sup> Northern Gateway Pipelines, "New agreements demonstrate commercial support for Northern Gateway," <http://www.northerngateway.ca/content/new-agreements-demonstrate-commercial-support-northern-gateway> Accessed 30 Nov 2011.

<sup>2</sup> Nathan Vanderklippe, "Enbridge touts support, others call it 'hollow,'" Globe and Mail, <http://m.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/companies-commit-to-northern-gateway-enbridge/article2140101/?service=mobile> Accessed 30 Nov 2011.

11. Enbridge had a precedent agreement with PetroChina in 2005 to ship oilsands crude to China — but PetroChina withdrew its support in 2007 because of project delays.<sup>3</sup> As demonstrated by PetroChina's hasty retreat, these precedent agreements are rather easy for companies to get out of, and do not represent a legally binding agreement to ship oilsands crude.<sup>4</sup>
  12. Taking a precedent agreement to a legally binding level requires Letters of Support and Transportation Shipping Agreements. Until then, any number of issues such as First Nations opposition, likely regulatory delays, or market volatility may cause prospective shippers to back out, just like PetroChina did.
- 
13. Unlike a legally-binding transportation shipper agreement, these precedent agreements do not provide nearly as robust an economic case that there is market demand for this proposed pipeline.

#### EXPORT PIPELINE CAPACITY FROM WESTERN CANADA

Is there a demonstrated need for additional export pipeline capacity from Western Canada?

14. Using updated information from the June 2011 Canadian Association of Petroleum Producers *Crude Oil Forecast, Markets and Pipelines* report and the November 2011 National Energy Board report entitled *Canada's Energy Future*, the Pembina Institute was able to forecast the amount of pipeline capacity from 2010 to 2035.<sup>5, 6</sup> Figure 1

<sup>3</sup> CBC, "PetroChina dropping \$3B pipeline, Enbridge still online,"

<http://www.cbc.ca/news/canada/calgary/story/2007/07/13/enbridge-gateway.html> Accessed 30 Nov 2011.

<sup>4</sup> Nathan Vanderklippe, "Enbridge touts support, others call it 'hollow,'" Globe and Mail,

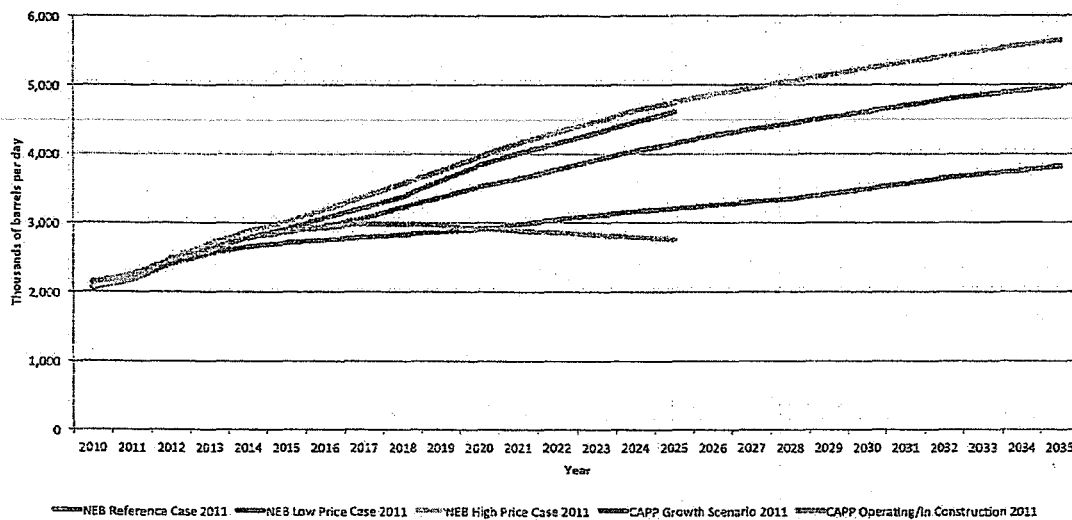
<http://m.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/companies-commit-to-northern-gateway-enbridge/article2140101/?service=mobile> Accessed 30 Nov 2011.

<sup>5</sup> Canadian Association of Petroleum Producers, *Crude Oil Forecast, Markets and Pipelines*, June 2011, <http://www.capp.ca/getdoc.aspx?DocId=190838> Accessed 30 Nov 2011.

<sup>6</sup> National Energy Board, *Canada's Energy Future: Energy supply and demand projections to 2035*, November 2011, <http://www.neb-one.gc.ca/clf-nsi/rthnb/nwsrls/2011/nwsrls34-eng.html> Accessed 30 Nov 2011.

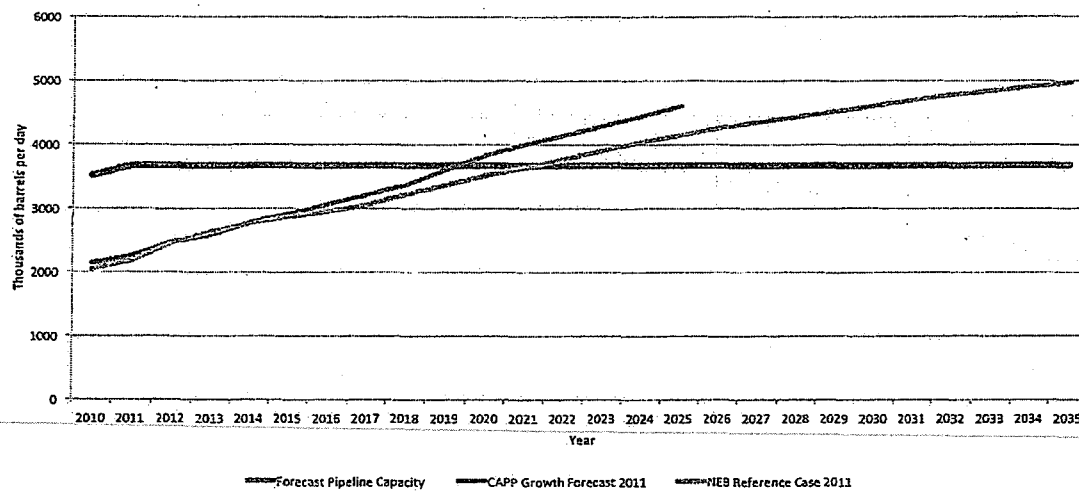
illustrates five oil export supply estimates from the Western Canada Sedimentary Basin (WCSB). For the purposes of this analysis, the CAPP Growth Scenario and the NEB Reference Case will be used in comparison with a variety of export pipeline capacity scenarios.

15. **Figure 1: Western Canada Sedimentary Basin Crude Oil Export Supply, 2010 to 2035**



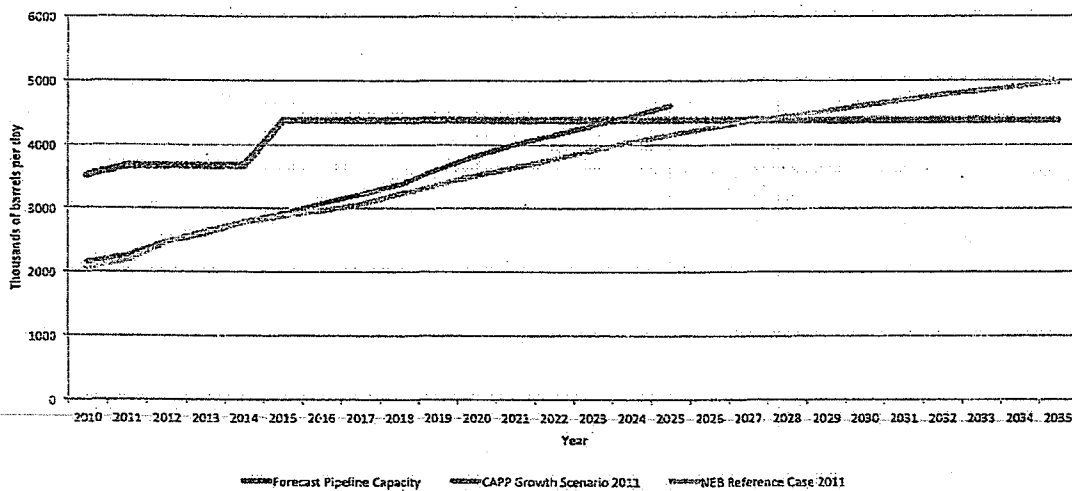
16. Figure 2 shows that if no additional export pipelines are constructed in Western Canada (including Trans Canada's Keystone XL and Enbridge's Northern Gateway Pipeline), there will not be a risk of supply shut in until at least 2020.

17. **Figure 2: Existing export pipeline capacity and WCSB crude oil export supply estimates, 2010-2035**



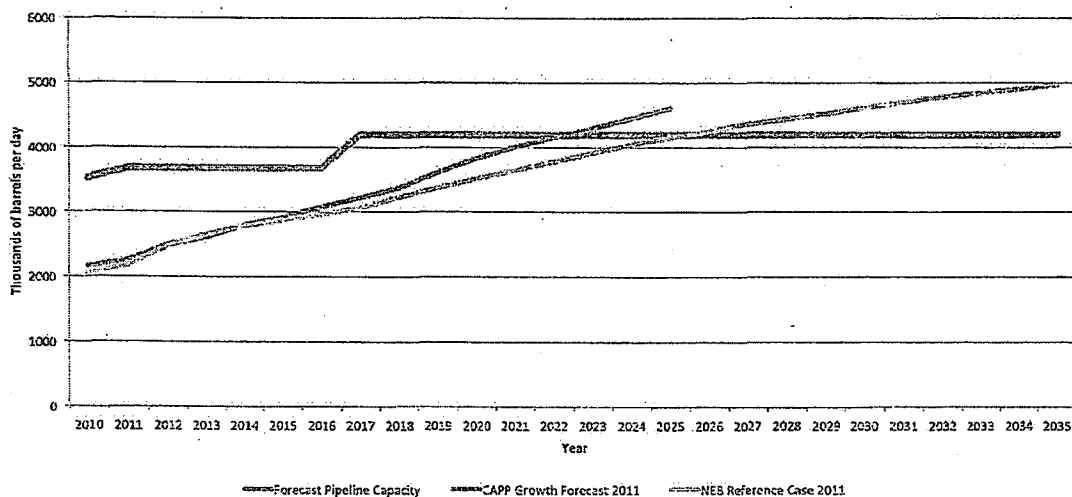
18. If Keystone XL is built and Northern Gateway is not built, then there will not be a risk of WCSB oil supply shut in until at least 2024, based on CAPP growth estimates (Figure 3). In 2015 when Keystone XL may become operational, there will be a 33 percent overcapacity of export pipelines, representing 1.46 million barrels per day of unused pipeline capacity.

19. **Figure 3: Existing export pipeline capacity plus Keystone XL and WCSB crude oil export supply estimates, 2010-2035**

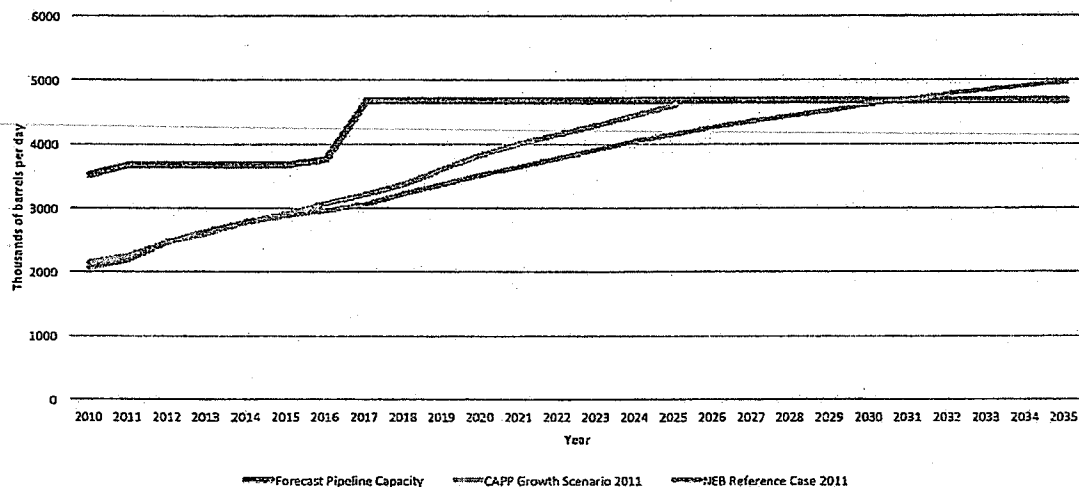


20. If Northern Gateway is constructed and Keystone XL is not, then there will not be a risk of supply shut in until 2023, based on CAPP growth estimates (Figure 4). If Northern Gateway is operational by 2017 then there would be 24 percent in excess pipeline capacity, representing 988,000 barrels per day.

21. **Figure 4: Existing export pipeline capacity plus Northern Gateway and WCSB crude oil export supply estimates, 2010-2035**



22. If both Keystone XL and Northern Gateway are constructed, given the supply estimates, there will not be a risk of shut-in until 2026 at the earliest (Figure 5). In 2017, when both pipelines would be operational, there would be 1.68 million barrels per day in excess capacity representing 34 percent of the total export pipeline system in Western Canada.
23. **Figure 5: Existing export pipeline capacity, plus Northern Gateway and Keystone XL, and WCSB crude oil export supply estimates, 2010-2035**

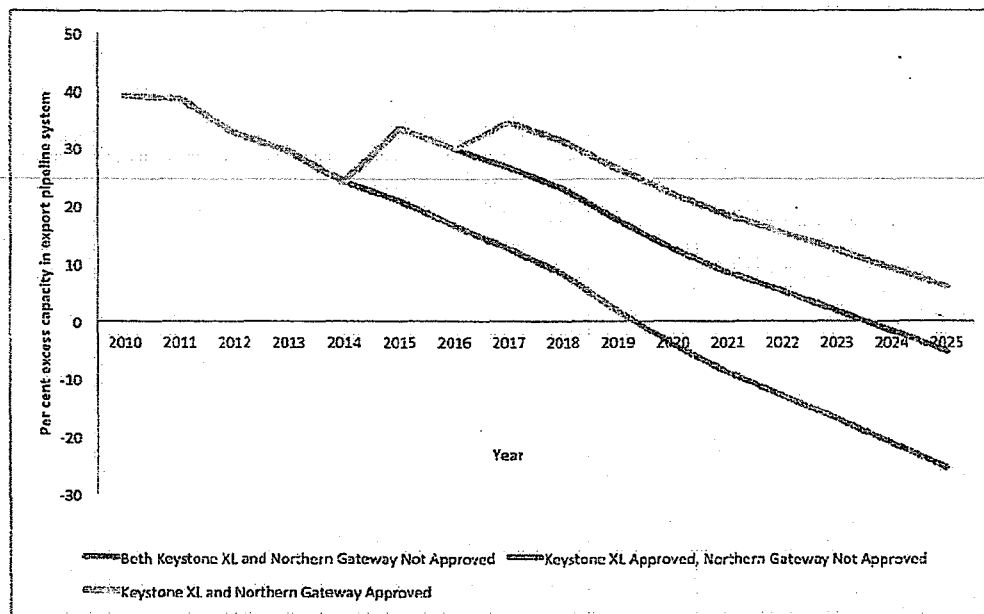


24. Figure 6 represents three different pipeline expansion scenarios in relation to the percentage of excess capacity in the export pipeline system in Western Canada. This analysis indicates that there will significant excesses in export pipeline capacity until the late 2010s and if Keystone XL is built surplus of capacity will extend beyond 2024.
25. This magnitude of excess pipeline capacity has the potential to create market instability from an oversupply of WCSB oil to the United States. In the National Energy Board hearings for TransCanada's Keystone XL pipeline to the United States, BP Canada, Imperial Oil and Nexen all raised concerns about the excess supply and insufficient demand for crude oil from Western Canada.<sup>7</sup> Suncor and Imperial Oil have also taken Enbridge to court over its decisions to build what they argue is too much pipeline

<sup>7</sup> National Energy Board, *Reasons for Decision – TransCanada Keystone Pipeline GP Ltd. OH-1-2009*, March 2010, p16, 23, 24

capacity to the United States with its Alberta Clipper pipeline.<sup>8</sup> In the past three years, concerns about overcapacity contributed to decisions to shelve plans for more than 1,495,000 barrels per day in export pipelines.

26. **Figure 6: Percentage of excess export pipeline capacity in Western Canada and three pipeline development scenarios.**



<sup>8</sup> Nathan VanderKlippe, "Energy giants battle over costs of oil sands pipeline," Feb. 3, 2010, Globe and Mail, <http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/energy-giants-battle-overcosts-of-oil-sands-pipeline/article1455350/> (accessed Nov 24, 2010).



## 2.2 Opening the Door for Oil Sands Expansion

27. Filed with this written submission as Attachment "C" is a report entitled "Opening the Door for Oil Sands Expansion: The Hidden Environmental Impacts of the Enbridge Northern Gateway Pipeline" (*Oil Sands Expansion Report*).<sup>9</sup>

Please describe the objective of the *Oil Sands Expansion Report*.

28. As economic benefits of the proposed Northern Gateway Pipeline extend beyond the pipeline itself, the environmental consequences and risks of the pipeline project also extend beyond the pipeline and the associated oil tanker port. These consequences include the extraction of the additional oil sands bitumen, the tanker traffic and associated risk to B.C.'s inside coastal waters, the upgrading of oil sands bitumen to synthetic crude oil, the refining into usable petroleum products and the end use consumption.
29. The purpose of this report is therefore two-fold:
1. To estimate the upstream environmental impacts of the Enbridge Northern Gateway Export Pipeline;
  2. To highlight high-level solutions to address the impacts of future oil sands developments.<sup>10</sup>

---

<sup>9</sup> "Opening the Door for Oil Sands Expansion: The Hidden Environmental Impacts of the Enbridge Northern Gateway Pipeline" (*Oil Sands Expansion Report*), Greg Brown, Jeremy Moorehouse and Jennifer Grant. Drayton Valley: Pembina Institute, 2009

<sup>10</sup> Greg Brown, Jeremy Moorehouse and Jennifer Grant, *Opening the Door for Oil Sands Expansion*, (Drayton Valley: Pembina Institute, 2009) at p. 13 [*Opening the Door*].

**What are the environmental impacts that the proposed Northern Gateway Pipeline and exportation of 525,000 barrels per day of diluted bitumen will have on climate, land, water and air?**

30. The production of 525,000 barrels will consume 200 million barrels of processing water, consume 74 billion cubic feet of natural gas for processing, directly disturb 12.5 square kilometers of land, produce 6.5 million tonnes of greenhouse gas emissions, produce 25 million barrels of toxic tailings and contribute to 2.7 million barrels of seepage from toxic tailings lakes into groundwater and surface water.<sup>11</sup>

---

**What, if any, are the perceived gaps in the environmental management of the oil sands?**

31. With each additional oil sands project approved and constructed in Alberta's boreal forest, the environmental impacts to air quality, boreal forest and wildlife, and fresh water resources increase. While the environmental impacts of each project might appear insignificant on their own, the cumulative environmental impacts of the entire project could lead to irreversible ecological damage if not properly managed and mitigated.
32. While government and industry have been successful in facilitating unconstrained oil sands expansion, parallel efforts to protect the environment have failed.
33. Some of the key gaps in the environmental management of the oil sands are: no absolute limits on air pollutants and greenhouse gases, no absolute limit on tailings volumes, no land use plan that protects wildlife and regional ecosystems, no lower limit on flows of the Athabasca River below which oil sands water withdrawals would be stopped, no environmental management plan to maintain the integrity of watersheds, most urgently the Muskeg River watershed, no informed limit on groundwater extraction and no certification standards for oil sands reclamation.<sup>12</sup>

---

<sup>11</sup> *Ibid.*, at p. 1

<sup>12</sup> *Ibid.*, at p. 19.

**How does oilsands extraction change or alter the landscape?**

34. Oilsands mining diverts rivers, drains complex wetland systems (which include bogs and fens) and strips away soils for open pit mining operations. And while there are plans for reclaimed land, the reclaimed land will be radically different from its original form.<sup>13</sup> In situ oilsands extraction and associated infrastructure (roads, pipelines, transmission and seismic lines) heavily fragment the landscape and put species like the Woodland Caribou at risk of local extinction.

---

**What is the land use impact necessary to extract the oilsands needed to fill the Northern Gateway pipeline?**

35. The land use impacts are relatively large due to the fragmentation effects of lines, roads and pipelines from the oilsands projects themselves and the associated land impacts from natural gas extraction. The annual land impact is equivalent to 2,148 football fields. Over the project's hypothetical 40-year lifetime, 460 square kilometers of land would be affected, or four times the area of the City of Vancouver.<sup>14</sup>

**How will the mining operations impact groundwater?**

36. Much of the surface overlying the bitumen is covered by muskeg, wetlands and peat lands, which must be drained before the overburden can be cleared to access the bitumen. This naturally impacts surface flows in the area. Once a mining area is reclaimed, there will be larger areas of dry uplands. With the area of natural spongy peat land reduced, there will be more rapid runoff to the rivers and an impact on groundwater levels. This could, in turn, also affect the Athabasca and other rivers.<sup>15</sup>

---

<sup>13</sup> *Ibid.*, at p. 23.

<sup>14</sup> *Ibid.*, at p. 22.

<sup>15</sup> *Ibid.*, at p. 25.

**What is the water use impact necessary to extract the oilsands needed to fill the Northern Gateway pipeline?**

37. Water supply is a growing concern in the Athabasca watershed. The Northern Gateway Pipeline Project would consume an additional 200 million barrels per year due to expanded oil sands production. This is equivalent to the annual water consumption of a city of 250,000. Over the project's hypothetical 40-year lifetime, 8 billion barrels of water will be consumed. Unlike a city, none of the water consumed by oilsands operations returns to river. It is either kept in tailings lakes (in the case of mines) or re-injected into the ground (in the case of in situ).

**What amount of tailings would be produced in order to fill the Northern Gateway Pipeline with oilsands?**

38. The production of tailings, which are the waste product of oil sands mining, is a significant problem because of concerns about toxicity and the problem of finding a long-term storage and reclamation solution. Based on the induced development needed to fill the Northern Gateway pipeline, it is expected that 70,000 barrels of mature fine tailings would be produced per day, enough to fill 4.4 Olympic swimming pools every day (filling one and a half BC Place stadiums every year). Annual impacts of tailings equal 25 million barrels of mature fine tailings and the 40 year impact equals 1 billion barrels of mature fine tailings.<sup>16</sup>

**What impacts would the Northern Gateway Pipeline Project have on air quality?**

39. The Northern Gateway Pipeline Project would produce 14,000 tonnes of NOx and 3,200 tonnes of SO2 per year due to expanded oil sands production. The increased annual NOx emissions equal those of the city of Victoria, B.C. and its surrounding area. The increased annual SO2 emissions equal two-thirds of those of Victoria, B.C. and its surrounding

---

<sup>16</sup> *Ibid.*, at p. 35.

area.<sup>17</sup> Nitrogen oxides (NOx) and sulphur dioxide (SO2) contribute to acid rain, which is affecting the land and watersheds of northern Alberta and Saskatchewan.

**What impact would the Northern Gateway Pipeline Project have on greenhouse gas emissions?**

40. The Northern Gateway Pipeline Project would facilitate the emission of 6.5 Megatonnes of greenhouse gases annually due to expanded oil sands production, equivalent to the emissions from 1.6 millions cars each year.<sup>18</sup> Over a 40-year hypothetical lifetime of the pipeline project, 260 Megatonnes of greenhouse gases will be emitted.

---

**Conclusion**

41. The Enbridge Northern Gateway Pipeline Project is much more than just a pipeline project because of the induced oilsands development necessary to fill the pipeline. An environmental assessment process of this pipeline needs to consider the air, land, water and climate impacts from induced upstream oilsands development.

---

<sup>17</sup> *Ibid.*, at p.29.

<sup>18</sup> *Ibid.*, at p. 20 .

### 2.3 Pipelines and Salmon in Northern British Columbia

42. Filed with this written submission as Attachment "D" is a report entitled "Pipelines and Salmon in Northern British Columbia: Potential Impacts" (*Salmon Report*).

Please provide a brief summary of the *Salmon Report*.

43. The Enbridge Northern Gateway pipeline project is one of four pipeline proposals that will traverse northern British Columbia. All proposed pipelines would cross and at times run parallel to the critically productive salmon habitats of the Upper Fraser, Skeena and Kitimat Watersheds.<sup>19</sup> The primary impacts of the proposed pipelines on salmon ecosystems would be the 1) construction impacts of increased sedimentation and higher water temperatures from diminished riparian habitat and, 2) the impacts associated with pipeline failures such as a leak or rupture.<sup>20</sup>
44. Precipitation events, steep terrain, avalanche or landslides common to the region magnify the impacts of the proposed pipelines. New pipelines would contribute to the existing stressors on salmon ecosystems such as forestry, hydro developments, and climate change. In summary, approving, constructing, and operating pipelines in Northern B.C. will expose salmon habitat in the Upper Fraser, Skeena, and Kitimat watersheds to increased impacts.

Please describe the significance of the northern B.C.'s salmon ecosystem.

45. B.C. salmon form part of the North Eastern Pacific salmon ecosystem, which is one of Earth's most productive biological communities, sustaining diverse terrestrial and aquatic life.<sup>21</sup> In the Skeena River, the Gitxsan and Wet'suwet'en extensively relied upon the

---

<sup>19</sup>David Levy, *Pipelines and Salmon in Northern British Columbia*, (Drayton Valley: Pembina Institute, 2009) at page 1 [Pipelines and Salmon].

<sup>20</sup>*Ibid.*, at p.1

<sup>21</sup>*Ibid.*, at p.5

upper Zymoetz River watershed.<sup>22</sup> The aboriginal fishery relied on a weir at the outlet of McDonell Lake, as well as spearing sites in the lower river. The Wet'suwet'en have also fished Morice-Nanika sockeye at Hagwilget and Moricetown Canyons for at least 6,000 years.<sup>23</sup>

46. The sockeye are critically important for food, social and ceremonial needs. Wild salmon support recreational tourism, sport, commercial fishing and value-added processing. In an average year, the commercial sector harvests around 28 million salmon, of which 75% are pink and sockeye.<sup>24</sup> The total landed value of the commercial catch is approximately \$250 million. Nature tourism activities based on salmon are estimated to contribute hundreds of millions of dollars to the B.C. economy. A study of the Skeena Wild Salmon economy reported that it contributed \$110 million to the regional economy alone.<sup>25</sup>

**Please describe the salmon populations that would be potentially impacted by the proposed pipelines.**

47. The proposed Enbridge pipeline would need to cross more than 780 waterways in the Upper Fraser, Skeena, and Kitimat watersheds.<sup>26</sup> Pacific salmon habitat extends from the freshwater rivers and streams in which they are born all the way to the Pacific Ocean, and back again where they spawn and die. The duration and timing of the migrations depend on the species and stock. Degradation in any part of that habitat will be detrimental to salmon health. The proposed pipeline would impact sockeye, pink, chum, Chinook, coho and steelhead salmon. The Enbridge pipeline is home to at least 76 salmon conservation units.<sup>27</sup> Conservation units are "groups of wild salmon sufficiently isolated from other

---

<sup>22</sup> *Ibid.*, at p. 9

<sup>23</sup> *Ibid.*, at p. 9

<sup>24</sup> *Ibid.*, at p.10

<sup>25</sup> Wilderness Tourism Association of BC, *The Value of Wild Salmon to BC's Nature Based Tourism Industry and the Impacts of Open Net Cage Salmon Farming*, April 30, 2008, [http://www.wildernesstourism.bc.ca/docs/WTApaper-salmon\\_farms-wild.pdf](http://www.wildernesstourism.bc.ca/docs/WTApaper-salmon_farms-wild.pdf)

<sup>26</sup> *Ibid.*, at p.5

<sup>27</sup> *Ibid.*, at p.11

groups that, if lost, would be unlikely to re-colonize naturally within an acceptable time frame.”<sup>28</sup>

**Please describe the impacts that pipeline construction and operation would have on salmon and other fish species using freshwater habitat.**

48. Pipeline construction effects occur primarily at stream crossings. They are characterized by acute physical and water quality impacts of relatively short duration. The main physical impacts are related to sedimentation and increases in total suspended solids (TSS) due to trench excavation, disposal of fill, erosion and run-off from adjacent upland worksites.<sup>29</sup> Additionally, water discharge from hydrostatic pipe testing and trench dewatering also contributes sediment. Salmon are highly sensitive to sedimentation increases.<sup>30</sup>
49. After a pipeline has been installed and its associated road network has been developed, human access to streams is greatly enhanced at pipeline stream crossings in remote areas.<sup>31</sup> This can promote activities, including fishing, that affect resident and migratory fish populations. In effect, the pipeline becomes a conduit for human contact at stream locations which were formerly difficult to access. Pipeline operations can thereby indirectly increase fish mortality via fishing or other human-induced secondary impacts. In addition to concerns related to increased access, the clearing of trees around streams for pipelines and service roads can also affect salmon habitats. Deforestation frequently leads to decreased stream shading, which results in increased stream temperatures.

<sup>28</sup> Fisheries and Oceans Canada, *Canada's Policy for Conservation of Wild Pacific Salmon*, (Vancouver, 2005) <http://www.pac.dfo-mpo.gc.ca/publications/pdfs/wsp-eng.pdf>

<sup>29</sup> *Ibid.*, at p.16

<sup>30</sup> *Ibid.*, at p.16

<sup>31</sup> *Ibid.*, at p.18



**Describe the impacts that pipeline failure would have on salmon and other fish species using the same freshwater habitat.**

50. Pipeline failures result in petroleum products being spilled into the surrounding environment. The consequences to salmon are most severe if the pipeline failures occur in proximity to stream crossing locations and associated habitat. The chronic and acute toxicity of petroleum compounds on fish, including salmonids is well documented.<sup>32</sup> Salmon and other fish species exposure to oil and other petroleum products include lethal as well as sublethal effects on growth<sup>33</sup>, gene expression and defects in cardiac function, edema, spinal curvature and reduction in the size of the jaw and other craniofacial structures.<sup>34</sup> Polycyclic aromatic hydrocarbons (PAHs) that are dissolved in water from either floating or submerged petrochemicals are the most toxic components for fish and invertebrates.<sup>35</sup>
51. In streams and rivers, oil entrained in bottom sediments can destroy spawning habitat. If spilled material contaminates sediments of a spawning bed, salmon embryos in the spawning gravel would be highly vulnerable. In the three watersheds of concern, Kitimat, Skeena and Upper Fraser, stream rearing juvenile steelhead, coho and Chinook are present all year round and are therefore susceptible to spilled petroleum products and condensate.<sup>36</sup>

---

<sup>32</sup> *Ibid.*, at p.21

<sup>33</sup> R.A. Heintz, S.D. Rice, A.C. Wertheimer, R.F. Bradshaw, F.P. Thrower, J.E. Joyce and J.W. Short, "Delayed Effects on Growth and Marine Survival of Pink Salmon *Oncorhynchus gorbuscha* After Exposure to Crude Oil During Embryonic Development," *Marine Ecology Progress Series* 208 (2000): 205-216

<sup>34</sup> J.P. Incardona, T.K. Collier and N.L. Scholz, "Defects in Cardiac Function Precede Morphological Abnormalities in Fish Embryos Exposed to Polycyclic Aromatic Hydrocarbons," *Toxicology and Applied Pharmacology* 196 (2004): 191-205.

<sup>35</sup> *Ibid.*, at p. 21

<sup>36</sup> *Ibid.*, at p.21

**Describe potential pipeline failure mechanisms through past examples of failures that affected aquatic resources in Northern B.C. and Alberta.**

52. An analysis of pipeline failures suggests there is a significant probability that proposed pipeline projects in Northern B.C. will ultimately fail. Along the 43,000 km of pipelines regulated by the National Energy Board (NEB), there were 46 ruptures over a 20-year period, or 2.3 ruptures per year.<sup>37</sup> A 1,000 km section of liquid pipeline would be expected to experience a rupture every 16 years.<sup>38</sup>
53. According to the same study, large diameter oil pipelines — such as the ones proposed by Enbridge — experience failures from corrosion and stress after 28 years on average — however pipelines in northern B.C. may fail more frequently than the pipelines regulated by the National Energy Board because of the mountainous terrain and frequency of heavy precipitation events, landslides and avalanches. Landslides ruptured natural gas pipelines in northern B.C. in 1978, 1999, 2002 and 2003.<sup>39</sup>
54. As an example the Zymoetz landslide (1.6 million m<sup>3</sup>) travelled a distance of 4.3 km and dropped 1,255 m in elevation over this distance.<sup>40</sup> This landslide ruptured a gas pipeline interrupting service to Kitimat, Terrace and Prince Rupert and also blocked access to a 3,000 km<sup>2</sup> basin for more than a year due to the flooding of the road adjacent to the river.<sup>41</sup> Similar types of barriers to access could seriously hinder the ability to respond to a pipeline failure, especially if exacerbated by severe winter conditions.

**What are the combined risks or cumulative impact to salmon from pipelines and other human activities in Northern B.C.?**

55. The health of Skeena, Kitimat, and Upper Fraser watersheds have already been compromised to varying degrees by past impacts, and the proposed pipelines pose an

---

<sup>37</sup> *Ibid.*, at p. 24

<sup>38</sup> *Ibid.*, at p. 24

<sup>39</sup> *Ibid.*, at p. 25

<sup>40</sup> *Ibid.*, at p. 26

<sup>41</sup> *Ibid.*, at p. 26

additional threat.<sup>42</sup> Forestry, hydro-electricity, transportation, agriculture, mining, mountain pine beetle, climate change and coalbed methane illustrate the breadth of stresses that salmon are already experiencing or could be faced with in the future. The anticipated impacts from the proposed Enbridge pipeline need to be understood and assessed on a cumulative basis.

**What are the key conclusions of the *Salmon Report*?**

56. Any of the proposed pipeline projects in Northern B.C. will expose salmon to risks on a number of fronts – the largest being the threat of pipeline failures in liquid pipelines and the resulting spills. The condensate and oil sands products that would be carried in the pipelines are highly toxic to salmon and if spilled into stream habitats, they have acute and chronic effects.<sup>43</sup> Northern B.C. is mountainous and remote terrain, and whether failure is the result of normal pipeline decay over time or more sudden events like landslides or sabotage, the risk cannot be fully eliminated. Depending on the contaminant discharge volume and the spill location relative to stream crossings, serious and lasting adverse impacts on salmon habitats could occur. Any decision to approve such a pipeline should be made in recognition of these risks.
57. Furthermore, the cumulative impacts of potential pipeline development must be evaluated to understand the contribution of numerous direct and indirect effects that over time combine to pose a serious and multi-tiered threat to salmon habitat and freshwater ecosystems.

---

<sup>42</sup> *Ibid.*, at p. 32

<sup>43</sup> *Ibid.*, at p. 36

## **2.4 Greenhouse Gas Emissions**

58. The information in this section was prepared under my direction.

**Which greenhouse gas emissions sources are included in the Enbridge Gateway pipeline Environmental and Socio-Economic Assessment (ESA)?**

59. The greenhouse gas ESA is divided into two sections of the project application:

Volume 6A - Environmental and Socio-Economic Assessment (ESA) – Pipelines  
and Tank Terminal, and

---

Volume 8B - Environmental and Socio-Economic Assessment (ESA) – Marine  
Transportation

### **Volume 6A – Pipelines and Tank Terminal Emissions:**

60. Table 4-21 (Page 4-67 to 4-70) outlines the activities included and excluded from the assessment. This emissions sources included in the ESA for this section can be summarized as follows:

- Hydrocarbons in the oil and condensate tanks
- Onshore infrastructure
- Inwater infrastructure & berthed marine vessels (marine vessels are expected to release most GHG emissions relating to Kitimat Terminal)

61. The total emissions calculated for this section (berthed marine vessels & tank fugitive emissions) amount to 81,993 tonnes CO<sub>2</sub>e per year.<sup>44,45</sup>

**Volume 8B – Marine Transportation Emissions:**

62. This section calculates the greenhouse gas emissions associated with marine transportation in the open water area. Specifically, “[e]missions estimates are calculated for vessels and associated escort tugs transiting between the Kitimat Terminal and where vessels exit the Territorial Sea of Canada.”<sup>46</sup>

63. Included in this analysis are the annual greenhouse gas emissions for 50 vessels travelling in the range of 93 to 143 nautical miles.<sup>47</sup>

64. The total emissions calculated for this section (marine vessel transportation) amount to 68,728 tonnes CO<sub>2</sub>e per year.<sup>48</sup>

**Which greenhouse gas emissions sources are not included in the Enbridge Gateway pipeline ESA?**

65. As noted in Volume 6A, Table 4-21 (Page 4-67 to 4-70), the activities not included in the ESA for the Kitimat Terminal and Pipelines can be summarized as follows:

-Pipeline construction

-Pipeline operation (pump stations, maintenance)

<sup>44</sup> Enbridge Northern Gateway Pipelines. 2010. Exhibit B3-1 - Vol 6A P1 – Gateway Application – Pipelines and Tank Terminal ESA (Part 1 of 5) - A1T0F1 Section 4: Atmospheric Environment, Table 4-32, Page 4-75 [Exhibit A1T0F1].

<sup>45</sup> It should be noted that there is an inconsistency for the values of “Tank Fugitives” and the calculated sum of “Total Emissions” provided in the Table 4-32. For the purpose of this submission, the value of 81,993 tonnes of CO<sub>2</sub>e/year as listed in the “Total emissions” category in Table 4-32 and in the preceding paragraph will be used to represent the greenhouse gas emissions associated with the Kitimat Terminal.

<sup>46</sup> Enbridge Northern Gateway Pipelines. 2010. Exhibit B3-35 - Vol 8B – Gateway Application – Marine Transportation ESA (Part 10 of 11) - A1T0I5 Section 13: Marine Transportation in the Open Water, Page 13-16.

<sup>47</sup> *Ibid*, at p.13-17.

<sup>48</sup> *Ibid*, at Table 13-15, p. 13-21.

- Pipeline decommissioning
- Kitimat Terminal construction
- Kitimat Terminal operation (site maintenance)
- Kitimat Terminal decommissioning

66. While not included in the ESA, emissions associated with pipeline construction were provided in the Enbridge application. The annual emissions associated with pipeline construction were determined to be 7,737 tonnes CO<sub>2</sub>e/year.<sup>49</sup> While it was not clarified in the application, it can be assumed that these annual emissions occur only during the construction phase ranging from Year 1, Q2 to Year 5, Q3 (approximately 4.33 years).<sup>50</sup>
67. With the stated annual emissions rate over a period of 4.33 years, the total emissions associated with the Enbridge Gateway pipeline construction will amount to 33,527 CO<sub>2</sub>e/year.
68. Given that the emissions associated with pipeline construction have been calculated and represent a non-negligible value, it is recommended that they be included in the ESA.
69. Beyond Volume 6A, upstream emissions associated with the production of oilsands products transported through the pipeline were also not included in the ESA. More information on this is provided in sections below.

**Please quantify greenhouse gas emissions from pipeline pumps.**

70. As noted above, the analysis in Section 6A of the application states that pipeline operation (including pump station emissions) is not considered in the assessment. While

<sup>49</sup> Enbridge Northern Gateway Pipelines. 2010. Exhibit B38-20 - Northern Gateway Response to Saulteau FN IR No. 1 - A2E4S3 Northern Gateway Response to Saulteau FN IR No. 1 Page 26.

<sup>50</sup> Exhibit A1T0F1. Section 2: Project Description, Table 2-5: Pipeline Construction Schedule, Page 2-13.

pump stations consume significant amount of electrical power, they were not considered in the ESA with the following rationale provided by Enbridge:

"Because all pump stations are electrically driven, GHG emissions during pipeline operations will be low."<sup>51</sup>

71. As stated in the application, operation of the Enbridge Gateway pipeline pumps will consume electricity from the Alberta and British Columbia electrical grid.<sup>52</sup> This electrical consumption will be directly associated with the greenhouse gas emissions required to produce the electricity. To calculate the magnitude of these emissions, it will be assumed that electricity used to power pipeline pumps will be representative of the average grid electricity in Alberta and British Columbia. Emissions factors for these provinces are included as follows<sup>53</sup>:

-Alberta: 960 g CO<sub>2</sub>e/kWh

-British Columbia 32 g CO<sub>2</sub>e/kWh

72. Using grid emissions factors and average pump electricity use, the annual greenhouse gas emissions associated with pipeline operation were calculated to be 709,518 t CO<sub>2</sub>e per year. This information is summarized in the following table.

<sup>51</sup> Exhibit A1TOF1. Section 4: Atmospheric Environment, Page 4-73.

<sup>52</sup> Transmissions systems operated by ATCO Power, AltaLink and BC Hydro. Source: Volume 3 - Engineering, Construction and Operations, Section 8: Pump Stations, Page 8-3.

<sup>53</sup> 2009 Consumption Intensity, Source: National Inventory Report 1990-2009: Greenhouse Gas Sources and Sinks in Canada, Part 3 (Gatineau, QC: Environment Canada, 2011), 53-54. Available at [http://unfccc.int/national\\_reports/annex\\_i\\_ghg\\_inventories/national\\_inventories\\_submissions/items/5888.php](http://unfccc.int/national_reports/annex_i_ghg_inventories/national_inventories_submissions/items/5888.php).

73. Table 1: Pipeline pump energy<sup>54</sup> use and greenhouse gas emissions.<sup>55</sup>

Name	Province	Number of oil pumps (kW)	Oil pump size	Number of Condensate Pumps	Condensate Pump size (kW)	Total pump power (kW)	Total Annual Pump Energy (kWh/year)	Greenhouse gas emissions (t CO <sub>2</sub> e/year)
Bruderheim	AB	5	4,290			21,450	187,902,000	180,386
Whitecourt	AB	5	4,290	2	4,290	30,030	263,062,800	252,540
Smoky River	AB	5	4,290	2	4,290	30,030	263,062,800	252,540
Tumbler Ridge	BC	3	4,290	1	4,290	17,160	150,321,600	4,810
Bear Lake	BC	2	4,290	2	4,290	17,160	150,321,600	4,810
Fort St. James	BC	3	4,290	1	4,290	17,160	150,321,600	4,810
Burns Lake	BC	3	4,290	1	4,290	17,160	150,321,600	4,810
Houston	BC			1	4,290	4,290	37,580,400	1,203
Clearwater	BC			2	4,290	8,580	75,160,800	2,405
Kitimate	BC			1	4,290	4,290	37,580,400	1,203
<b>Total</b>		<b>26</b>	<b>30,030</b>	<b>13</b>	<b>38,610</b>	<b>167,310</b>	<b>1,465,635,600</b>	<b>709,518</b>

<sup>54</sup> Pump station location, number of pumps, and pump average energy consumption values were taken from: Enbridge Northern Gateway Pipelines. 2010. Exhibit B1-5 - Vol 3 - Gateway Application - Engineering, Construction and Operations (Part 1 of 19) - A1S9X8, Section 8: Pump Stations, Pg 8-2 & 8-3.

<sup>55</sup> Note: spare pumps were not included in the table and calculations above.



74. Given the magnitude of greenhouse gas emissions that can be directly associated with the pipeline pump electricity consumption, it is recommended that these emissions be included in the ESA.

**What are the upstream greenhouse gas emissions associated with the production of crude supplies that will be transported by the pipeline?**

75. One of the primary purposes of the JRP application process is to determine whether or not the Enbridge Gateway project is in the public interest.<sup>56</sup> A proper assessment of public value should consider all aspects that are directly associated with or directly result from the project. Following this principle, Enbridge's economic assessment included the economic benefits of increased oilsands production capacity that will result from the construction of the Enbridge Gateway pipeline.<sup>57</sup> Similarly, the ESA must also consider environmental impacts, such as greenhouse gas emissions, that will result from increased oilsands production that will be directly associated with the construction of new pipeline capacity resulting from this project.<sup>58</sup>
76. The upstream emissions associated with the oilsands crude supplies that will be transported by the pipeline are currently not calculated or included in the Enbridge Gateway project application. It is recommended that Enbridge performs the appropriate analysis required to calculate the resulting upstream emissions and that these emissions be included in the ESA.

<sup>56</sup> Enbridge Northern Gateway Pipelines Joint Review Panel. 2011. Exhibit A022 - Letter and Panel Session Results and Decision (A27962), A22-3 - Panel Session Results and Decision

<sup>57</sup> Enbridge Northern Gateway Pipelines. 2010. Exhibit B1-4 - Vol 2 - Gateway Application - Economics, Commercial and Financing (Part 1 of 1) - A1S9X7, Appendix B: Wright Mansell Report p. 24

<sup>58</sup> Living Oceans Society, Raincoast Conservation Foundation, Forest Ethics. 2011. Exhibit A2F2U1 - Northern Gateway Project, Notice of Motion, 13 October 2011

77. Upstream emissions associated with the production of bitumen and synthetic crude have been calculated in the submission.<sup>59</sup> The calculation methodology included the following data and assumptions:<sup>60</sup>
- Average pipeline flow will be 200,000 barrels per day of synthetic crude (SCO) and 300,000 barrels per day of Dilbit (\*conservative assumption given capacity of 525,000 barrels per day)
  - Dilbit is composed of 70% bitumen and 30% diluent, upstream emissions will only be calculated for the bitumen component of this mixture<sup>61</sup>
  - SCO production is derived from 50% mining and 50% in situ oilsands. Bitumen is produced entirely through in situ operations.
- 
- The calculation of upstream emissions includes production and upgrading for synthetic crude and production only for bitumen. All other processes are assumed to occur downstream of the Gateway pipeline.
  - Average greenhouse gas intensity values have been assigned for mining and upgrading (SCO), in situ and upgrading (SCO), and in situ without upgrading. These values were based on data from publicly accessible life-cycle assessment reports. Please see Dr. Zickfeld's submission "Greenhouse gas emission and climate impacts of the Enbridge Northern Gateway pipeline." filed with these written submissions as Attachment "N"
78. Upstream emissions associated with the Northern Gateway pipeline were calculated to be 16.9 Mt CO<sub>2</sub>e per year. While there is a degree of uncertainty regarding this value, given that the majority of assumptions noted above aired on the conservative side, this value is likely conservative within the range of uncertainty.

<sup>59</sup> "Greenhouse gas emission and climate impacts of the Enbridge Northern Gateway pipeline." Zickfeld, Kirsten. Filed with these written submissions as Attachment "N"

<sup>60</sup> *Ibid.*

<sup>61</sup> This is a conservative assumption, given that there are greenhouse gas emissions associated with the extraction, processing and transportation of diluent.

Please summarize the total greenhouse gas emissions included in the ESA in comparison with total emissions that should be included in the analysis.

79. In terms of greenhouse gas emissions directly resulting from the pipeline, it is clear the Enbridge Gateway GHG analysis is incomplete. As noted in Table 2 below, the project application ESA fails to consider significant emissions associated with the operation of the pipeline pumps. As a result, the ESA only includes 150,721 Mt CO<sub>2</sub>e/year of the 867,976 Mt CO<sub>2</sub>e/year calculated above. Figure 1 illustrates this below.

80. **Table 2: Summary of greenhouse gas emissions associated with the Enbridge Gateway pipeline based on application data and calculated data described in the above submission.**<sup>62</sup>

Emissions Source	Included in Enviro & Social Assessment	Annual Emissions (tonnes CO <sub>2</sub> e/year)	Emissions Equivalent to Number of Canadian Cars (cars on road per year) <sup>63</sup>	Project Life Emissions (MtCO <sub>2</sub> e)
<b>Kitimat Terminal</b>				
Construction	No	N/A		-
Berthed marine vessels	Yes	60,593	14,449	2.42
Tank Fugitives	Yes	21,400 <sup>64</sup>	5,103	0.86
Decommissioning	No	N/A		-

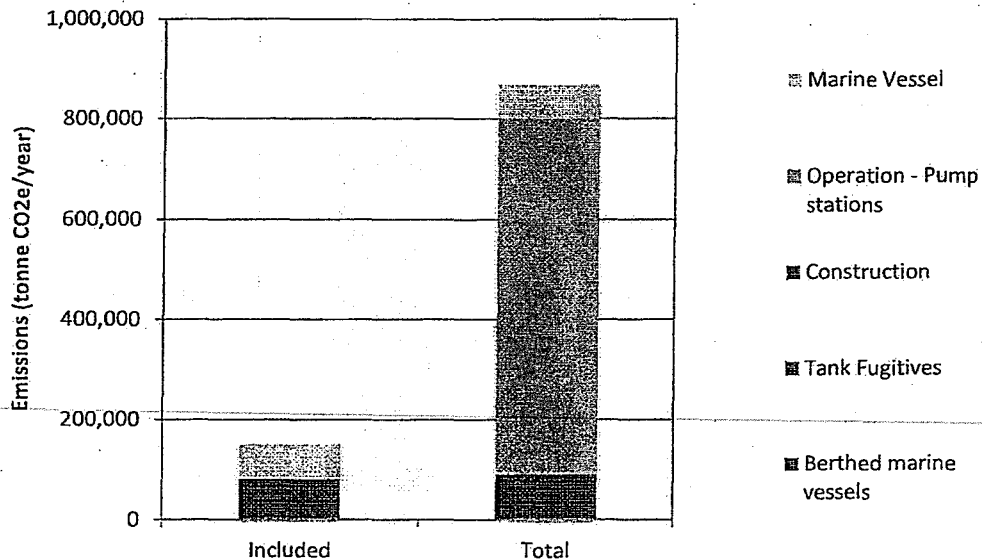
<sup>62</sup> Note, in the absence of information detailing the anticipated project life, an assumption has been made that the pipeline will be operational for 40 years.

<sup>63</sup> Average annual vehicle emissions based on 2009 total emissions and number of vehicles for Canadian light duty gasoline vehicles, light duty gasoline trucks, light duty diesel vehicles, and light duty diesel trucks. Source: *National Inventory Report 1990–2008: Greenhouse Gas Sources and Sinks in Canada, Part 3* (Gatineau, QC: Environment Canada, 2010), 54. Available at <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=492D914C-2EAB-47AB-A045-C62B2CDACC29>

<sup>64</sup> See Footnote 2 above – table discrepancy for Kitimat Terminal greenhouse gas emissions

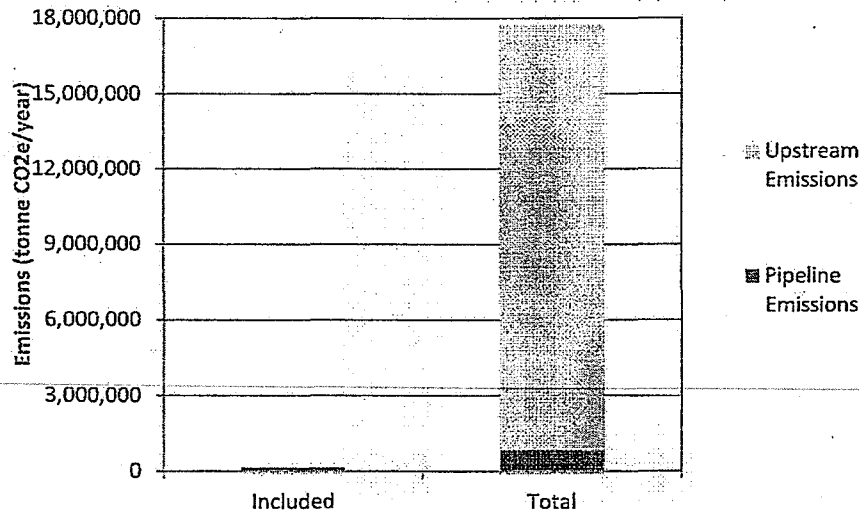
Emissions Source	Included in Enviro & Social Assessment	Annual Emissions (tonnes CO <sub>2</sub> e/year)	Emissions Equivalent to Number of Canadian Cars (cars on road per year) <sup>63</sup>	Project Life Emissions (MtCO <sub>2</sub> e)
<b>Pipelines</b>				
Construction	No	7,737	1,845	0.03
Operation - Infrastructure & Maintenance	No	N/A		-
Operation - Pump stations	No	709,518	169,197	28.3
Decommissioning	No	N/A		-
<b>Open Water</b>				
Marine Vessel Transportation Operation	Yes	68,728	16,389	2.75
<b>Upstream</b>				
Oilsands Production	No	16,890,993	4,027,954	675
<b>Totals</b>				
<b>Total Emissions Included in</b>				
ESA		150,721	35,942	6.03
<b>Total Emissions</b>		<b>17,758,969</b>	<b>4,234,938</b>	<b>710</b>

81. **Figure 1 Comparison with direct emissions (not including upstream) included in the ESA with total project emissions (not including upstream).**



82. When upstream resulting from the production of oilsands products that will be carried through the pipeline are also considered, the shortcoming of the Enbridge Gateway ESA is more apparent yet. As illustrated in Error! Reference source not found., the ESA only includes 150,721 Mt CO<sub>2</sub>e/year compared to the total of 17,758,969 Mt CO<sub>2</sub>e/year resulting from the pipeline and upstream oilsands production.

83. **Figure 2: Comparison of greenhouse gas emissions included in the ESA with total project emissions.**



**Is Enbridge's conclusion on the significance of greenhouse gas emissions from the Enbridge Gateway project appropriate?**

84. Based on the information included in the ESA, Enbridge derived the following conclusion: "the Kitimat Terminal and pipelines will not contribute measurably to climate change and therefore, will not result in significant environmental effects on global climate."<sup>65</sup> It was further noted that "[t]he emissions of GHGs resulting from operations will be discussed in context with total emissions from British Columbia, Alberta and Canada."<sup>66</sup>

85. The conclusion drawn by Enbridge is not appropriate for the following reasons:

1. Comparing pipeline emissions to the provinces of British Columbia, Alberta, and Canada is not a relevant form of comparison. It is recommended that the significance of pipeline greenhouse gas emissions be based on climate change

<sup>65</sup> Exhibit A1TOF1. Section 4: Atmospheric Environment, p. 4-71.

<sup>66</sup> *Ibid.* at p. 4-72.

impacts, or, at the least be compared to an equivalent project. While emissions may appear small relative to a province, the greenhouse gas emissions considered in the ESA still amount to the equivalent of 35,942 vehicles on the road.

2. The ESA does not include key sources of emissions directly associated with the project including construction emissions and emissions resulting from pipeline pump electrical use.

3. The ESA does not include upstream greenhouse gas emissions associated with the supply of oilsands crudes it will be delivered.

- 
86. In total, the emissions associated with this project (based on sources described above) amount to approximately 17.8 millions tonnes of CO<sub>2</sub>e per year, equivalent to the emissions from 4.2 million vehicles.

**3.0 Written Evidence of David Hughes, Global Sustainability Research Inc.**

**Please state your name and business address.**

87. David Hughes, Global Sustainability Research Inc.  
PO Box 237  
Whaletown, British Columbia, Canada,  
V0P 1Z0  
250 830-3662

---

**Please provide your background and work history.**

88. I have worked as a geoscientist who has studied the energy resources of Canada for nearly four decades, including 32 years with the Geological Survey of Canada as a scientist and research manager. I developed the National Coal Inventory to determine the availability and environmental constraints associated with Canada's coal resources. As Team Leader for Unconventional Gas on the Canadian Gas Potential Committee, I coordinated the recent publication of a comprehensive assessment of Canada's unconventional natural gas potential. Over the past decade, I have researched, published and lectured widely on global energy and sustainability issues in North America and internationally. I am a Fellow of the Post Carbon Institute and my work has been featured in the popular press, radio, television and other public media. I am currently the president of Global Sustainability Research Inc, a consultancy dedicated to research on energy and sustainability issues. I hold an Honours Bachelor's degree in Geology as well as a Master's degree in Geology from the University of Alberta

**Have you previously testified before the National Energy Board ("NEB")?**

89. No.



**3.1 “The Northern Gateway Pipeline: An Affront to the Public Interest and Long Term Energy Security of Canadians” Report**

**Do you submit the contents of the report entitled “The Northern Gateway Pipeline: An Affront to the Public Interest and Long Term Energy Security of Canadians” (*Affront to Public Interest Report*) as your written evidence and was the report written by you?**

90. Yes. I am the author of the *Affront to Public Interest Report* and I adopt it as my written evidence. The *Affront to Public Interest Report* is filed as Attachment “E” to this written submission.

---

**Please provide a brief summary of the report.**

91. The Northern Gateway Pipeline project is designed to move 525,000 barrels per day of diluted bitumen to Kitimat, British Columbia, from Bruderheim, Alberta, and 193,000 barrels per day of condensate in the opposite direction. The need for this pipeline is based on oil exports that would be generated by the Enbridge forecast of more than tripling oil sands production in Alberta by 2035 over 2010 production levels.
92. Less aggressive forecasts provided by the Canadian Association of Petroleum Producer’s (CAPP) reveal that there is sufficient capacity within the existing export pipeline system to cover its “in construction” scenario, which would see oil sands production grow by 50% over 2010 levels by 2025. Even in CAPP’s “growth” scenario, which would see oil sands production grow by two and a half times over 2010 levels by 2025, there is sufficient capacity in existing and near term planned export pipelines.
93. Canada’s intrinsic oil resources represent a highly strategic energy resource, and the oil sands represent 90% of what remains. Canadians are among the highest per capita consumers of oil in the world and are also significant oil importers, with eastern Canada being highly dependent on imports.

94. An analysis of current Canadian oil consumption, imports, exports, production and remaining reserves, reveals that an exponential growth in oil sands production and exports will compromise the long term energy security interests of Canadians, as well as their environmental interests, given the physical footprint of such expanded oil sands operations and their atmospheric emissions. The looming issue of a global peak in oil production, which may occur within this decade, further emphasizes the strategic importance of Canada's remaining oil reserves.
95. The absence of a National Energy Strategy, given the non-renewable nature of the majority of the energy inputs to Canadian society, represents an extreme vulnerability to the long term energy security interests of Canadians. Proposals such as Northern Gateway, which require uncontrolled growth to the detriment of the national interest, are one of the consequences of this.

**Please describe your concerns regarding Enbridge's rationale for the proposed Northern Gateway Pipeline project**

96. Current and planned export pipeline capacity is sufficient to handle existing and under construction oil sands projects without the Northern Gateway Pipeline. Even with the development of speculative, unannounced, tar sands projects in the Canadian Association of Petroleum Producers (CAPP) "growth" scenario forecast of oil sands supply in Western Canada, export pipeline capacity is more than sufficient through 2025.
97. Canada is both a high per capita consumer of oil and a significant oil importer (0.78 million barrels per day in 2010). Committing to the acceleration of oil sands production and exports over and above the 50% increase that will be added from oil sands projects that are currently under construction, compromises Canada's long term energy security.
98. The Northern Gateway Pipeline is predicated on unreasonable rates of expansion of oil sands production. These include the optimistic "growth" scenario of CAPP, which would see oil sands supply increase by 152% over 2010 levels by 2025, requiring the

development of speculative, unannounced, new projects in addition to the projects currently under construction. In addition, Enbridge has included an "extended forecast" in its National Energy Board application, which it falsely attributes to CAPP, that would see oil sands supply grow by 217% over 2010 levels by 2035. The impact of more than tripling oil sands supply in 25 years, given the environmental, social and emissions impacts of oil sands development to date, is unreasonable and likely not achievable given the capital, infrastructure and other inputs that would be required.

99. Oil is an irreplaceable, non-renewable resource, which will become increasingly scarce in the future and hence more valuable. Liquidating Canada's oil heritage as quickly as possible, as predicated by the Enbridge application, is irresponsible and compromises the energy security of future Canadians. The Northern Gateway Pipeline is principally a vehicle to expedite the liquidation of Canadian tar sands as fast as possible.
100. The argument of diversifying markets for Canadian oil with the Northern Gateway Pipeline is moot. The U.S., which is the world's largest oil importer, will buy Canadian oil, as opposed to less secure sources, if it is priced at a competitive level. Lack of pipeline capacity has created an oil glut at Cushing, Oklahoma, which is responsible for the current price discount of the WTI price index (and Canadian oil exports), compared to the Brent Index, of more than \$20US at some points over the past 12 months. This price discount will be short-lived with the development of new pipeline capacity from Cushing to the Gulf Coast which will be provided by the Cushing-Houston leg of TransCanada's Keystone XL pipeline and/or the Enbridge Wrangler pipeline,<sup>67</sup> as well as the reversal of the existing Conoco-Phillips pipeline in which Enbridge has purchased an interest.<sup>68</sup>

<sup>67</sup> Enbridge Wrangler Pipeline website <http://www.wranglerpipeline.com/>

<sup>68</sup> CBC News, 2011, <http://www.cbc.ca/news/business/story/2011/11/16/enbridge-conocophillips-pipeline.html>

**4.0 Written Evidence of Susan Casey-Lefkowitz, Anthony Swift and Nathan Lemphers**

**Please state your name and business address.**

101. Susan Casey-Lefkowitz  
Director, International Program  
Natural Resources Defense Council  
1152 15<sup>th</sup> St, NW, Suite 300  
Washington, DC 20005

---

Anthony Swift  
Attorney and Energy Analyst  
Natural Resources Defense Council  
1152 15<sup>th</sup> St, NW, Suite 300  
Washington, DC 20005

Nathan Lemphers  
Senior Policy Analyst  
Pembina Institute  
219 19 St NW  
Calgary, AB T2N 2H9

**Please provide your background and work history.**

102. Filed with these written submissions as Attachment "A" is the resume of Nathan Lemphers. Filed with these written submissions as Attachment "F" is the resume of Susan Casey-Lefkowitz. Filed with these written submissions as "Attachment "G" is the resume of Anthony Swift.

Have you previously testified before the National Energy Board ("NEB")?

103. No for all of us.

#### 4.1 Pipeline and Tanker Trouble Report

Do you submit the contents of the report entitled "Pipeline and Tanker Trouble: The Impact to British Columbia's Communities, Rivers and Pacific Coastline from Tar Sands Oil Transport" (*Pipeline and Tanker Trouble Report*)<sup>69</sup> as your written evidence and was the report written by you?

104. Yes. We are authors and we adopt the *Pipeline and Tanker Trouble Report* as our written evidence. The *Pipeline and Tanker Trouble Report* is filed with these written submissions as Attachment "H".

Please describe the objective of the *Pipeline and Tanker Trouble Report*.

105. This report highlights some of the risks associated with the transportation diluted bitumen through the proposed Northern Gateway Pipeline and along the proposed marine route via oil tanker. Unlike the lighter blends of conventional crude oil historically moved on the interprovincial pipeline network, the transportation of diluted bitumen carries with it additional safety considerations that regulators and pipeline operators need to adequately consider. This report highlights the pipeline safety concerns, describes the lands and waters under threat from the proposed pipeline, outlines the impact of shipping diluted bitumen in oil tankers and briefly summarizes some First Nations' concerns from the Northern Gateway pipeline. This submission will focus on the pipeline safety concerns and the risk assessment of Enbridge.

<sup>69</sup> Anthony Swift, Nathan Lemphers, Susan Casey-Lefkowitz, Katie Terhune and Danielle Droitsch, *Pipeline and Tanker Trouble: The Impact to British Columbia's Communities, Rivers, and Pacific Coastline from Tar Sands Oil Transport*, (Washington, DC: National Resources Defense Council, Drayton Valley, AB: Pembina Institute, Sointula, BC: Living Oceans Society, 2011).

**What are the differences between conventional crude oil and diluted bitumen?**

106. Compared to West Texas Intermediate (WTI), which is a light, sweet crude oil that serves as the benchmark crude for North America, diluted bitumen is 40 to 70 times more viscous than WTI, requiring diluted bitumen pipelines to be run at higher pressure and temperature than conventional oil pipelines.<sup>70</sup> Diluted bitumen is also 15 to 20 times more acidic, increasing the potential for internal corrosion at the high temperatures at which diluted bitumen pipelines operate.<sup>71</sup> The sulfur content of diluted bitumen is 5 to 10 times higher than in WTI, increasing the risk of microbiologically induced corrosion by sulfur fixing bacteria.<sup>72</sup> Diluted bitumen also contains significant amounts of abrasive quartz and silicates, compared to virtually no amount of abrasives in WTI. For Northern Gateway, this amounts to 24,000 kg of sediments composed of hard quartz, pyrite and aluminosilicates per day.<sup>73</sup> These sediments increase risk of pipeline erosion and the likelihood of localized corrosion due to settlement.<sup>74</sup> The high pressures at which diluted bitumen pipelines operate increase the probability that pipeline abnormalities will lead to failure.<sup>75</sup>

**Are diluted bitumen spills more problematic than conventional oil spills?**

107. Diluted bitumen spills contain a highly flammable natural gas liquid condensate, increasing the risks of explosions. Diluted bitumen, as a mixture, is also ignitable and explosive at most temperatures and can be ignited by heat, sparks or flames from static electricity or lightning.<sup>76</sup> Diluted bitumen also contains toxins (benzene, polycyclic aromatic hydrocarbons and n-hexane) that can affect the human central nervous system in

<sup>70</sup> *Ibid*, at p. 6.

<sup>71</sup> Anthony Swift, Nathan Lemphers, Susan Casey-Lefkowitz, Katie Terhune and Danielle Droitsch, *Pipeline and Tanker Trouble: The Impact to British Columbia's Communities, Rivers, and Pacific Coastline from Tar Sands Oil Transport*, (Washington, DC: National Resources Defense Council, Drayton Valley, AB: Pembina Institute, Sointula, BC: Living Oceans Society, 2011) at p. 6 [Pipeline and Tanker Trouble].

<sup>72</sup> *Pipeline and Tanker Trouble*, at p. 6.

<sup>73</sup> *Ibid*, at p. 6.

<sup>74</sup> *Ibid*, at p. 6.

<sup>75</sup> *Ibid*, at p. 6.

<sup>76</sup> *Ibid*, at p. 7.

the short-term and in the long term can be carcinogenic.<sup>77</sup> Some of these toxins, such as benzene, are highly volatile and present an immediate airborne threat.<sup>78</sup> There are also significantly higher levels of heavy metals in diluted bitumen, compared to conventional oil, which can accumulate in food chains and create health hazards for wildlife and people.<sup>79</sup>

108. Diluted bitumen spills are also difficult to clean up. Once the diluents evaporate, the remaining bitumen can be heavier than water and sink to the bottom of the water column. In these situations, conventional oil spill clean-up technologies like booms and skimmers and materials to absorb the oil, which are meant for recovery of oil on the surface of a waterbody, prove less effective and spills become more difficult to clean up and significantly more expensive.<sup>80</sup>

**Can current leak detection technology adequately detect spills?**

109. There are significant shortcomings in current leak detection technology for Enbridge to detect spills. Current leak detection technology cannot reliably detect pinhole size leaks such as the one discovered in May 2010 on the Enbridge Norman Wells pipeline in the Northwest Territories, which allowed over a quarter-million litres of oil to be spilled before the spill was noticed by residents.<sup>81</sup> Spills on the Northern Gateway pipeline, which is set to carry 13 times as much oil as the Norman Wells pipeline, would be even harder to detect. Moreover, conventional leak detection requirements permit potentially significant leaks to remain undetected on high capacity pipelines such as the proposed Northern Gateway pipeline.<sup>82</sup> While safety standards require hydrocarbon pipelines to take periodic line balance measurements, the minimum requirements for such systems allow the loss of two percent of the pipeline's capacity per week (one percent per

---

<sup>77</sup> *Ibid*, at p. 7.

<sup>78</sup> *Ibid*, at p. 7.

<sup>79</sup> *Ibid*, at p. 7.

<sup>80</sup> *Ibid*, at p. 7.

<sup>81</sup> *Ibid*, at p. 9.

<sup>82</sup> *Ibid*, at p. 10.

month).<sup>83</sup> For a 525,000 bpd pipeline like Northern Gateway, meeting Canada's federal standards would still allow a spill of over 11 million litres a week (45 million litres a month) to remain undetected.<sup>84</sup>

110. Diluted bitumen pipelines also pose unique leak detection challenges compared with conventional crude oil pipelines. The operating parameters in bitumen pipelines, including changes in the product's viscosity, temperature and pressure, vary much more than that of conventional crude oil systems, generating more "noise" for conventional mass balance leak detection systems.<sup>85</sup> In addition, when diluted bitumen is subjected to pressure changes, gas bubbles can form, through a process called column separation, that impede oil flow and can send faulty signals to the leak detection system.<sup>86</sup>

---

**Please describe your concerns regarding current Canadian pipeline safety regulations and their adequacy for diluted bitumen pipelines**

111. Canadian pipeline safety regulations and standards have not kept up with the increasing amounts of diluted bitumen being shipped on pipelines in Canada. Neither the NEB nor the ERCB have studied the different risks of shipping diluted bitumen in pipelines or examined the behavior of diluted bitumen when it is spilled.<sup>87</sup> This lack of due diligence limits their ability to anticipate or address the risks that diluted bitumen poses to pipelines.
112. Furthermore, the NEB and ERCB do not differentiate between diluted bitumen and conventional oil spills making it difficult to use historical data to inform current or future risks and to compare the spill rates between pipelines carrying conventional crude and diluted bitumen.<sup>88</sup>

---

<sup>83</sup> *Ibid*, at p. 10.

<sup>84</sup> *Ibid*, at p. 10.

<sup>85</sup> *Ibid*, at p. 9.

<sup>86</sup> *Ibid*, at p. 9.

<sup>87</sup> *Ibid*, at p. 10.

<sup>88</sup> *Ibid*, at p. 10.



**Please describe your concerns regarding transporting diluted bitumen in conventional pipeline technology.**

113. Filed with these written submissions as Attachment "T" is a joint report by National Resources Defense Council, National Wildlife Federation, Pipeline Safety Trust and Sierra Club entitled "Tar Sands Pipeline Safety Risk" and authored by Susan Casey-Lefkowitz and Anthony Swift.<sup>89</sup> In this report we raised the following concerns.
114. Increasingly, pipelines transporting tar sands crude are carrying diluted bitumen or "DilBit"—a highly corrosive, acidic, and potentially unstable blend of thick raw bitumen and volatile natural gas liquid condensate—raising risks of spills and damage to communities along their paths. The impacts of tar sands production are well known. Tar sands extraction in Canada destroys Boreal forests and wetlands, causes high levels of greenhouse gas pollution, and leaves behind immense lakes of toxic waste. Less well understood, however, is the increased risk and potential harm that can be caused by *transporting* the raw form of tar sands oil (bitumen) through pipelines to refineries.
115. Currently many tar sands crude oil pipeline companies are using conventional pipeline technology to transport this DilBit. These pipelines, which require higher operating temperatures and pressures to move the thick material through a pipe, appear to pose new and significant risks of pipeline leaks or ruptures due to corrosion, as well as problems with leak detection and safety problems from the unstable mixture. There are many indications that DilBit is significantly more corrosive to pipeline systems than conventional crude. For example, the Alberta pipeline system has approximately sixteen times as many spills due to internal corrosion as the U.S. system.
116. DilBit is the primary product being transported through existing pipelines in the Midwest and would be transported in a proposed pipeline to the Gulf Coast. DilBit pipelines

---

<sup>89</sup> Anthony Swift, Susan Casey-Lefkowitz and Elizabeth Shope, 2011, *Tar Sands Pipeline Safety Risks*, a joint report by National Resources Defense Council, National Wildlife Federation, Pipeline Safety Trust and Sierra Club, <http://www.nrdc.org/energy/files/tarsandssafetyrisks.pdf>

threaten ecologically important lands and waters from the Great Lakes to the Ogallala Aquifer.

117. In light of this, the follow actions should be regarded as critical steps:

-Evaluate the need for new pipeline safety regulations. Older safety standards designed for conventional oil may not provide adequate protection for communities and ecosystems in the vicinity of a DilBit pipeline. The potential risks associated with the transport of DilBit at the high temperatures and pressures at which those pipelines operate needs to be better understood and new regulations need to be put in place as necessary to address these risks.

---

-The oil pipeline industry should take special precautions for pipelines transporting DilBit. Until appropriate regulations are in place, oil pipeline companies should use the appropriate technology to protect against corrosion of their pipelines, to ensure that the smallest leaks can be detected in the shortest time that is technologically possible, and companies should ensure sufficient spill response assets in place to contain a spill upon detection.

-Improve spill response planning for DilBit pipelines. Spill response planning for DilBit pipelines should be done through a public process in close consultation with local emergency response teams and communities.

**What are the risks from landslides along the proposed route of the Northern Gateway Pipeline?**

118. Landslides are likely along the western portion of the proposed route. Over the past 33 years, there have been six catastrophic landslides that have severed natural gas pipelines in west central British Columbia. Along the pipeline route, a key crossing in the Fraser

watershed, the Stuart River, also has significant geotechnical difficulties, including the existence of deep-seated sliding in the areas near the proposed crossing.<sup>90</sup> Despite these known hazards and having changed the original crossing site due to site instability, Enbridge's consultant, due to lack of access to private property, seems to have only conducted limited visual assessments, and only of the lower slopes.<sup>91</sup> The proposed pipeline route also follows known unstable parts of the Morice River valley, an area that has historically experienced landslides, some of which have recently been reactivated by natural and human disturbances.<sup>92</sup>

Please describe your concerns regarding the inadequacies of Enbridge's assessment of landslide risks?

119. While Enbridge's landslide assessment for the Northern Gateway Pipeline only considers terrain 500 metres from the pipeline route,<sup>93</sup> many landslides can begin in unstable terrain much farther away. For instance, the 2002 Zymoetz landslide travelled more than four kilometres before rupturing a natural gas pipeline.<sup>94</sup> Given the size and instability of the slopes along the western route of the pipeline, it would be prudent for Enbridge to widen the project effects assessment area to include higher slopes where rockslides could begin that impact the pipeline.
120. Some scientists and engineers suggest climate change will increase hazardous conditions over time with more landslides in west central British Columbia due to predicted warmer and wetter weather conditions.<sup>95</sup> Despite these known conditions, Enbridge has failed to

<sup>90</sup> AMEC Earth and Environmental. Preliminary Geotechnical HDD Feasibility Assessment, Stuart River (Crossing #3076), Proposed Enbridge Northern Gateway Project. July 14, 2010. [ceaa.gc.ca/050/documents\\_staticpost/cearef\\_21799/2293/PG-ST.pdf](http://ceaa.gc.ca/050/documents_staticpost/cearef_21799/2293/PG-ST.pdf).

<sup>91</sup> AMEC Earth and Environmental. Preliminary Geotechnical HDD Feasibility Assessment, Stuart River (Crossing #3076), Proposed Enbridge Northern Gateway Project. July 14, 2010. [ceaa.gc.ca/050/documents\\_staticpost/cearef\\_21799/2293/PG-ST.pdf](http://ceaa.gc.ca/050/documents_staticpost/cearef_21799/2293/PG-ST.pdf).

<sup>92</sup> Schwab, J.W. Hillslope and Fluvial Processes Along the Proposed Pipeline Corridor, Burns Lake to Kitimat, West Central British Columbia, pp. 8, 20. Smithers, BC; Bulkley Valley Research Centre; 2011.

<sup>93</sup> This refers to the 1km wide (500 m from centreline) project effects assessment area. Enbridge Northern Gateway Pipelines. 2010. Exhibit B3-4 - Vol 6A P1 - Gateway Application - Pipelines and Tank Terminal ESA (Part 4 of 5) - A1TOF4 - Section 7.2.3: Spatial Boundaries for Terrain, p. 7-4,

<sup>94</sup> Pipeline and Tanker Trouble at p. 12

<sup>95</sup> Pipeline and Tanker Trouble at p. 13

consider how climate change will affect the design and operation of the Northern Gateway Pipeline or the extent to which climate change will impact the landslide risk assessment.

**Has Enbridge considered the impact of co-occurring and non-linear incidents on the design and operation of the Northern Gateway Pipeline?**

121. Enbridge has failed to consider the risk from multiple incidents happening at the same time. Their hazard assessment clearly states that "combined events where progressive failures could occur were not assessed as hazards but were evaluated as isolated occurrences."<sup>96</sup> The tragedy of Japan's Fukushima Daichi Reactor meltdown in 2010 vividly points up the added risks when two incidents, an earthquake and tsunami, occur simultaneously. The site design and emergency planning of the reactor did not account for the concomitant occurrence of two natural disasters, resulting in the uncontrolled release of radioactive material into the environment. A fall frontal rain storm that triggered a rock avalanche could rupture the pipeline. Poor weather conditions combined with associated floods and erosion could prevent ground or air access for emergency response crews. Avalanches, rockslides, explosions, or leaks from the natural gas pipeline all can have cumulative impacts that worsen the ability to respond.
122. Besides failing to consider co-occurrence, Enbridge has over-simplified their hazard assessment to exclude non-linear consequences. Enbridge has used a risk assessment method that rates the likelihood of an event against the consequence of that event. While this allows for an easier qualitative assessment, this irrationally assumes a linear relationship across not only among consequence categories but also in the relationship between likelihood and consequence. Clearly, a low consequence but often-occurring event does not have the same risk as a rare but high consequence event.

---

<sup>96</sup> Enbridge Northern Gateway Pipelines. 2010. Sec 52 Application – Vol 3 Engineering, Construction and Operations – Appendix E Supporting Geotechnical Reports, Report E-1 Overall Geotechnical Report on the Pipeline Route Rev. R for the Enbridge Northern Gateway Project, Bruderheim, Alberta to Kitimat, BC (AMEC), Section 4.2.6 Limitations of the Risk Assessment

123. The risk-tolerant assessment provided by Enbridge minimizes the dangers facing local communities and ecosystems along the pipeline's route. This limitation was even identified by AMEC, the consulting firm hired to conduct the risk assessment, who said that in a more rigorous risk evaluation non-linearity could be considered and may actually change the outcomes of the risk assessment.<sup>97</sup>
124. Worst-case scenarios do happen and Enbridge has an obligation to consider all potential major risks associated with the project, especially given the sensitive areas of the proposed pipeline route, the potential of linked multiple disasters, and the catastrophic consequences of a major pipeline release.
- 

---

<sup>97</sup> May 2010 Sec 52 Application – Vol 3 Engineering, Construction and Operations – Appendix E Supporting Geotechnical Reports, Report E-1 Overall Geotechnical Report on the Pipeline Route Rev. R for the Enbridge Northern Gateway Project, Bruderheim, Alberta to Kitimat, BC (AMEC), Section 4.2.6 Limitations of the Risk Assessment

**5.0 Written Evidence of Nikki Skuce**

**Please state your name and business address**

125. Business address:

Nikki Skuce

ForestEthics

1188 Main St., 2nd Floor

Smithers, BC V0J 2N0

---

**Please provide your background and work history.**

126. I am the Senior Energy Campaigner for Forest Ethics based out of Smithers, BC. I have a Bachelor of Arts from the University of British Columbia in Canadian Studies and International Relations. For several years I worked with One Sky on policy and practical programs in Canada, Sierra Leone, Nigeria and Peru. I began to focus on energy issues after coordinating Canadian NGOs around the World Summit on Sustainable Development in 2002. I sit on several Boards including the Canadian Renewable Energy Alliance and the GO2 Car Share. I have published several papers and reports, including "Driving Change: Case studies for sustainable transportation options in northern B.C." and the Smithers' Community Energy Plan.

**Have you previously testified before the National Energy Board ?**

127. No.

**5.1 Enbridge Environmental Record**

128. Filed with these written submissions as Attachment "J" is a table "Entitled Enbridge Infractions Table" (*Infractions Table*) providing an overview of the environmental

infractions committed by Enbridge in recent years.

129. Filed with these written submissions as Attachments "K001" to "K033" are the corresponding *Infractions Table* documents.

## 5.2 NRCAN Backgrounder

130. Filed with these written submissions as Attachment "L" is a document entitled Enbridge Northern Gateway Pipeline Project Backgrounder (NRCAN Backgrounder).

131. The NRCAN Backgrounder is a memo from Natural Resources Canada staff to the Minister that predominantly outlines the project, including brief notes on key environmental issues, the commercial status of the project, the proponent's arguments and benefit claims, and various information regarding the process and participation in it. Under Project Rationale, the memo from NRCAN states: "Even without Northern Gateway, Canada will have enough crude oil export capacity for some considerable time."

## 5.3 Clore Tunnel

132. Filed with these written submissions as Attachment "M" is a document entitled "Clore Tunnel East Portal Picture". Filed with these written submissions as Attachment "N" is a document entitled "Clore Tunnel Waste Rock Dump Site picture". Filed with these written submissions as Attachment "O" is a document entitled "Clore Tunnel Waste Camp Stage and Rock Dump Site picture".

### Please describe your concerns regarding the Clore Tunnel

133. The Clore tunnel represents some of the highest risk topography along the pipeline route, with steep slopes and limited accessibility. The tunnel is also upstream of high value salmon habitat. There is an important wetland complex at the Clore tunnel east portal.

Even if the tunnels are constructed with on-site containment and collection points, it is an entirely inadequate safeguard in such a high risk location.

---



**6.0 Written Evidence of Dr. Kirsten Zickfeld**

**Please state your name and business address.**

134. Dr. Kirsten Zickfeld  
Department of Geography  
Simon Fraser University 8888 University Drive  
Burnaby, B.C., Canada, V5A1S6

**Please provide your background and work history.**

---

135. Filed with this written submission is my resume as Attachment "P"

**Have you previously testified before the National Energy Board ("NEB")?**

136. No.

**6.1 Greenhouse Gas Emissions and Climate Impacts**

**Do you submit the contents of the report entitled "Greenhouse gas emission and climate impacts of the Enbridge Northern Gateway pipeline" (*GHG Emission and Climate Impact Report*) as your written evidence, and was the report written by you?**

137. Yes. I am the author of the *GHG Emission and Climate Impact Report* and I adopt this report as my written evidence. The *GHG Emission and Climate Impact Report* is filed with these written submissions as attachment "Q".

Please provide a brief summary of the *GHG Emission and Climate Impact Report*.

138. The purpose the *GHG Emission and Climate Impact Report* is to quantify the emissions of greenhouse gases (GHGs) associated with the Northern Gateway Pipeline, examine the implications of these emissions for Canada's greenhouse gas emission targets and quantify the climatic effects resulting from these emissions

#### Greenhouse gas emissions associated with the Northern Gateway Pipeline

139. Using lifecycle analysis estimates of GHG emissions from oilsands derived fuels<sup>98 99</sup> we calculate that the Northern Gateway Pipeline Project would facilitate "well-to-wheels" GHG emissions of 100 MtCO<sub>2</sub>eq/yr (best estimate), with a range of 84 to 102 MtCO<sub>2</sub>eq/yr.
140. Emissions of 100 MtCO<sub>2</sub>eq/yr are equivalent to 150% of British Columbia's 2009 GHG emissions of 67 MtCO<sub>2</sub>eq.<sup>100</sup> They also correspond to 14% of Canada's 2008 emissions, and are almost equivalent to Canada's entire 2008 electricity sector (120 MtCO<sub>2</sub>eq).<sup>101</sup>

#### Significance for Canada's emission target

141. Under the Copenhagen Accord, Canada pledged to reduce its GHG emissions in 2020 by 17% relative to 2005. This corresponds to an emission target of 607 MtCO<sub>2</sub> by 2020 or a reduction in GHG emissions of 127 MtCO<sub>2</sub> from the 2008 value.<sup>102</sup> Over the same period (2008 to 2020), emissions associated with oil sands are forecast to rise by 52 MtCO<sub>2</sub>.<sup>103</sup> In order to comply with its emission target, Canada will have to reduce emissions in other

<sup>98</sup> Charpentier, A., Bergerson, J. & MacLean, H. Understanding the Canadian oil sands industry's greenhouse gas emissions. *Environ. Res. Lett.* 4, 1-11 (2009).

<sup>99</sup> Brandt, A. Upstream greenhouse gas (GHG) emissions from Canadian oil sands as a feedstock for European refineries. Tech. Rep., Stanford University (2011).

<sup>100</sup> BC Ministry of Environment, BC Greenhouse Gas Emissions in 2009 (2010).

[http://www.env.gov.bc.ca/cas/mitigation/ghg\\_inventory/](http://www.env.gov.bc.ca/cas/mitigation/ghg_inventory/) - 1

<sup>101</sup> Environment Canada, Canada's Emissions Trends (2011).

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

sectors by 180 MtCO<sub>2</sub> if oil sands expansion proceeds as expected.

142. The annual “well-to-wheels” GHG emissions associated with the Northern Gateway pipeline correspond to 16% of Canada’s 2020 emission target. If the segment of emissions due to fuel combustion in vehicles (which will occur abroad) is subtracted, “well-to-tank” emissions associated with the pipeline are still equivalent to 5% of Canada’s allowable emissions. Acknowledging that emission arising from refinery will also be exported abroad, pipeline emissions will amount to about 3% of Canada’s emission target.

---

### Climate Impacts

---

143. In their latest World Energy Outlook<sup>104</sup>, the International Energy Agency calculates that 80% of the cumulative energy-related CO<sub>2</sub> emissions permissible by 2035 under the 2°C target are already locked-in by existing energy infrastructure. If the world proceeds on a business-as-usual trajectory, infrastructure put in place by 2017 will use up the entire budget allowed up to 2035, leaving no room for additional power plants, factories and other infrastructure unless they are zero-carbon.
144. Therefore, keeping within the 2°C ceiling requires that we turn away immediately from the construction of infrastructure that will lock the world into the consumption of fossil fuels for decades. Construction of the Northern Gateway pipeline is clearly counter to this requirement.

---

<sup>104</sup> International Energy Agency, World Energy Outlook 2011 (2011). <http://www.worldenergyoutlook.org/>

**7.0 Written Evidence of Marc Lee, Senior Economist, Canadian Centre for Policy Alternatives**

**Please state your name and business address.**

145. Marc Lee  
Senior Economist  
Co-Director, Climate Justice Project  
Canadian Centre for Policy Alternatives, BC Office  
1400-207 West Hastings St.  
Vancouver, BC V6B 1H7
- 

**Please provide your background and work history.**

146. Resume filed with these written submissions as Attachment "R".

**Have you previously testified before the National Energy Board ("NEB")?**

147. No.

**7.1 Carbon Footprint of Canada's Fossil Fuel Exports**

**Do you submit the contents of the report entitled "Peddling GHGs: What is the Carbon Footprint of Canada's Fossil Fuel Exports?" (*Peddling GHGs Report*) as your written evidence and was the report written by you?**

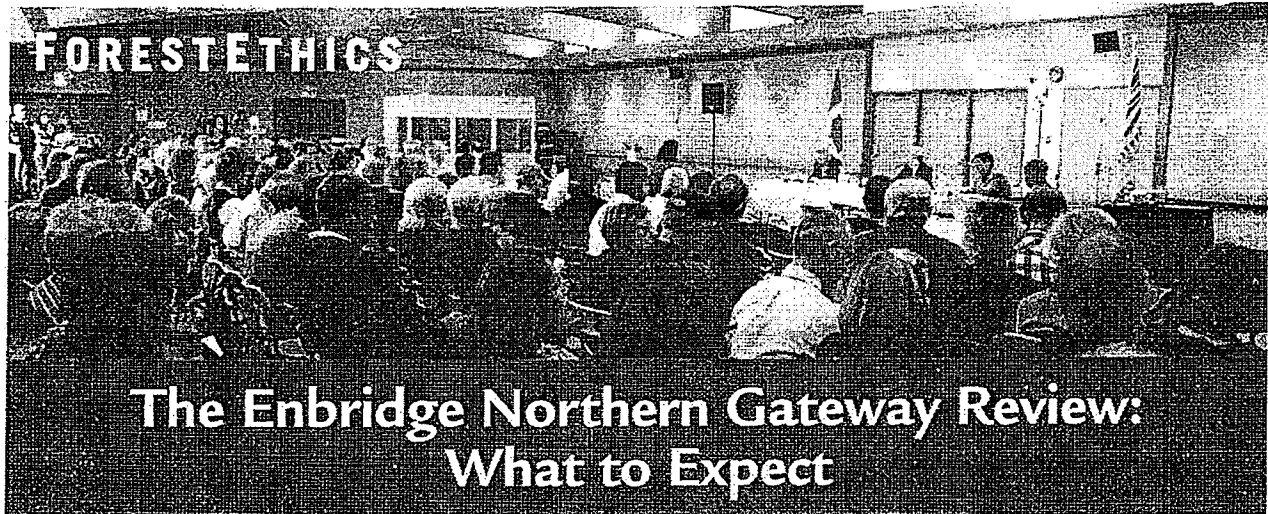
148. Yes, the *Peddling GHGs Report* was written by myself and my colleague Amanda Card and I adopt this report as my written evidence. The report is filed with these written submissions as Attachment "S".

**Please provide a brief summary of the *Peddling GHGs* report.**

149. Greenhouse gas emissions from Canadian exports of fossil fuels (crude oil, refined oil products, coal and natural gas) in 2009 were 15% greater than the emissions from *all* fossil fuel combustion within Canada, and almost four times the emissions from extracting and processing fossil fuels in Canada.
150. Canada's confirmed reserves of coal, natural gas and crude oil in the ground, both conventional and nonconventional (bitumen and shale gas), are equivalent to more than three years of global CO<sub>2</sub> emissions. Total possible reserves (given changes in technology and economic conditions) are much higher, equivalent to 40 years of global emissions at current levels.
151. Canada cannot meet its Copenhagen commitment to a 17% reduction in GHG emissions by 2020 (over 2005 levels) under status quo conditions. In order to be part of the climate change solution, we need to work at not only reducing our emissions nationally, but to limit our international GHG contributions through exports, such as Enbridge's Northern Gateway pipeline.

TAB

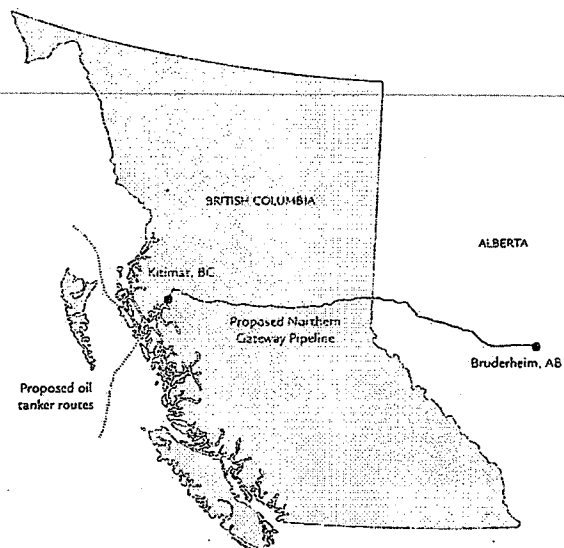
36



## The Enbridge Northern Gateway Review: What to Expect

The Enbridge Northern Gateway pipeline project proposes to build two parallel pipelines 1,170 kilometres from Alberta's tar sands to B.C.'s coast at Kitimat. If approved, the pipelines would traverse the salmon-bearing Upper Fraser and Skeena watersheds, cross nearly 800 streams and rivers, and would introduce oil tanker traffic to the province's northern coastal waters.

The Project is currently undergoing a federal review process. ForestEthics is directly engaged in the review process as an Intervenor, with legal representation from Ecojustice, and is interested in ensuring information and developments from inside the process are communicated out to media and the public.



### A brief look at the Environmental Review Process

Enbridge filed its formal application to the National Energy Board on May 27, 2010. This triggered a public regulatory review process led by a Joint Review Panel (JRP), consisting of the National Energy Board (NEB) and the Canadian Environmental Assessment Agency (CEAA). The JRP has been criticized for its lack of transparency, its legal inability to address and accommodate First Nations Rights and Title, and the narrow scope of issues being addressed.

The JRP panel includes only three members - none of whom are from British Columbia - who will

determine the extent to which the project meets the public interest. The panel is chaired by NEB vice-chair Sheila Leggett, a biologist by training who was a former environmental consultant in Alberta. Also on the panel is Calgary energy lawyer Kenneth Bateman, and aboriginal mining advocate Hans Matthews, a member of the Wahnapiitae First Nation in Ontario. When the hearings are done, they will make an assessment based on whether or not the proposed project is in the public interest. Their recommendation will be forwarded to the Minister of Natural Resources who eventually signs off on the decision. The Minister and Cabinet must accept a negative decision but can overturn a positive one or decrease the number of conditions recommended.

## What's happened to date?

- **Early 2010**

Over 2,000 comments were submitted to the NEB on the terms of reference for this assessment alone (a previous high was around 30 comments)

- **August/September 2010**

The panel conducted preliminary hearings in three communities to hear input on the issues it should consider in its environmental assessment, on whether the information and plans for the pipeline and tankers that Enbridge submitted were adequate, and where hearings should take place. The panel was greeted with large protests in Kitimat and Prince George, BC.

- **January 2011**

The panel released its decision on the List of Issues that it will cover in the hearings. The panel ruled that Enbridge had to provide more information, including far more detailed oil spill scenario plans for the pipelines and tankers, before it could begin to review the project. The panel ruled against including broader greenhouse gas emissions and climate change implications of the project and the land, water, air and health impacts of tar sands expansion facilitated by the pipeline. We have put forward a motion to include them.

- **April 1, 2011**

Enbridge provided a package of updated information in response to the panel's ruling which triggered the Hearing Order schedule in May.

---

- **July 14, 2011**

Deadline to register for Intervenor status (there are over 220 intervenors). Intervenor receive all submissions, can submit information requests for clarity on Enbridge's application, have the right to present their own evidence, can cross-examine and question Enbridge and other Intervenor, and can put forward legal motions.

- **August 25, 2011**

Enbridge received over 2,000 questions regarding their application and responded by October 6th to these information requests. Four intervenors, including ForestEthics, put forward motions to delay the process until Enbridge adequately answers the first round of questions. Final decision on the motions are still pending.

- **October 6, 2011**

Deadline to register to give an oral statement at the community hearings – over 4,000 people registered.

- **November 3 to 24, 2011**

Second round of information requests and Enbridge's time to respond.

- **December 22, 2011**

Deadline for intervenors to submit their own expert reports. A number of studies questioning Enbridge's application and providing evidence to argue that the project is not in the public interest will be released then. Enbridge and the panel can then ask for clarifying questions on those reports.

## Motions

There are several motions that have been put forward by intervenors. While the National Energy Board has a policy to respond to motions within 7-days, there are several outstanding. The Coastal First Nations put forward a motion on November 21st requesting a stop to the process pending adequate consultation. A motion put forward by ForestEthics, Raincoast and Living Oceans Society ("Sustainability Group") on October 13th was only responded to on December 6th. The motion turned down the request that the panel include the environmental effects of tar sands development induced by Northern Gateway.



## Different ways to participate in the JRP

### 1. Oral hearings

These are scheduled to begin on January 10th, 2012 in Kitimat, BC and will take place in a total of 18 communities. These are for oral intervenors - predominantly First Nations wanting to provide oral traditional evidence. Other oral intervenors include those who have argued that their evidence cannot be provided in writing. While guidelines are given, oral testimony per person can take hours if need be.

### 2. Community hearings

Community hearings will take place in 23 communities, mostly in BC, and are scheduled to begin in April 2012 across the pipeline and tanker route. Other community hearings will take place in the Fall of 2012 in other communities (including Vancouver and Victoria). These hearings will allow over 4,000 people registered to make oral statements for up to 10 minutes. They provide an opportunity for people to speak from the heart, their views about this project, or go into technical details as to why they support or oppose the project. The public can also submit written comments up until March 13th, 2012.

### 3. Formal hearings

The final hearings have two parts. The first is testing the existing evidence through questioning (cross-examination). All parties (Intervenors, Enbridge, government) may question evidence presented, but no new evidence can be presented once they begin. Legal motions are also likely to occur during the hearings. The second part is final arguments from all parties. Formal hearings are scheduled to start in September 2012 but could face further delays. Final arguments are tentatively scheduled for March 2013.

## First Nations opposition

Enbridge's Northern Gateway project has received significant opposition from First Nations who would be most impacted in the event of a spill. The Union of BC Indian Chiefs and the First Nations Summit, BC-wide organizations whose memberships represent the overwhelming majority of BC First Nations, both passed resolutions opposing the Enbridge pipeline and tankers project at their chiefs' assemblies. In March 2010, nine Coastal First Nations declared a ban on oil tanker traffic through their traditional lands and waters. In December 2010, 61 First Nations in the Fraser watershed, from the northern Interior to the south coast, signed the Save the Fraser Declaration banning oil pipelines in their territories. Over 60 other nations signed on to the declaration in December 2011 helping build a "wall" of opposition. These declarations are based on Indigenous law and authority. Through them, First Nations whose territories make up more than fifty percent of the combined pipeline and tanker route have stated their opposition to this project, and banned oil tankers and pipelines using their Indigenous laws and authority, recognized under Canadian and international law.

## Role of ForestEthics

As an intervenor, ForestEthics will be actively participating within the JRP process. We have encouraged hundreds of our supporters to speak up at the community hearings and submit written comments.

We are being represented legally by Ecojustice, and have played a strong role in trying to get tar sands impacts addressed in the review. We do not believe that this project is in the public interest and will be putting forward evidence to that effect. Having staff in both Vancouver and Smithers, we will be covering a number of hearings as they move forward and will be constantly updated as Intervenors of new information, motions, deadlines and process procedures.

## For more information, contact:

Andrew Frank, Senior Communications Manager: (604) 331-6201, ext. 224

Nikki Skuce, Senior Energy Campaigner, Smithers, BC: (250) 877-7762

# TAB

---

# 37

# Pipelines and Promises

Photo: Office of the Writ Master

A summary of missing Enbridge evidence before the JRP hearings

## Introduction

Since September, Enbridge Northern Gateway's proposal for a pipeline from the tarsands through northern B.C. to the west coast at Kitimat has been undergoing technical hearings before the National Energy Board's Joint Review Panel (JRP). Starting in Edmonton, the hearings began by looking at the project's economics; in Prince George, the JRP heard about pipeline construction, operations and environmental impacts; hearings in Prince Rupert will focus on marine and aboriginal rights issues.

During the JRP hearings, registered First Nations, labour and environmental groups, political representatives, community based groups and individuals have been able to cross-examine Enbridge on its application and evidence to date. What has been obvious since September is that Enbridge has a frightening number of gaps in its information that won't be prepared until after approval is granted. Below is a summary of some—but not all—of the gaps that have been revealed over the course of the JRP hearings in Edmonton and Prince George.

## Gaps in Northern Gateway plan

**OIL SPILL RESPONSE:** When the hearings started on September 4 in Edmonton, Northern Gateway president John Carruthers said the company would "answer questions on how Northern Gateway will do its part to ensure that there's world-class emergency preparedness and response capability in place for the Pacific north coast and how detailed operational emergency response planning will be undertaken prior to commencement of operations. We will answer questions regarding the effects of oil spills on marine environments and the recovery of those environments." At the moment, those questions remain unanswered. Representatives for Enbridge have repeatedly stated that details about an oil spill response will not be submitted for review until six months before the pipeline is operational—in other words, after the project has received approval from the NEB. Under cross-examination, one Enbridge witness acknowledged that, "We have a lot of work to do." One detail to be worked out on the spill response plan is the target response time, one Enbridge witness said under cross-examination by ForestEthics Advocacy lawyer Barry Robinson.

**TERRAIN HAZARD ASSESSMENT:** Enbridge will complete its research into slope stability along its proposed Northern Gateway Pipeline once it has received approval for the project, it says. No terrain mapping has been done specifically for the purposes of assessing terrain stability surrounding the pipeline's proposed route. During cross-examination by the Province of B.C., it was noted that Enbridge had left known glacial-marine clay sediments along the proposed route out of its hazard assessment; glacial-marine clay deposits are known to cause instability and landslides. Enbridge representative Ray Doering acknowledged that, "As we move forward with the detailed engineering, there is a substantial amount of additional geotechnical work ... that needs to be undertaken to further inform the risk analysis and the geohazard risk analysis."

**LEAK DETECTION:** Although Enbridge has committed to "world-class" leak detection for its Northern Gateway Pipeline, an Enbridge representative admitted that the minimum sized leak that can be detected will not be determined until the detailed engineering phase, following project approval.

**INSURANCE COVERAGE:** Under cross-examination by the Province of British Columbia on September 7, Carruthers said it was too early for Northern Gateway to finalize what insurance coverage it would have to cover a spill; he added that insurance companies had not been approached about such coverage. Enbridge was asked to provide an estimated premium for \$250 million in general liability coverage. The cleanup for Enbridge's 2010 oil spill in Kalamazoo, Michigan is estimated to have cost more than three times that amount.

**DEMAND AND TOLL RATES:** In Edmonton, Northern Gateway president John Carruthers confirmed under cross-examination that the amount charged to oil producers to ship bitumen in the Northern Gateway pipeline will not be determined until after approvals. As such, it's impossible to know if producers would use the pipeline and therefore to determine demand for the project.

**TAX REVENUE:** A cost-benefit analysis submitted by Enbridge includes the gross revenue to governments, but doesn't subtract costs to government resulting from the project. In addition, there was no economic cost-benefit analysis done for the condensate pipeline. As such, the economic cost-benefit analysis is incomplete and there are no data showing the project's economic benefit to taxpayers.

**LOCAL LABOUR:** On October 11, the JRP heard from one Enbridge representative that it is too early to project how much labour Enbridge will be able to source locally, versus importing workers. In November, panelist Kenneth Bateman asked about Enbridge's target for employing minimum 15 percent aboriginal workers during construction. Enbridge responded that First Nations are sometimes brought in from past jobs in other regions and won't necessarily be local.

**SEISMOLOGY:** In the month leading up to Haida Gwaii's 7.8 magnitude earthquake—the second largest Canadian earthquake ever recorded by a seismometer—the JRP heard that Enbridge's seismic testing, and the determination of what degree of testing would be needed, wouldn't take place until the detailed design phase following approval from the NEB.

**STREAM FLOWS FOR RIVER CROSSINGS:** Enbridge won't provide more detailed information on stream flow variability until the detailed engineering phase; the panel also heard that Enbridge will not look at behaviours of oil spilled in fast-flowing rivers until after approval is granted.

**SEASONAL DISRUPTION OF FISH HABITAT:** When asked under cross-examination by the Haisla First Nation whether it has considered the timing of pipeline construction with regard

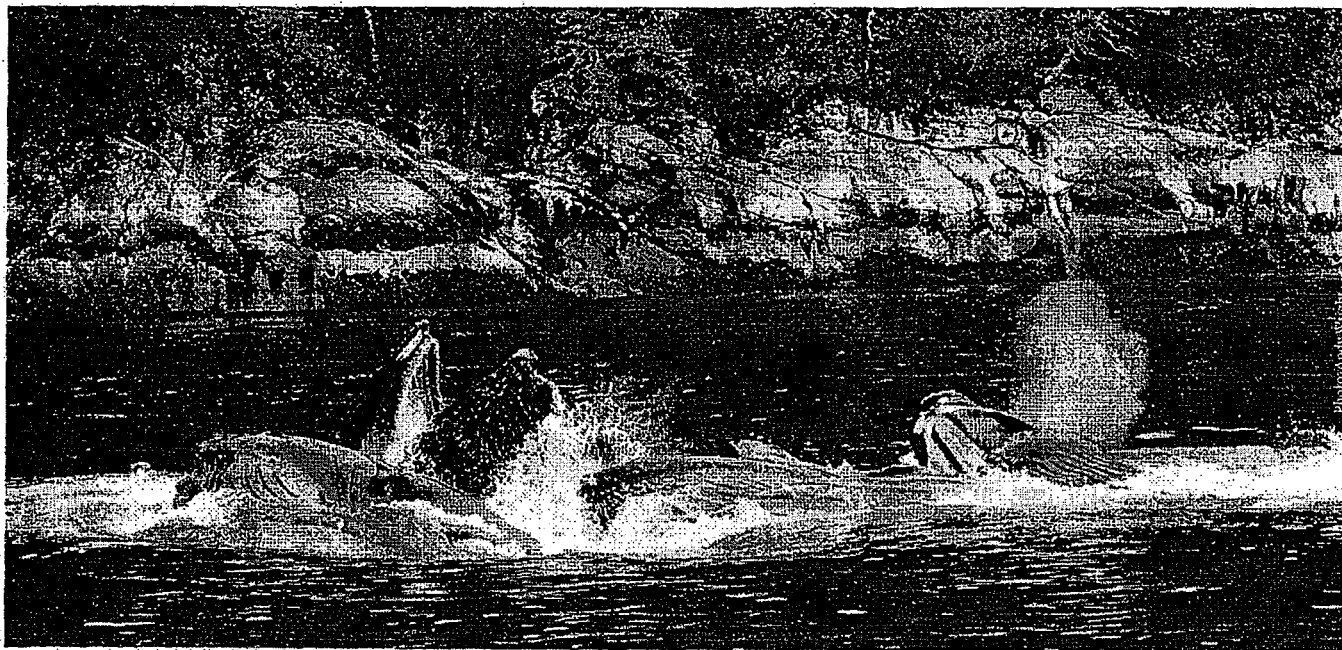
to season use of streams by certain species, a DFO representative for the Government of Canada said those detailed would be gathered following NEB approval. An Enbridge witnesses also told the panel that spill response particular to sensitive salmon habitat would come with the detailed planning. In the event of a spill, sensitivities would be identified early in the response and they would be handled on a "spill-case-by-spill-case basis" once a spill is underway, the company said.

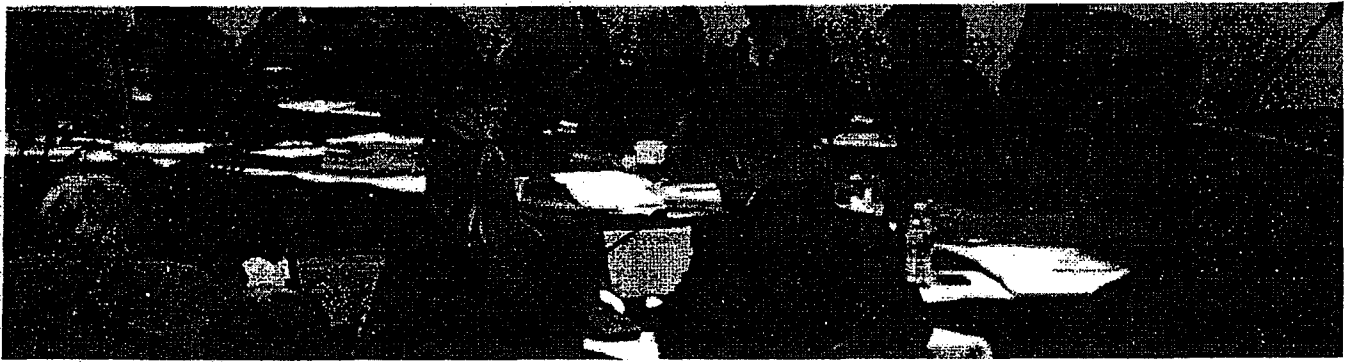
**ENVIRONMENTAL BASELINE STUDIES:** On September 8, Enbridge president John Carruthers told Forest Ethics Advocacy lawyer Tim Leadem that research for mitigating environmental damage would happen in the detailed planning and engineering phase, following NEB approval.

**PIPELINE ROUTING:** Enbridge has said that the pipeline's final routing would come with detailed engineering. Northwest Institute lawyer Richard Overstall expressed frustration to the Joint Review Panel that the lack of definition in pipeline routing, and ongoing changes to the route, make it difficult to question Enbridge on its plans with regard to specific water crossings.

**CLORE AND HOULT TUNNELS:** The panel also heard that Enbridge has not done the detailed engineering on the Clore and Hoult tunnels—two extremely technical and precarious feats of engineering intended to avoid unstable sections of the Coast Mountains. The two options being considered are boring through the rock or using drill and blast techniques, but the company has not yet done a geohazard assessment for either tunnel.

**PIPELINE ACCESS:** Enbridge doesn't currently know how it will access the pipeline's remote sections in the case of a leak. One Enbridge witness said the company will determine how it will reach its pipelines via road during the detailed design phase of the project, following approval by the NEB; it also has yet to determine which access roads are maintained year-round, the JRP heard. It hasn't confirmed the availability of helicopters in the region and is still determining how ice conditions could be negotiated in the case of a spill.





## Next steps in the hearings

The Enbridge Northern Gateway hearings will take place from Dec. 10 to 18 in Prince Rupert. In the new year, community hearings will be held in Vancouver, Victoria and Kelowna, offering an opportunity for residents outside the proposed route to stand up and express their views on the project for up to 10 minutes. Hearings resume in Rupert from February 4th to May 17th. Following will be the opportunity for interveners to provide final arguments, which will be done in written format, with an opportunity to respond to others' comments orally. These will wrap up by June 29th. The JRP will then deliberate the evidence and come up with its recommendation on whether this project is in the public interest on December 29, 2013.

## Conclusion

ForestEthics Advocacy is a registered intervener in the JRP and has been following the hearings closely. The above listed gaps is not comprehensive — Enbridge and its experts have also admitted to the need for more research on the endangered Telkwa caribou herd, rare plants along power line easements, water crossings over salmon, trout and sturgeon habitat, etc. etc. Much of Enbridge's testimony over the past two months has involved asking for the public's trust. Trust the company's promises and commitments to develop more detailed engineering for a project that they really want to build. But how can First Nations and residents of northern British Columbia, so reliant on healthy watersheds and the coast, trust this company that is unable, despite its massive budget, to answer basic, fundamental questions?

While they ask for trust, Enbridge has lobbied the federal government 145 times since July 2008 to try to streamline the environmental assessment process and make changes to DFO and Transport Canada regulations. Along with other pipeline companies and oil reps, they have been largely successful in curbing environmental regulations with the Harper Conservative government. Again, how can British Columbians trust that enough safeguards will be in place for our fisheries and waterways from an oil pipeline and tankers when the company has few answers and the federal government has cut protection?

The hearings in Prince Rupert will likely reveal more major gaps in Enbridge's application on marine issues and Aboriginal rights. Given the lack of information provided by Enbridge and strong arguments against the project from British Columbia residents, First Nations, municipalities, unions and environmental groups, the Northern Gateway project should never be built.

## Contact info

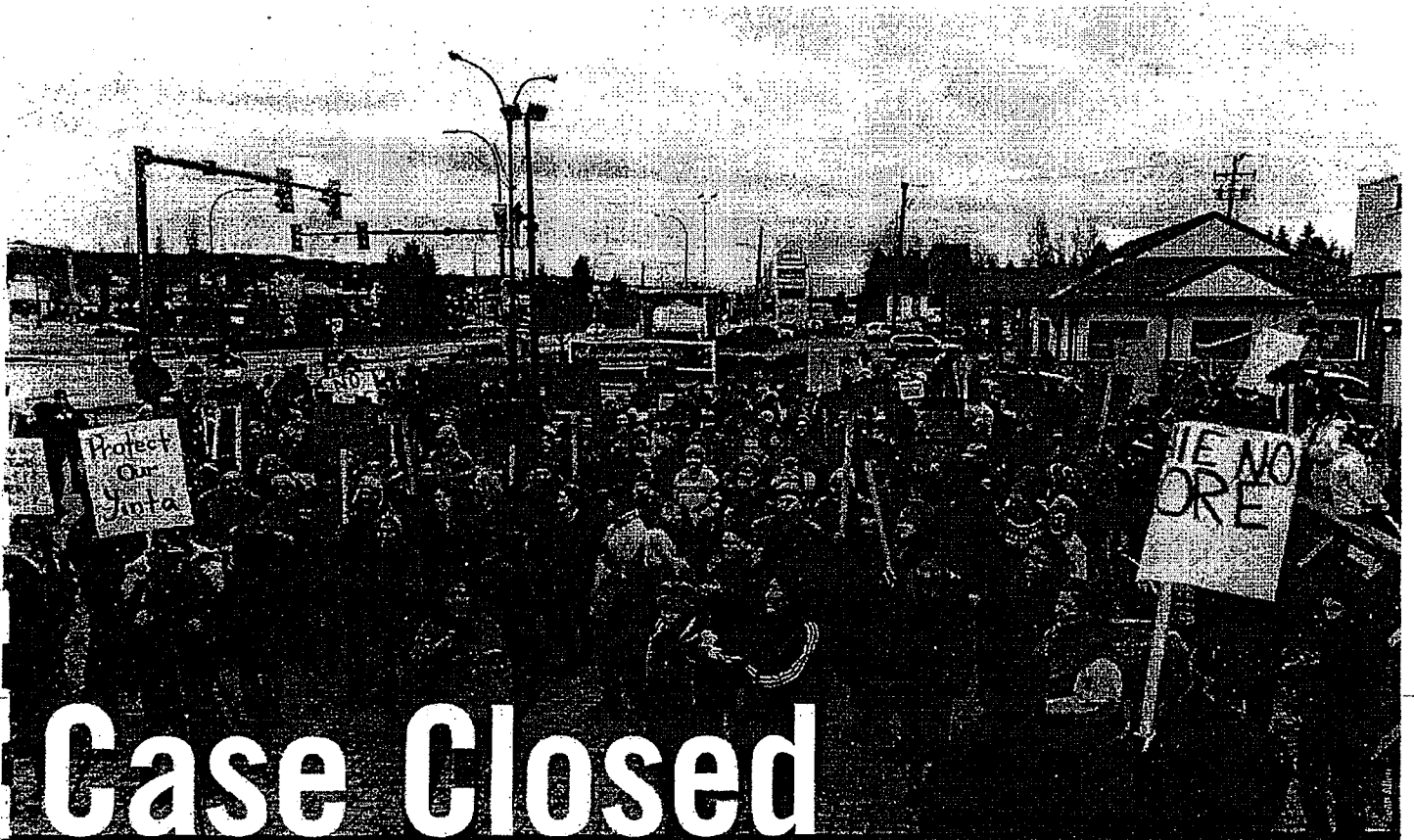
Nikki Skuce, Senior Energy Campaigner  
nikki@foresthicsadvocacy.org  
Ph: 250-877-7762 Cell: 778-210-0117



# TAB

---

# 38



# Case Closed

Enbridge failed to prove Northern Gateway pipelines  
in national interest

 **ForestEthics**  
ADVOCACY



Copyright December 2013 by ForestEthics Advocacy.

Founded in April 2012, ForestEthics Advocacy is a non-profit society in Canada devoted to public engagement, outreach and environmental advocacy—including political advocacy. We secure large-scale protection of endangered forests and wild places and transform environmentally destructive resource-extraction industries.

Cover photo: Sean Allen

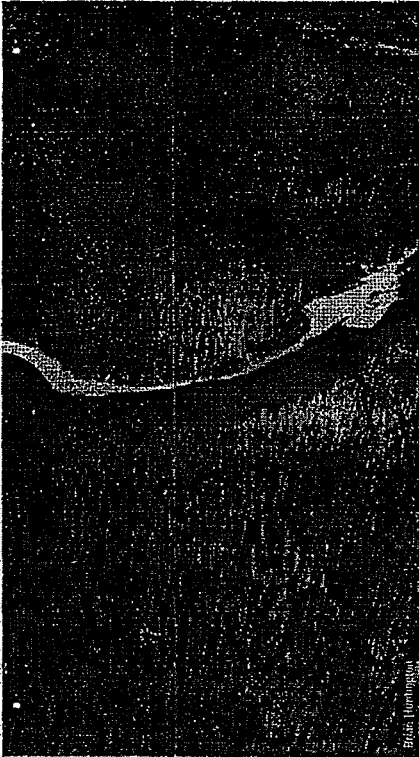
Report prepared by:  
Amanda Follett and Nikki Skuce, ForestEthics Advocacy

[nikki@forestethicsadvocacy.org](mailto:nikki@forestethicsadvocacy.org)

Box 3022, Smithers, B.C. V0J 2N0

# Table of Contents

Executive Summary	1
Introduction	2
Enbridge Northern Gateway's Incomplete Application	4
Failure to assess environmental effects and outline mitigation measures	
Failure to establish an oil spill response plan	
Failure to define the pipeline's proposed route	
Failure to assess impacts to aboriginal culture	
Failure to assess existing and potential geohazards along the pipeline route	
Aboriginal Rights and Title	9
Risks to traditional resources	
Loss of culture	
Risks greatly outweigh economic benefits	
Importance of 'aboriginal' law	
Need for consultation	
Cumulative Effects	13
Questionable Economics	14
Jobs shipped to Asia	
Asia premium has a shelf life	
Market support not proven	
Likelihood of an Oil Spill	16
Enbridge's poor track record	
Automatic leak detection not infallible	
Extreme weather, remote terrain	
The cost of a cleanup	
Doing nothing qualifies as response	
Diluted Bitumen a Relatively Unknown Substance	20
What is at Risk: Northern Lifestyles, Economies and Wildlife	21
Enbridge Has No Social Licence	23
Conclusion	24
Endnotes	25



## Executive Summary

Enbridge is seeking permission to build two 1,170-kilometre pipelines running between the tar sands in northern Alberta to the port of Kitimat, B.C. One pipeline would carry 525,000 barrels per day of diluted bitumen for transport to Asia via supertankers, and the other would import condensate. The pipelines would cross hundreds of salmon-bearing rivers and streams, including the Fraser and the Skeena. Enbridge's project would also introduce oil supertankers to the Great Bear Sea for the first time. The potential effects of Enbridge's proposed Northern Gateway Pipelines are huge and far-reaching.

For 18 months beginning January 2012, a three-member Joint Review Panel (JRP) with the National Energy Board and Canadian Environmental Assessment Agency held public and technical hearings in communities across Alberta and British Columbia. The JRP is tasked with assessing whether or not Enbridge's Northern Gateway pipelines are in the public interest. During the JRP hearings, First Nations, labour and environmental groups, political representatives, community-based groups and individuals cross-examined Enbridge on its application and evidence. It became clear early on that there were gaping holes in Northern Gateway's application.

During the JRP process, intervenors attempting to examine Enbridge's application were frustrated by the lack of evidence produced and research undertaken by the pipeline company. Repeatedly, the panel heard that Enbridge would conduct studies following the approval of its application, far too late for public input. As the Province of B.C. concluded in its final arguments, "Northern Gateway should not be granted a certificate on the basis of a promise to do more study and planning once the certificate is granted... 'Trust me' is not good enough in this case."

The panel could reject Enbridge's application on many other points, including the company's disregard for aboriginal rights and title, its questionable economics, the cumulative effects from a variety of proposed energy projects in the region and the catastrophic effects of an oil spill. The diluted bitumen Enbridge proposes to transport is untested and its behaviour in water unclear, making cleanup challenging. What stands to be lost are the cultures, lifestyles, wildlife and economies of northwest B.C. Enbridge has chosen to ignore the perspectives of local residents.

This high-risk project would have significant consequences across Canada. The strong majority of participants concluded in their final arguments that Northern Gateway posed too many risks and should not be built. This report highlights evidence and arguments made during the hearings against Enbridge's project.

In June, the panel began deliberating on its decision about whether or not Enbridge Northern Gateway is in Canadians' best interest. The JRP's decision is expected the end of December 2013. We hope that the JRP will conclude, as most participants in the process did, that Enbridge Northern Gateway is not in Canada's national interest and must be rejected.

# Introduction

The potential effects of Enbridge's proposed Northern Gateway Pipelines are huge and far-reaching. The pipelines, which would extend from Bruderheim, Alberta to Kitimat, in northern British Columbia, would cross countless tributaries to some of Canada's most significant watersheds, including the Fraser and Skeena, two of B.C.'s most important salmon-bearing rivers. It would also cross the traditional territories of dozens of First Nations, the majority of which oppose the pipeline.

One of the pipelines would carry bitumen, a heavy, tarry substance mined in Alberta's tar sands, whose properties remain relatively unknown. The other would carry condensate, a petro-chemical used to dilute the bitumen so it will flow down the pipeline, to the tar sands. The export of diluted bitumen, or "dilbit," to overseas markets would impact Canadian jobs, economy and pricing.

For 18 months beginning January 2012, a three-member Joint Review Panel (JRP) with the National Energy Board and Canadian Environmental Assessment Agency held public and technical hearings in communities across Alberta and British Columbia. The JRP heard evidence and testimony from hundreds of First Nations, labour and environmental groups, political representatives, community-based groups and individuals expressing the same concern: that the risks associated with the project far exceed any uncertain economic benefits. In June, the panel began deliberating on its decision about whether or not Enbridge Northern Gateway is in Canadians' best interest. The JRP's decision is expected the end of December 2013.

The panel could reject Enbridge's application on many points, including the company's disregard for aboriginal rights and title, the questionable economics laid out in its application, the combined effects from a variety of proposed energy projects in the region and the catastrophic effects of an oil spill. However, it could also turn down the application based on one reason alone: the gaping holes in Northern Gateway's application to the National Energy Board (NEB).





# Enbridge Northern Gateway's Incomplete Application

If for no other reason, Northern Gateway's application should be turned down for its lack of due diligence. During the 18-month JRP process, community members and experts attempting to examine Enbridge's application were frustrated by the lack of evidence produced and research undertaken by the pipeline company. Repeatedly, the panel heard that Enbridge would conduct studies following the approval of its application, far too late for public input.

For the JRP to recommend project approval when its application does not comply with the Canadian Environmental Assessment Act would be inappropriate, to say the least. As the Haisla Nation points out, "this information is critical to the assessment of the proposed project, and Northern Gateway's failure to provide it is fatal to any positive recommendation."<sup>1</sup>

## Failure to assess environmental effects and outline mitigation measures

Northern Gateway has not defined the project's environmental effects nor has it outlined mitigation measures, instead deferring them until after approval.<sup>2</sup> It is impossible for the JRP to do its job—to determine whether the project is in the public interest—when it cannot weigh the project's benefits against its impacts.

For example, during cross-examination Enbridge acknowledged that the project's effects on marine mammals are uncertain and that no studies had been done to determine killer whale habitat.<sup>3</sup> Although it agreed to have a Marine Mammal Protection Plan drafted by 2012, it now says the draft will not be completed until after project approval.

The potential environmental impacts from Northern Gateway pipelines are far-reaching: simple pipeline construction and oil tanker traffic on the northwest coast—regardless of a spill—would have detrimental effects on wildlife and habitat. Enbridge's application fails to consider the effects of these routine operations, which would include impacts to marine fisheries (including commercial, recreational and aboriginal food fisheries), as well as fish and fish habitat.<sup>4</sup> It also lacks an appropriate risk assessment in relation to accidents and malfunctions, not to mention its failure to adequately assess the risks of an oil spill,<sup>5</sup> which would be a matter of when not if.

Furthermore, baseline studies for species affected by the project were incomplete, relying upon literature rather than field studies.<sup>6</sup> The application fails to provide adequate baseline data,<sup>7</sup> to properly consider SARA-listed species,<sup>8</sup> to select appropriate key indicator species<sup>9</sup> and

HOW CAN FIRST NATIONS AND RESIDENTS OF NORTHERN BRITISH COLUMBIA, SO RELIANT ON HEALTHY WATERSHEDS AND THE COAST, REALLY TRUST THIS COMPANY THAT IS UNABLE, DESPITE ITS MASSIVE BUDGET, TO ANSWER BASIC, FUNDAMENTAL QUESTIONS?

—FOREST ETHICS ADVOCACY, PIPELINES AND PROMISES: A SUMMARY OF MISSING ENBRIDGE EVIDENCE BEFORE THE JRP HEARINGS



to employ a proper risk assessment,<sup>10</sup> to name a few. The material also failed to take into account a shifting environmental baseline caused by other projects, which would also contribute to environmental degradation. As a result, the project's true cumulative effects are not known.<sup>11</sup>

## Failure to establish an oil spill response plan

While Enbridge has asserted it will be able to effectively respond to a marine spill of up to 32,000 tons within six to 12 hours and recover the oil within 10 days, it has not said how it will do this.<sup>12</sup> Considering what is at risk off B.C.'s north coast, it would seem prudent to clearly outline a detailed oil spill response plan. However, Northern Gateway has failed to produce such a plan, delaying the task until after project approval.

Northern Gateway isn't a typical pipeline: the diluted bitumen it will be carrying is a relatively untested substance and its behaviour in various water conditions is yet unknown. Enbridge argued in the JRP hearings that dilbit floats in water, despite having to dredge the bottom of the Kalamazoo River following the 2010 spill of over three million litres in Marshall, Michigan. Northern Gateway would traverse remote, unstable mountainous terrain that is difficult to access. A spill into these watersheds would be devastating.<sup>13</sup>

Northern Gateway has not presented nor evaluated a technically feasible recovery strategy for submerged oil below a few metres in depth. Therefore, not only are the environmental effects of submerged oil in this location unknown, the mitigation strategies for recovery of the oil are untested.<sup>14</sup>

Coupled with this is the treacherous nature of the waters that supertankers would pass through on their way to and from the Kitimat terminal. Hecate Strait is the fourth most dangerous body of water in the world, with sudden weather changes creating higher-than-average waves in the shallow channel.<sup>15</sup> Despite this, Enbridge failed to adequately assess Hecate Strait's tides, winds and storms when it comes to a spill.

It has not been established that the significant adverse environmental effects of a marine oil spill can be effectively prevented or mitigated. Outside of promising "world-class response capability,"<sup>16</sup> Northern Gateway has yet to produce such a plan and has stated that in some instances doing nothing might be a possible oil spill response.<sup>17</sup>

## Failure to define the pipeline's proposed route

Another source of frustration for those attempting to cross-examine Enbridge was the shifting nature of its plans, which amounted to a sleight-of-hand when attempting to assess the pipeline's route.

JRP intervenor Friends of Morice-Bulkley found itself stymied by Enbridge

witnesses while attempting to question them about the effects of a pipeline rupture on the Morice River. During the cross-examination, it became apparent that the Morice River area is the subject of a route-revision that could move the pipeline two to three kilometres farther from the river.<sup>18</sup>

It's currently unknown whether the new route has been confirmed, what other hazards it could present, or if its move away from a Forest Service Road would reduce access in the case of a spill.<sup>19</sup> In fact, it's unknown whether the move is a positive one or one that brings additional concerns, because it wasn't available for examination during the JRP. As it stands, the public will never have the opportunity to question Enbridge about it. The fluid nature of Northern Gateway's plans made it impossible to effectively question its witnesses, wasting the time of both intervening parties and the panel members.

As well, hazards to such precarious proposed infrastructure as the Clore Tunnel have not been assessed, as Northern Gateway has testified the tunnel could move by up to 500 metres.<sup>20</sup> The Gitga'at First Nation, in its final arguments to the JRP, noted that it was unable to "keep pace with (that is, seek further expert review and respond to) the ever expanding and sometimes shifting evidence of the Proponent." Certainly, other groups with limited resources struggled similarly with the ongoing changes.<sup>21</sup>

## **Failure to assess impacts to aboriginal culture**

Enbridge has repeatedly shown its disregard and ignorance for First Nations rights and title. The Gitxaala First Nation has said that, despite repeated requests, Enbridge had not incorporated the nation's traditional land use information into its environmental assessment by the time the JRP hearings drew to a close in June 2013.<sup>22</sup> According to the nation's final arguments, Enbridge failed to assess impacts to Gitxaala's use of the land for traditional purposes, assess impacts to aboriginal rights, properly value environmental costs and to adequately identify and assess mitigation measures.<sup>23</sup> Enbridge's lack of regard for aboriginal title indicates the company is unaware of First Nations' rights and how much weight they carry in British Columbia.

## **Failure to assess existing and potential geohazards along the pipeline route**

Much terrain along the proposed pipeline route is unstable and could pose significant threats due to landslides; however, Northern Gateway has not completed its assessment of existing and potential geohazards.<sup>24</sup> Like so many elements of the proposed project, the company says it will complete the geohazard assessment following pipeline approval.



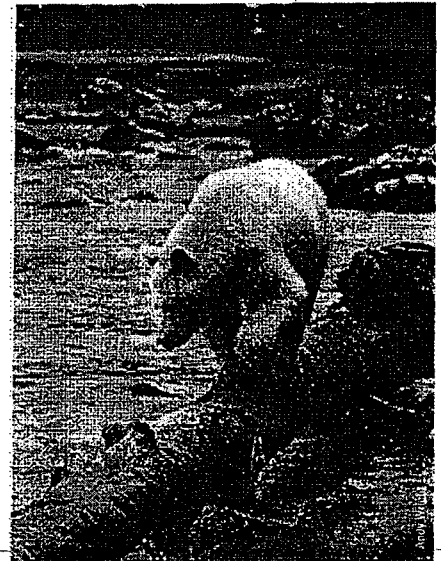


Wet'suwet'en Chief Namoks, Tsayu Clan, House of Tsa K'ex Yex

Yet to be completed are additional LIDAR surveys to detect landslide features.<sup>25</sup> The application also fails to note known areas of instability, mapping only a two-kilometre corridor around the pipeline route, rather than to the height of land.<sup>26</sup> The effects of climate change and mountain pine beetle destruction could also continue to increase the number of landslides in northern B.C.<sup>27</sup> and have not been examined.

Allowing Northern Gateway's application to proceed would be unfair to the intervenors who invested a great deal of time and resources in responding to Enbridge's application, and it would negate public input on these components if they are submitted after the public hearing process is complete. As a result, there would be no public oversight as the project moves forward.<sup>28</sup> As the Province of B.C. remarked clearly in its final arguments, the lack of detail from Enbridge led to the conclusion that "trust me" isn't good enough.

The precautionary principle, adopted by Canada in the Rio Declaration on Environment and Development, states that, "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."<sup>29</sup> The JRP should reject Enbridge's application based on this principle alone.



IT WAS CONFIRMED  
IN THE TESTIMONY  
GIVEN BY NORTHERN  
GATEWAY THAT  
**ABORIGINAL TITLE  
HASN'T BEEN  
CONSIDERED FOR  
THE PROJECT.**

JENNIFER GRIFFITH,  
LAWYER FOR THE HAIKLA  
NATION

WE TALK ABOUT THE WEALTH. MONEY DOESN'T MEAN NOTHING. THIS IS WHAT I HEAR FROM A LOT OF SMOIGYET. IS NOW TRUE IT IS. **OUR WEALTH IS ALL AROUND US HERE:** THE SEAFOOD, THE MAMMALS. WHAT DO WE DEPEND ON? FOR YEARS, OUR ELDERS BACK HERE — THEY STILL DEPEND ON THAT.

— GITXAALA HOUSE LEADER LARRY BOLTON, FINAL SUBMISSIONS OF GITXAALA NATION



## Aboriginal Rights and Title

Aboriginal rights and title are protected under the Canadian constitution, allowing First Nations to use and exercise control over their land as they choose.<sup>30</sup> The proposed pipeline would cross the traditional territories of approximately 50 First Nations who have not ceded their claim to the land.<sup>31</sup> The majority are openly opposed to Enbridge's pipelines and tankers.

The JRP's purpose is to assess the merits of a project based on the interests of all Canadians. It's hard to imagine what economic benefits could account for putting at risk aboriginal cultures that have thrived on B.C.'s northwest coast for thousands of years. The Northern Gateway project would result in an unjustifiable infringement of First Nations' aboriginal rights and title.<sup>32</sup>

## Risks to traditional resources

First Nations are supported spiritually, physically, socially and economically by resources from the land and the ocean. Those natural resources would be risked if pipelines and oil tankers were allowed to pass through traditional territories. Northern Gateway would directly affect the ability of nations like the Gitga'at, Haisla and Gitksana, who live along the pipeline and tanker routes, to continue to sustain their cultures and lifestyles.

Approximately 440 supertankers would travel through these First Nations' territories every year, or 1.2 tankers every day,<sup>33</sup> passing within a mile of harvesting sites for seaweed, shellfish, salmon, herring, halibut and many other fish species, marine mammals and plants.<sup>34</sup>

Wakes, noise and the risk of an oil spill all pose threats to these resources. Wakes from tankers will erode shorelines, affecting seaweed harvesting and clams. Tanker traffic would restrict fishermen from casting nets in the waters where their ancestors traditionally fished.<sup>35</sup> The result could be a significant decline in the population of traditional villages like Hartley Bay, with the nation estimating that a spill could mean more than two-thirds of residents leaving the community, many of them educated and employed.<sup>36</sup>

The Gitga'at have said that any spill would cause "irreparable damage" to its food harvesting, as even a small spill would affect critically important traditional foods, including the already threatened oolichan. Seaweed harvesting sites would also be affected. A medium-sized spill would affect salmon and herring.<sup>37</sup>

Located at the junction where pipelines meet tanker terminal, the Haisla

Nation perhaps stands to be most impacted by the project. The proposed pipelines will enter Haisla territory at the upper end of the Kitimat River valley, crossing 219 watercourses in the drainage and terminating directly across from the main Haisla residential reserve on Douglas Channel.<sup>38</sup> Impacts from construction and operation would include wildlife disturbance and habitat loss, vegetation loss and potential acid rock drainage that could affect water quality in the Kitimat River. The tankers bringing condensate in and shipping oil out will traverse waters heavily relied upon by Haisla Nation members for sustenance and cultural identity.<sup>39</sup>

Over the pipeline's projected 30-year lifetime, approximately 13,200 tankers will pass through northern B.C. waters. With the proponent's projection that a pipeline spill would occur every 200 years, that leaves a one-in-six chance of a spill.<sup>40</sup> Humpback whales, harbour seals and killer whales would all be at risk in the case of a spill, along with the famed Kermode bear, if its food sources were depleted.<sup>41</sup>



## Loss of culture

First Nations culture cannot be separated from the land and natural resources. Food, economy, identity and, indeed, culture all depend upon it.<sup>42</sup> This intimate relationship with natural resources means that any effect, no matter how small, on the environment will have an impact on the people and the community.<sup>43</sup> However, Northern Gateway's assessment of impacts to First Nations did not extend beyond the natural environment to social, economic and cultural impacts resulting from the pipeline.<sup>44</sup>

Traditional harvesting makes up 40 percent of Gitga'at First Nation's diet and over 57 percent of households are active in harvesting activities; approximately 95 percent of seafood consumed is from the non-commercial harvest.<sup>45</sup> "To the Gitga'at people, a good life is one that involves a strong traditional lifestyle and traditional practices, including food harvesting."<sup>46</sup>

A spill would not only cost these villages their traditional ways of life, but would force a shift to buying imported foods. Because getting these foods to such remote areas is cost prohibitive, many would be forced to

THE PROPOSED  
PROJECT POSES  
AN **UNACCEPTABLE**  
**RISK** TO OUR  
PEOPLE AND TO OUR  
COMMUNITIES.

ART STERRITZ COASTAL  
FIRST NATIONS

THIS IS NOT JUST ABOUT THE TREES. IT'S ABOUT THE UNIQUE  
RELATIONSHIP THAT WE HAVE WITH THE TERRITORY. [NORTHERN  
GATEWAY] WILL IRREVOCABLY DESTROY THE ABILITY OF THE  
WET'SUWET'EN TO CONTINUE OUR TRADITIONAL RELATIONSHIP TO  
THE LAND AND THIS CONSTITUTES IRREPARABLE HARM.

— CHIEF NAMOKS, PRINCE GEORGE JRP HEARING.



leave their traditional territories.<sup>47</sup> Historical trade routes and partnerships that still exist today would be impacted as one nation's ability to harvest from the ocean would impact other nations and erode age-old social networks.<sup>48</sup>

No one can credibly guarantee there would be no oil spills affecting First Nations' traditional territories, or that those spills would not cause adverse affects for the nation. In the words of the Gitga'at First Nation, "money cannot replace the loss of their socio-cultural lifestyle, heritage and traditions." There is no compensation for such losses.<sup>49</sup>

## Risks greatly outweigh economic benefits

First Nations' rights include the right to engage in economic activities and enjoy economic benefits from the land and water.<sup>50</sup> Enbridge's proposal to occupy the Northern Gateway corridor infringes on those rights.<sup>51</sup>

The Gitga'at First Nation, which sits along the tanker route and cannot be accessed by road, is particularly vulnerable to changes in the marine environment. Ninety percent of Gitga'at members surveyed said they do not look forward to economic benefits from the proposed pipeline and that financial gains, such as jobs, business and investment, are insufficient for them to risk their way of life.<sup>52</sup> This quote, from Gitga'at final arguments to the JRP, demonstrates Enbridge's lack of understanding and respect for First Nations' culture:

Enbridge came in with the argument that it would create jobs in Hartley Bay. We would be on-call and trained in case there's a disaster. ... We had our chiefs there, we had our elders, and everyone got up and said, "no, we don't want this."<sup>53</sup>

In the case of a major oil spill, Gitga'at traditional harvests could be reduced for more than a decade with costs ranging between \$436,000 and \$5.2 million.<sup>54</sup> Sport fishing lodges that provide employment say they will leave if Northern Gateway is approved<sup>55</sup> and it's unlikely that the people of Hartley Bay would be able to continue building their eco-tourism economy.<sup>56</sup> As a result, many Gitga'at members would be forced to leave their traditional territory.

## Importance of aboriginal law

Aboriginal title excludes uses of the land—by First Nations or others—that would threaten future use of that land.<sup>57</sup> It also brings with it the responsibility for First Nations to protect their resources in decision-making.<sup>58</sup> Indeed, this ethic is one that First Nations have practised for millennia through their own aboriginal law, which protects the sustainability of land and marine resources.

There is much non-aboriginals can learn about sustainability from traditional practice or law, particularly with regard to harvesting resources sustainably. In Haisla traditional law, it is *nuyem*<sup>59</sup> that defines how resources are managed to foster their continued viability to support the Haisla people.<sup>60</sup> Gitxaala has *ayaawx*, or traditional law, which warns against harvesting below the low-tide line, harvesting baby abalone and harvesting seaweed too early, and about conserving what is taken.<sup>61</sup> These practices have kept the resources sustainable for countless generations.

Enbridge's attempts to exchange information about the company's pipeline plan for information about First Nations' law—*ayaawx*, *nuyem* or otherwise—have been cursory at best. An information session with the Gitxaala community in June 2011 resulted in Northern Gateway presenting generic information and not responding to questions about cultural, social, environmental and economic impacts of concern to Gitxaala members. When the nation requested specific information, Northern Gateway referred them to its marine response plan, to be completed after approval.<sup>62</sup>



It goes without saying that, as the nation points out in its final arguments, "The information requested by Gitxaala needed to be provided before project approval, so that Gitxaala could engage with Northern Gateway on whether the proposed mitigation measures would adequately address their concerns."<sup>63</sup>

## Need for consultation

Along with potential impacts to aboriginal rights and title not being adequately addressed, meaningful consultation has not taken place with respect to Northern Gateway.<sup>64</sup> The Gitxaala First Nation has said that federal consultation has been "essentially non-existent throughout the JRP process"<sup>65</sup> and other nations echo this feeling.<sup>66</sup>

Instead, Enbridge provided the JRP with speculation and generalities about aboriginal economies and cultures, and nothing about each nation's unique concerns.<sup>67</sup> Without this, there is no meaningful information about how each nation would be impacted by the pipeline.

Additionally, the federal government failed to follow its own guidelines with regard to First Nations consultation,<sup>68</sup> ignoring feedback from First Nations on the proposed process for project review. To date, the federal government has not met with affected nations like the Haisla to discuss a consultation process.<sup>69</sup>

Instead, the federal government has indicated that the JRP process is First Nations' opportunity to engage in consultation.<sup>70</sup> By doing this, it unilaterally established a consultation process for the proposed project that relies exclusively on the JRP review.<sup>71</sup> A few potentially impacted First Nations, such as those from the Yinka Dene Alliance, refused to participate in the JRP for this reason. The Haisla Nation notes,

None of the federal departments have met with the Haisla Nation since the JRP review has commenced for any purpose other than to tell the Haisla Nation it is only engaging in consultation through the JRP review for now. This is not consultation. It is, perhaps, an initial step towards a consultation process.<sup>72</sup>

Under cross-examination, Northern Gateway chose not to challenge Haisla claims to aboriginal rights and title. Neither did the federal government. As the nation notes in its final arguments, "Thus it should be accorded substantial weight."<sup>73</sup> Most First Nations along the proposed pipeline and tanker routes have not ceded their rights to the land, which are recognized under the Canadian constitution.

## Cumulative Effects

An assessment of cumulative effects is required under the Canadian Environmental Assessment Act, with cumulative effects referring to the combined impacts of industry on the environment. Although resource extraction and transportation is expanding rapidly across northern B.C. and the pipeline route, Northern Gateway didn't consider these combined impacts on the landscape.

At least 12 liquid natural gas (LNG) projects are proposed for the Kitimat and Prince Rupert regions,<sup>74</sup> putting increased pressure on the environmental base. However, Northern Gateway's application does not consider these potential projects in its application, nor does it consider the effects of increased marine traffic.<sup>75</sup>

The Environmental Assessment Act requires proponents to take into account health and socio-economic conditions, cultural heritage and the current use of lands and resources for traditional purposes; however, Northern Gateway only assessed its own impacts to the land, determining that they would be insignificant.<sup>76</sup>

Cumulative effects also apply to culture.<sup>77</sup> For the past 150 years of colonialism, First Nations' traditional ways of life have been severely challenged. Places of cultural significance have been destroyed, populations were diminished by disease, cultural practices were outlawed, and racism, physical and sexual abuse have all been suffered by First Nations populations.<sup>78</sup>

Until Northern Gateway examines the full scope of its proposed project's effects socially, culturally, environmentally and economically on northern B.C., the JRP and the public do not have a full understanding of how this pipeline would impact the region.

## Questionable Economics

Enbridge has overstated the economic benefits derived from Northern Gateway. Just as it did not consider other projects in its environmental review, it did not consider proposed projects like the expansion of the Kinder Morgan TransMountain pipeline to Burnaby, B.C., which would increase potential pipeline capacity to the west coast by 450,000 barrels per day, in its economic assessment.<sup>79</sup>

Instead, its economic assessment largely revolves around benefits derived from tar sands expansion. The JRP ruled prior to the hearings that environmental impacts in the tar sands were outside the scope of the proceedings. Accordingly, financial benefits from tar sands expansion should also be excluded,<sup>80</sup> if the JRP is to weigh the project's risks and benefits on a level playing field.

---

### Jobs shipped to Asia

Any increased employment in the tar sands would be offset by the refinery jobs that will be shipped to Asia. Northern Gateway would provide a conduit for raw bitumen to make its way directly to China, where it would be processed in overseas refineries. The Alberta Federation of Labour has opposed the project on these grounds. Refining the product here in Canada would have a significantly greater economic benefit by creating a long-term, sustainable refining industry that upgrades bitumen domestically.<sup>81</sup> It seems obvious that this would be more in the public interest for Canadians than shipping raw product overseas. That said, proposals to build refineries on the west coast would not eliminate the risks associated with transporting oil across the region by pipeline or the introduction of tankers on the northwest coast, nor would it mitigate all economic impacts.

### Asia premium has a shelf life

Enbridge has touted the "Asia premium" as an economic argument for Northern Gateway. According to the company, the project would result in a price uplift<sup>82</sup> for Western Canadian crude ranging from \$0.34 to \$3.35 per barrel between 2018 and 2035<sup>83</sup> that would potentially benefit domestic oil producers.

However, this assumption is inherently flawed. Enbridge's prediction of an average \$2 increase in the price of Canadian crude may benefit producers, but it would not benefit refiners.<sup>84</sup> As well, with Chinese government investment in the tar sands increasing, Chinese oil companies operating in Alberta and shipping bitumen down the Northern Gateway pipeline to their own refineries overseas would be unlikely to do so at inflated prices.<sup>85</sup>



IN THE ABSENCE OF  
DETAILED PLANS...  
**THE PROVINCE  
REMAINS DEEPLY  
CONCERNED THAT  
ANY RESPONSE  
TO A SIGNIFICANT  
SPILL, WERE IT TO  
OCCUR, WOULD  
BE LIMITED IN ITS  
EFFECT, AND THAT  
SERIOUS IMPACTS  
ON THE MARINE  
ENVIRONMENT, AND  
THE LIVELIHOODS OF  
THOSE WHO RELY ON  
IT, WOULD RESULT.**  
FOR THIS REASON,  
THE PROVINCE  
IS NOT ABLE TO  
SUPPORT APPROVAL  
OF THE PROJECT.

FINAL ARGUMENT OF  
THE PROVINCE OF BRITISH  
COLUMBIA

China is not a free market society and, as such, economic predictions cannot assume that pricing will follow market demands. Chinese tar sands producers would be selling to themselves, with their own integrated operations in mind, not the free market economic influences at play in Canada. As a result, these decisions are not strictly free market decisions.<sup>86</sup>

Furthermore, it's likely that the "Asia premium" advantage will erode as other countries and producers take advantage of it.<sup>87</sup> As a result, it's unlikely this price uplift will continue unabated, as shown in Enbridge's predictions. Enbridge also does not take into account a stronger Canadian dollar in response to increased oil prices, which would impact the manufacturing sector, or increases in the price of fuel.<sup>88</sup>

## Market support not proven

Market support for a proposed pipeline is traditionally secured prior to approval through Transportation Service Agreements (TSAs) with producers. However, Enbridge has failed to obtain any binding commitments, with no evidence submitted by the end of the JRP hearings that any TSAs were in place.<sup>89</sup> In a letter to the JRP dated Dec. 2, 2010, pipeline builder Kinder Morgan argued this alone should make Enbridge's application incomplete and therefore null and void.<sup>90</sup>

In the absence of binding TSAs, Northern Gateway pointed to precedent agreements—which precede TSAs—as proof of market demand.<sup>91</sup> However, precedent agreements simply lay the groundwork for TSAs and are not binding to either Northern Gateway or the shipper. All told, funding partners have invested just \$140 million, or 2.5 percent of the total \$5.5 billion project costs that funding partners would be committed to if they were entering into binding TSAs.<sup>92</sup>

Enbridge's claims for bolstering the economy appear grossly overstated. Not only would jobs be shipped overseas along with the raw bitumen, the premium price touted for this resource will be short-lived, if it materializes at all. Furthermore, commercial viability and demand for this pipeline are speculative, at best. Lastly, there was no economic assessment done on how imports of condensate will negatively impact the overall stated benefits of Northern Gateway to Canada's economy. It's hard to imagine how such dubious economic rewards could outweigh the pipeline's social, cultural and environmental risks.

## Likelihood of an Oil Spill

The risks of an oil spill have been established. The probability of an oil spill over the pipeline's lifetime is more than 70 percent.<sup>93</sup> Similarly, the likelihood of a tanker spill greater than 1,000 barrels over 10 years is up to 99.9 percent, while a spill of greater than 10,000 barrels over the 30 years is up to 99.7 percent.<sup>94</sup>

While full-bore spills are less frequent than smaller spills, smaller spills could present a greater environmental threat because of their potential frequency.<sup>95</sup> A report released by the Province of B.C. in October 2013 indicates that only three to four percent of a relatively small oil spill off B.C.'s north coast would be recovered in the first five days.<sup>96</sup>

## Enbridge's poor track record

According to Enbridge's own data, between 1999 and 2010 it was responsible for over 800 spills resulting in the release of over 160,000 barrels of oil products into the environment. The company has been found responsible for several more spills since 2010.<sup>97</sup>

The US National Transportation Safety Board investigated Enbridge's July 25, 2010 pipeline spill at Marshall, Michigan, which dumped 3,750,000 litres of diluted bitumen into the Kalamazoo River.<sup>98</sup> It found pervasive organizational failures at Enbridge including deficient pipeline integrity management systems, inadequate training of control centre personnel, a culture of not adhering to procedures and failing to prepare for worst-case discharges. Many deficiencies were identified following previous Enbridge spills. In 1999, the Transportation Safety Board of Canada identified that Enbridge's pipeline integrity management program was inadequate.<sup>99</sup>

The company has also had at least 18 safety and environmental failures on its North American pipeline system since 1994 that resulted in corrective orders, enforcement orders or penalties. In one of those enforcement actions, a judgment for \$1 million was issued against Enbridge for 400 violations related to pipeline construction in Wisconsin in 2006-2007. Three of the 18 failures each resulted in the release of over three million litres of oil.<sup>100</sup>

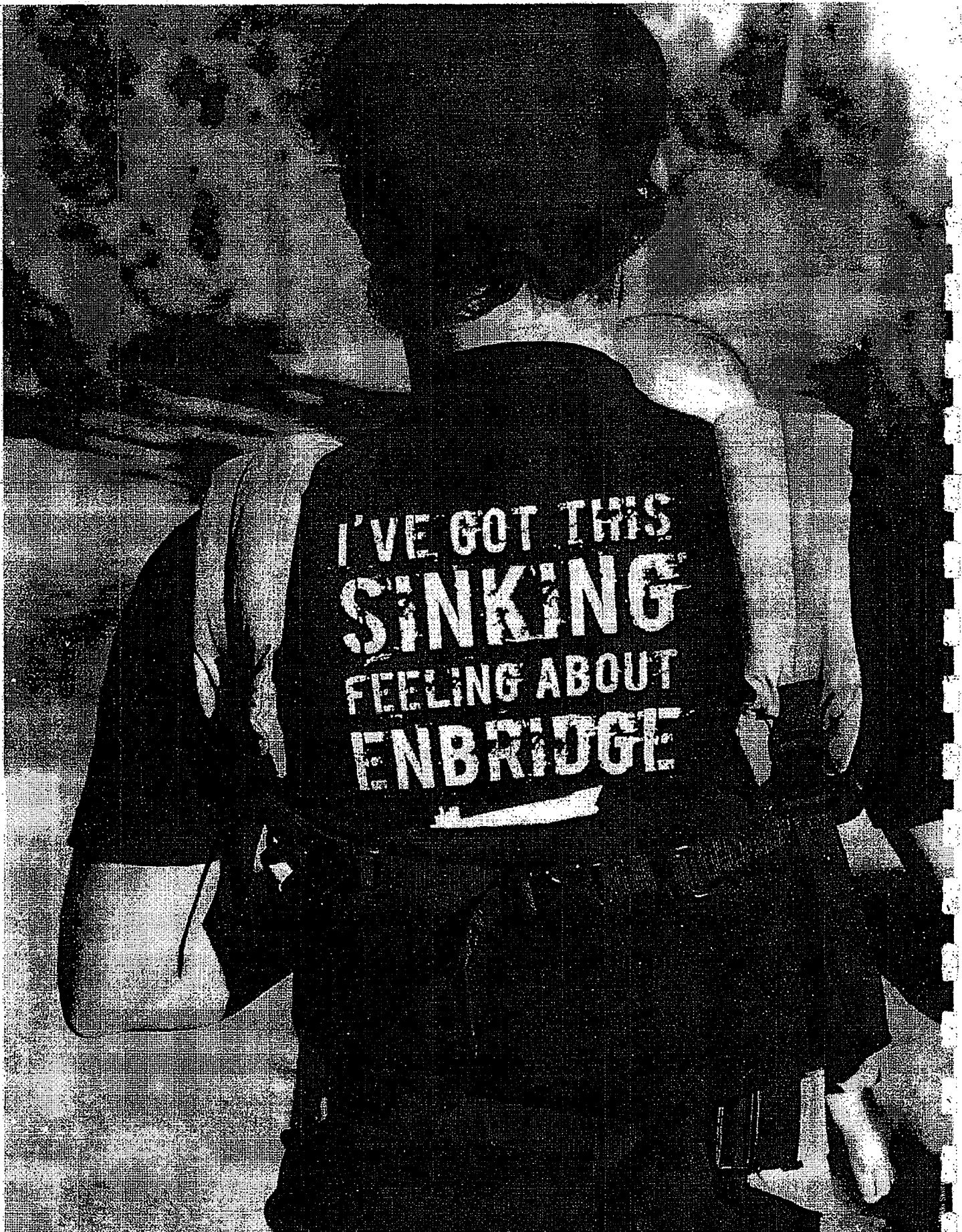
The company claims its track record for oil spills is getting better. However, when given the opportunity to offer a guarantee, Enbridge declined. In oral testimony, vice-president of pipeline integrity Walter Kresic would not commit the company to a maximum number of leaks per year at which Northern Gateway would suspend pipeline operation.<sup>101</sup>

In its final arguments to the JRP, the Province of B.C. concluded that, "Enbridge has not demonstrated an ability to learn from its mistakes."<sup>102</sup> The company acknowledges that it did not follow its own rules when a leak was detected in the Marshall, Michigan spill, and the system was



**ENBRIDGE SPILLED  
OVER 20,000  
BARRELS OF  
DILUTED BITUMEN  
INTO A WETLAND  
AND THEN INTO THE  
KALAMAZOO RIVER  
IN 2010. WHILE  
ENBRIDGE TRIED  
TO CONVEY THE  
MICHIGAN SPILL  
AS AN OUTLIER  
IN THE JRP, THEY  
SPILLED OVER  
23,000 BARRELS  
IN HARDISTY, AB  
IN 2001, AND OVER  
20,000 BARRELS OF  
HEAVY CRUDE ON  
FARMLAND NEAR  
REGINA, SK IN 2002.**

— EVIDENCE SUBMITTED BY  
FORESTETHICS ADVOCACY.



not immediately shut down.<sup>103</sup> It would also not commit to an automatic shutdown in the case of a leak, instead preferring to have a person make the shutdown decision,<sup>104</sup> something that would have assisted in the Michigan spill and would prevent future risk of human error.

## Automatic leak detection not infallible

Automatic leak detection does not exempt human error. Such was the case in Marshall, Michigan, where the leak went undetected for 17 hours despite the automatic leak detection system.<sup>105</sup>

In fact, only five of 11 Enbridge spills greater than 1,000 barrels that occurred between 2002 and 2012 were detected as a result of remote leak detection technology, with human observation the most common detection method.<sup>106</sup> Enbridge has said the minimum detectable leak size for the Northern Gateway pipeline will be determined in detailed engineering, following approval by the JRP, and that slow leaks would not be detectable, although they have still resulted in a substantial amount of oil spilled.<sup>107</sup>

A 2012 study commissioned by the Pipeline and Hazardous Materials Safety Administration in the U.S. reviewed oil spills over a two-and-half-year period. It found that the public and emergency responders called in nearly 30 percent of larger spills.<sup>108</sup>

The remote nature of the Northern Gateway pipeline makes this all more troublesome. In the Coast Mountains east of Kitimat, the pipeline would cross remote terrain inaccessible by road and often inaccessible by air due to extreme weather conditions. Not only is human observation in these areas extremely unlikely, accessing the spill once it has been confirmed could be treacherous. Stopping a leak in these areas could take weeks or even months.

## Extreme weather, remote terrain

Compared with the Marshall, Michigan spill, which took place in a residential area, the terrain features and seasonal conditions in the Kitimat River valley would be significantly more challenging and costly to clean up.

Coast Mountain topography is extreme and many points on the proposed pipeline cannot be accessed by road. Weather can also limit the ability of helicopters to reach remote areas. Winter conditions, avalanches, heavy snow, spring melt and fast-flowing watercourses due to runoff would all present challenges to accessing a pipeline through the Coast Mountains.<sup>109</sup> Northern Gateway has acknowledged that accessing pipeline spills could be challenging, with spills into a watercourse at a remote location presenting the most difficult cleanup challenges.<sup>110</sup> Along with being remote, flows in the Kitimat River are significantly higher than the Kalamazoo River, particularly during spring runoff.<sup>111</sup>



Along with the Kitimat River valley, the Clore and Morice rivers are examples of remote watercourses in rugged terrain that could present a significant cleanup challenge in the case of an oil spill.<sup>112</sup> All three contain valuable fish habitat and are important to First Nations and northern communities.

The pipeline's possible impact to the Morice River could not be properly examined by the JRP, because the route was in the process of a revision. The ambiguity of where the pipeline will be routed or how close it will come to the Morice or other rivers makes it impossible to properly assess the pipeline's potential impacts in this area. Accessing the pipeline, when both it and roads are covered in snow, could also present real challenges during a spill.


## The cost of a cleanup

Northern Gateway has proposed that \$250 million in liability insurance would be adequate for the Northern Gateway pipelines.<sup>113</sup> According to the United States National Transportation Safety Board, Enbridge's cleanup cost for the Marshall, Michigan spill had exceeded US \$767 million by July 2012,<sup>114</sup> with costs tallying over \$1 billion as of September 2013 from additional cleanup.<sup>115</sup> That means costs for an easily detectable and accessed spill are up to four times what Enbridge is preparing for in the case of Northern Gateway.

Furthermore, Enbridge's "limited liability partnership" with Northern Gateway means that if cleanup and compensation costs exceed the partnership's insurance, the pipeline operator would only be partially responsible for cleaning up an oil spill, with the majority of the burden left to taxpayers.<sup>116</sup> Enbridge has protected itself from bearing any substantial portion of the costs and avoided any legal liabilities.

## Doing nothing qualifies as response

Given that Northern Gateway has testified that doing nothing could be considered a response to a spill, it's unclear what action would take place during proposed "response" times.<sup>117</sup> Enbridge witnesses have stated that in some instances, doing nothing may be a possible response to a spill, letting "natural attenuation" occur.<sup>118</sup> With regard to marine oil spills, Northern Gateway has also stated that, "monitoring is a response." The same Enbridge witnesses noted that for most open ocean spills, no oil is recovered and the oil remains in the environment.<sup>119</sup>



WE CANNOT LIVE  
WITHOUT THIS  
SACRED ANIMAL.  
OUR FISH, THE  
SALMON... THIS IS  
WHO WE ARE.

— WET'SUWET'EN HEREDITARY  
CHIEF FRANK ALEG, JRP  
HEARINGS IN BURNS LAKE,  
B.C.

## Diluted Bitumen a Relatively Unknown Substance

Enbridge is proposing to transport a relatively unknown substance through Northern Gateway. Bitumen is a heavy, corrosive petroleum product that's mined in the tar sands and diluted with a natural gas condensate to allow it to flow freely through pipelines. Its transportation through pipelines is still relatively new and largely untested, although the 2010 spill at Marshall, Michigan raised concerns about its corrosivity in aging pipelines and behaviour in water.

The Northern Gateway project is premised on the assertion that diluted bitumen, or "dilbit," will float when exposed to water.<sup>120</sup> However, it became clear throughout the JRP hearings that its behaviour in water is still uncertain.<sup>121</sup> Without a proper understanding of how dilbit behaves when released into a marine environment or varying river conditions, it's impossible to either identify potential risks or prepare a response.<sup>122</sup>

Traditional oil spill recovery technology is designed for floating oil, which means that not knowing whether the dilbit will sink or float makes it impossible to determine whether or not it could be recovered.<sup>123</sup> If the substance sinks, it would be harder to clean up and would have catastrophic effects on the environment and local economies, such as commercial salmon fishing and tourism.<sup>124</sup>

Changes to diluted bitumen as it ages in the environment may also affect cleanup. There are indications that, although initially buoyant in water, with exposure to wind and sun, as well as by mixing with water and sediment in the water, the density of diluted bitumen can increase to the point that the oil will sink.<sup>125</sup>

Enbridge's own evidence with regard to diluted bitumen in water is conflicted, with some witnesses testifying that it will sink under certain conditions and others testifying that for bitumen to sink would be contrary to an "immutable fact of physics."<sup>126</sup> The outcome is unclear; what became clear under cross-examination is that Northern Gateway witnesses have more research to do on the material they propose to transport across northern B.C.'s pristine waterways.

IN THE REAL  
WORLD, WE HAVE  
SEEN DILUTED  
BITUMEN SINK,  
DESTROY IMPORTANT  
HABITATS, AND TAKE  
YEARS TO CLEAN UP.  
**IN THE REAL WORLD,  
WE HAVE SEEN  
ENBRIDGE ASLEEP  
AT THE SWITCH.** IF  
ENBRIDGE IS SO  
CONFIDENT IT HAS  
THE TECHNICAL AND  
ORGANIZATIONAL  
COMPETENCIES  
TO EFFECTIVELY  
PREVENT OR  
RESPOND TO A  
DILUTED BITUMEN  
SPILL IN THE  
RUSHING SKEENA  
RIVER OR IN THE  
TUMULTUOUS  
HECATE STRAIT, WHY  
COULDN'T THEY  
DO SO JUST A FEW  
SHORT YEARS AGO  
IN THE SHALLOW,  
PLACID WATERS OF  
THE KALAMAZOO  
RIVER?

- NATHAN CULLEN, MP FOR  
SKEENA-BULKLEY VALLEY  
FINAL WRITTEN ARGUMENTS  
TO JRP

NORTHERN GATEWAY SHOULD NOT BE GRANTED A CERTIFICATE ON THE BASIS OF A PROMISE TO DO MORE STUDY AND PLANNING ONCE THE CERTIFICATE IS GRANTED. THE STANDARD IN THIS PARTICULAR CASE MUST BE HIGHER. AND YET, IT IS RESPECTFULLY SUBMITTED. LNG HAS NOT MET THE STANDARD. "TRUST ME" IS NOT GOOD ENOUGH IN THIS CASE.

— ARGUMENT OF THE  
PROVINCE OF BRITISH  
COLUMBIA

## What is at Risk: Northern Lifestyles, Economies and Wildlife

Northern B.C. boasts unique cultures, wildlife and ecosystems unlike anywhere else in the world. It's a place where First Nations, whose claims to the land have never been ceded through treaties, have thrived for thousands of years. It contains some of the world's largest remaining untouched wilderness. And it's home to salmon-bearing rivers that sustain the cultures, lifestyles and economies of the region.

An oil spill in this vast and wild environment could result in significant adverse effects for fish species, such the threatened oolichan and wild north-coast salmon.<sup>127</sup> Both species are culturally significant for First Nations in the northwest and salmon are an essential economic driver throughout British Columbia.

Wild salmon serves as a vital source of food for aboriginal groups and has a central place in aboriginal culture. Interviews conducted with the Haisla in Kitamaat Village indicate that between 70 and 100 percent of the local community relies on food, social and ceremonial fishing and that generally one or more members of a family fished for food purposes.<sup>128</sup> The same can be assumed for inland nations based along the Nass, Skeena and Fraser watersheds.

Along with aboriginal groups, an oil spill into a salmon-bearing watercourse would create hardships for commercial fishers and fishing guides,<sup>129</sup> industries that are pivotal to the sustainability of livelihoods in northern B.C. Salmon also forms the basis of a food chain that includes flora as well as fauna, and is an important food for grizzly bears and the prized Kermode or spirit bear, namesake of the Great Bear Rainforest. During community hearings across the proposed pipeline route, residents repeatedly expressed concern over potential impacts to wild salmon and the quality of life in the northwest.

Northern Gateway's studies of an oil spill's ecological effects were limited to two locations along the Morice River. It concluded that fish would be affected directly for a period of days or weeks, and that the reproductive cycle for fish would be affected for a year or two. However, more than two years after the Marshall, Michigan spill, oil continued to accumulate in the stream bed, indicating that effects could be much longer.<sup>130</sup>

The results from a spill would be both short-term—wildlife toxicity from ingesting oil, inhaling vapour and becoming oiled—and long-term, such as the loss of habitat, uptake of contaminants and mortality of prey organisms.<sup>131</sup> Based on the Alaskan Exxon Valdez oil spill, the effects of an oil spill in the marine environment can last for decades,<sup>132</sup> indicating that Enbridge's proposed "natural attenuation," or letting the environment take care of itself, might be overly optimistic.



NO  
TANKERS

THROUGH  
HAIDA  
GWAII WATER





JOIN WITH BRITISH  
COLUMBIANS  
IN REJECTING  
THIS PROJECT.  
IF THE FEDERAL  
GOVERNMENT  
ABUSES THEIR  
POWER BY RULING  
IN FAVOUR OF  
WEALTH FOR A FEW  
MULTI-NATIONAL  
CORPORATIONS,  
WE WILL TEACH  
THEM A LESSON IN  
DEMOCRACY THEY  
WON'T SOON FORGET.

WANT STENOGRAPHIC COASTAL  
FIRST NATIONS JRP  
HEARINGS IN TERRACE, B.C.

Fisheries and Oceans Canada suggests that habitat compensation, by which new habitat is set aside in exchange for damaged habitat, is only 60 to 80 percent effective. Despite proposing this as a mitigation measure, Northern Gateway has not undertaken any studies on the effectiveness of habitat compensation.<sup>133</sup>

Even if no spill occurred, environmental damage would take place as a result of the presence of tankers, including significant adverse environmental effects upon wildlife, such as species listed under the Species at Risk Act (SARA). Species that could be affected include woodland caribou, salmon, herring, marbled murrelets, humpback, killer and fin whales and sea otters.<sup>134</sup> Effects would take place in both the marine and terrestrial environments, with pipeline construction also depleting habitat and impacting wildlife.

Northern Gateway has deferred detailed habitat surveys and site-specific fish habitat management plans until after project approval.<sup>135</sup> In order to properly assess what is at risk and develop response plans, baseline data must be in place before this project is given the go-ahead. Salmon's importance to residents as well as aboriginal, commercial and recreational fisheries in British Columbia make it an area where significant uncertainty is unacceptable.

## Enbridge Has no Social Licence

Enbridge has proven repeatedly that it lacks understanding of the region surrounding its proposed pipelines and residents' values, interests and concerns. Nor has it taken the time to listen and understand them.

During Enbridge's final arguments before the JRP, the panel repeatedly heard that First Nations were "not prepared to discuss economic opportunities and benefits" or "chose not to engage in discussions around economic opportunities."<sup>136</sup> What the pipeline company fails to understand is that such things as lifestyle, culture and environmental sustainability are not negotiable. The company's values are at odds with those of northern B.C. and they cannot be imposed on unwilling residents.

As Cheryl Brown with Douglas Channel Watch stated in her final arguments, "There has been a large emphasis on economic opportunities, but in contrast, there has been a strong statement by First Nation groups about the threat to culture."<sup>137</sup>

The same can be said of residents across the northwest. Despite several municipal resolutions against the project and the Province of B.C. rejecting it in its final arguments, the proponent continues to communicate that it is listening while pushing forward with a pipeline that is not wanted, not needed and not in the public interest.

## Conclusion

At the Northern Gateway Project hearings, the NEB heard oral statements from 1,239 people. More than 9,000 individuals and groups submitted letters of comment. Intervenor, of which over 220 were registered, tested Enbridge's application and evidence, and submitted their own evidence. Overwhelmingly, participants came out against Northern Gateway and the risks associated with this proposed tar sands pipeline and tankers. After 18 months of hearings full of vague responses from Enbridge and compelling evidence from intervenors, Enbridge failed to prove that its project is needed or that it has the competence to build it safely.

When it comes to addressing Northern Gateway's shortcomings, the burden of proof rests squarely on the proponent's shoulders.<sup>138</sup> It is not up to organizations and individuals opposing the pipeline to prove its lack of benefit for Canadians, but for Northern Gateway to prove its case for the pipeline and convince residents along the pipeline's path of its value. This has clearly not been done. Nor has Enbridge proven that the benefits outweigh the risks, because it has not thoroughly laid out the risks in its proposal.

Overall, the JRP process made it abundantly clear that the Northern Gateway pipelines and tanker project is not in the best interest of First Nations, potentially impacted communities, British Columbians and our national treasures such as wild salmon watersheds and the Great Bear Rainforest. Enbridge failed to clearly argue the benefits as well as prove that it would not cause adverse environmental effects.

Enbridge Northern Gateway is not in Canada's national interest and must be rejected.

# Endnotes

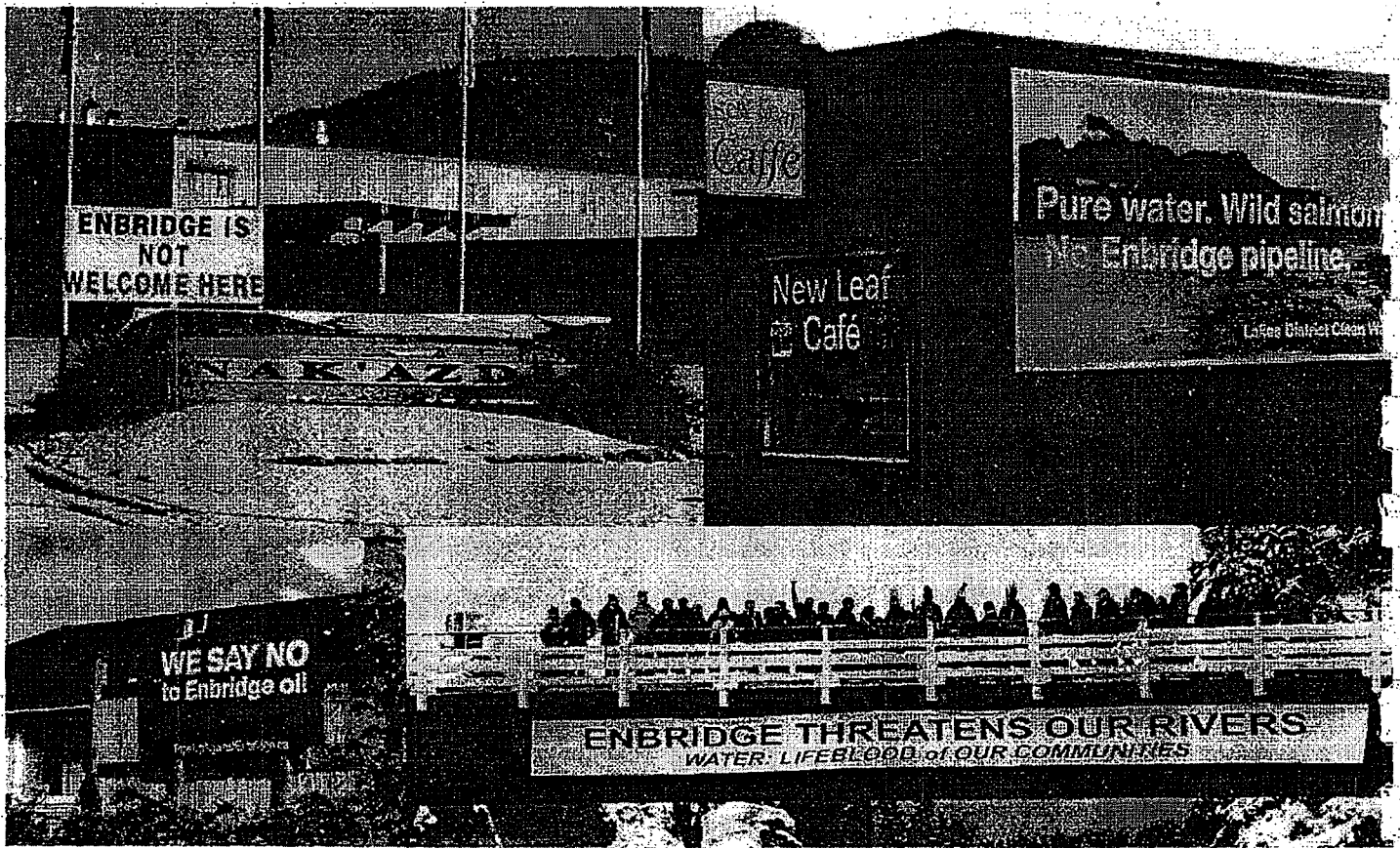
All documents were submitted to the Joint Review Panel by May 31, 2013 and can be downloaded from [www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=624910&objAction=browse&sort=name](http://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=624910&objAction=browse&sort=name), unless otherwise noted. Hearing transcripts are available at <http://gatewaypanel.review-examen.gc.ca/clf-nsi/prtcptngprcss/hrng-eng.html>.

1. Haisla Nation Final Argument, p. 3.
2. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, pp. 5, 14.
3. Ibid., p. 11.
4. Ibid., p. 38.
5. Ibid., p. 36-37.
6. Final Submissions of Gitxaala Nation, p. 47.
7. Written Final Argument of the Joint Intervenors BC Nature and Nature Canada, p. 10, 21.
8. Ibid., p. 13.
9. Ibid., p. 23.
10. Ibid., p. 36.
11. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 11.
12. Argument of the Province of British Columbia, p. 2.
13. Ibid., p. 2.
14. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 67.
15. Final Argument of the Council of the Haida Nation, p. 25.
16. Argument of the Province of British Columbia, p. 9.
17. Ibid., p. 10.
18. Final Argument of Northwest Institute and Friends of Morice-Bulkley, p. 14; Argument of the Province of British Columbia, p. 21.
19. Argument of the Province of British Columbia, p. 21.
20. Final Argument of the Haisla Nation, p. 135.
21. Final Argument of the Gitga'at Nation, p. 6.
22. Final Submissions of Gitxaala Nation, p. 40-41.
23. Ibid., p. 36-37.
24. Argument of the Province of British Columbia, p. 5; Final Argument of the Haisla Nation, p. 131; Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 51.
25. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 53.
26. Argument of the Province of British Columbia, p. 6.
27. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 53.
28. Ibid., p. 18.
29. United Nations General Assembly. Report of the United Nations Conference on Environment and Development. Rio de Janeiro: 1992. Downloaded from <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>
30. Final Argument of the Haisla Nation, p. 10, 37.
31. Yinka Dene Alliance. Submission to the United Nations Special Rapporteur on the Rights of Indigenous Peoples. Vanderhoof, B.C.: September 2013, p. 2. Downloaded from [yinkadene.ca](http://yinkadene.ca)

32. Final Argument of the Haisla Nation, p. 10.
  33. Final Argument of the Gitga'at Nation, p. 47.
  34. Final Submissions of Gitxaala Nation, p. 6.
  35. Final Argument of the Gitga'at Nation, p. 51.
  36. Ibid., p. 62.
  37. Ibid., p. 58.
  38. Final Argument of the Haisla Nation, p. 127.
  39. Ibid., p. 12.
  40. Final Argument of the Gitga'at Nation, p. 56.
  41. Ibid., p. 57.
  42. Ibid., p. 15.
  43. Ibid., p. 17.
  44. Written Final Argument of the Office of the Wet'suwet'en, p. 2.
  45. Final Argument of the Gitga'at Nation, p. 15.
  46. Ibid., p. 36.
  47. Final Submissions of Gitxaala Nation, p. 212.
  48. Ibid., p. 213.
  49. Final Argument of the Gitga'at Nation, p. 13.
- 
50. Ibid., p. 78.
  51. Written Final Argument of the Office of the Wet'suwet'en, p. 38.
  52. Final Argument of the Gitga'at Nation, May 31, 2013, p. 28.
  53. Ibid., p. 30.
  54. Ibid., p. 66.
  55. Ibid., p. 51.
  56. Ibid., p. 47.
  57. Ibid., p. 74.
  58. Coastal First Nations – Great Bear Initiative Written Final Argument, p. 6.
  59. Final Argument of the Haisla Nation, May 31, 2013, p. 10.
  60. Ibid., p. 42.
  61. Final Submissions of Gitxaala Nation, p. 221.
  62. Ibid., p. 251.
  63. Ibid., p. 252.
  64. Coastal First Nations – Great Bear Initiative Written Final Argument, p. 9, 14.
  65. Final Submissions of Gitxaala Nation, p. 273.
  66. Final Argument of the Council of the Haida Nation, p. 1.
  67. Written Final Argument of the Office of the Wet'suwet'en, p. 2.
  68. Final Argument of the Haisla Nation, p. 51.
  69. Ibid., p. 52.
  70. Ibid., p. 54.
  71. Ibid., p. 59.
  72. Ibid., p. 54.
  73. Ibid., p. 26.
  74. Coastal First Nations – Great Bear Initiative Written Final Argument, p. 31.
  75. Ibid., p. 30.
  76. Written Final Argument of the Office of the Wet'suwet'en, p. 27.
  77. Final Argument of the Council of the Haida Nation, p. 16.
  78. Ibid., p. 21.
  79. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 34.

80. Ibid., p. 31.
81. Written Argument of the Alberta Federation of Labour, p. 2.
82. Ibid., p. 9.
83. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 30.
84. Argument of the Province of British Columbia, p. 46.
85. Written Argument of the Alberta Federation of Labour, p. 10, 30.
86. Ibid., p. 30, 31.
87. Haisla Nation. Final Argument of the Haisla Nation. May 31, 2013, p. 92.
88. Written Argument of the Alberta Federation of Labour, p. 3.
89. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 24, 26.
90. Ibid., p. 25.
91. Final Argument of the Haisla Nation, p. 80, 81.
92. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 26.
93. Coastal First Nations – Great Bear Initiative Written Final Argument, p. 53; Final Argument of the Haisla Nation, p. 174.
94. Coastal First Nations – Great Bear Initiative Written Final Argument, p. 62.
95. Argument of the Province of British Columbia, p. 7-8.
96. Nuka Research for the Province of B.C. West Coast Spill Response Study. Downloaded from [www.env.gov.bc.ca/main/west-coast-spill-response-study/](http://www.env.gov.bc.ca/main/west-coast-spill-response-study/)
97. Cullen, Nathan. Final Written Argument, Enbridge Northern Gateway Joint Review Panel, p. 3.
98. Final Argument of the Haisla Nation, p. 170.
99. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 74.
100. Ibid., p. 73.
101. Ibid., p. 76.
102. Argument of the Province of British Columbia, p. 29.
103. Ibid., p. 26.
104. Ibid., p. 31.
105. Final Argument of the Haisla Nation, p. 170, 173; Coastal First Nations – Great Bear Initiative Written Final Argument, p. 59-60.
106. Final Argument of the Haisla Nation, p. 171.
107. Argument of the Province of British Columbia, p. 29.
108. Macdiarmid, Jessica. Toronto Star, Oct 23, 2013. "Can we count on high-tech pipeline leak detection?" [http://www.thestar.com/news/gta/torontopipeline/2013/10/23/can\\_we\\_count\\_on\\_hightech\\_pipeline\\_leak\\_detection.html](http://www.thestar.com/news/gta/torontopipeline/2013/10/23/can_we_count_on_hightech_pipeline_leak_detection.html)
109. Ibid., p. 11.
110. Ibid., p. 10.
111. Final Argument of the Haisla Nation, p. 73.
112. Argument of the Province of British Columbia, p. 21.
113. Final Argument of the Haisla Nation, p. 72.
114. Ibid., p. 72, 267.
115. Paris, Max. CBC News. September 6, 2013, "Enbridge's Kalamazoo cleanup dredges up 3-year-old oil spill." Downloaded from [www.cbc.ca/news/politics/enbridge-s-kalamazoo-cleanup-dredges-up-3-year-old-oil-spill-1.1327268](http://www.cbc.ca/news/politics/enbridge-s-kalamazoo-cleanup-dredges-up-3-year-old-oil-spill-1.1327268)
116. Ibid., p. 75.
117. Argument of the Province of British Columbia, p. 23.
118. Ibid., p. 10.
119. Ibid., p. 42.

120. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 46.
121. Final Argument of the Haisla Nation, May 31, 2013, p. 247.
122. Final Argument of the Haisla Nation, p. 241; Coastal First Nations – Great Bear Initiative Written Final Argument, p. 77, 81; Cullen, Nathan: Final Written Argument, Enbridge Northern Gateway Joint Review Panel, p. 5.
123. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 47; Final Argument of the Haisla Nation, p. 241.
124. Coastal First Nations – Great Bear Initiative Written Final Argument CFN, p. 77.
125. Ibid., p. 80.
126. Argument of the Province of British Columbia, p. 12-13.
127. Ibid., p. 9.
128. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 67.
129. Ibid., p. 71.
130. Ibid., p. 71.
131. Final Argument of the Haisla Nation, p. 234.
132. Argument of the Province of British Columbia, p. 38.
133. Written Final Argument of ForestEthics Advocacy, Living Oceans Society and Raincoast Conservation Foundation, p. 72.
134. Ibid., p. 56.
135. Ibid., p. 73-74.
136. Neufeld, Richard. Joint Review Panel for the Enbridge Northern Gateway Project: Transcript. June 17, 2013. Vol. 176, p. 42. Downloaded from <http://gatewaypanel.review-examen.gc.ca/clf-nsi/prtcptngprcss/hrng-eng.html>
137. Brown, Cheryl. Joint Review Panel for the Enbridge Northern Gateway Project: Transcript. June 24, 2013. Volume 180, p. 29. Downloaded from <http://gatewaypanel.review-examen.gc.ca/clf-nsi/prtcptngprcss/hrng-eng.html>
138. Written Final Argument of the Joint Intervenor BC Nature and Nature Canada, p. 8.



 **ForestEthics**  
ADVOCACY

# TAB

---

# 39





SIERRA  
CLUB  
BC

## About

Sierra Club BC is a non-profit environmental organization whose mission is to protect and conserve British Columbia's wilderness, species and ecosystems, within the urgent context of global warming impacts. We advocate the responsible use of B.C.'s natural resources while promoting a modern, equitable economy that sustains our planet in every way.

One of our greatest strengths, rooted in our more than 40 year history, is our ability to engage and mobilize people in constructive action to protect ecosystems and wild spaces. At the heart of our organization are more than 16,000 supporters from diverse communities across the province. [Learn more about our history.](#)

---

Sierra Club BC works with different levels of government and First Nations to provide science-based conservation viewpoints and advice on policy decisions that affect a range of environmental issues.

## Our History

In 1969, a small and dedicated group of young British Columbians launched a campaign to protect the magnificent forests and lakes of the Nitinat Triangle and create the West Coast Trail on Vancouver Island. The group had no name, but some were members of Sierra Club U.S. So they took some Sierra Club U.S. letterhead, erased the "U.S." and used lettraset to stencil "Western Canada" in its place. By the time Sierra Club US found out they had a renegade group in British Columbia, the Nitinat campaign had been won in their name. That energetic B.C. group went on to become an official Sierra Club US affiliate. They were joined by a Canadian national affiliate in 1989, and Sierra Club Canada was born.

Today the original Sierra Club of Western Canada is known as the Sierra Club of BC Foundation, or Sierra Club BC. One of our greatest strengths, rooted in our 40-year history in B.C., is our ability to mobilize people in constructive action to protect ecosystems and wild spaces. At the heart of our grassroots organization are people from all over the province who are deeply committed to safeguarding B.C.'s wild places and promoting the responsible use of our natural resources.

Sierra Club [local groups](#) around B.C. defend old-growth forests and ecosystems, help combat global warming and safeguard our clean air and water. [Sierra Club BC staff](#) meet regularly with government and business to ensure conservation viewpoints are heard, and to provide input on policy and budget decisions that affect the environment. Our grassroots base, science-based policies and pragmatism have helped to protect millions of hectares of B.C. wilderness.

Sierra Club of BC Foundation's registered charitable number is 11914 9797 RR 0001.

# Our Accomplishments

With your help, Sierra Club BC has succeeded in protecting wilderness and wildlife all over British Columbia.

Most recently, we played a key role in securing a legislated ban on mining and energy development in the Flathead River Valley--the first of three steps needed for permanent protection of this wildlife nursery and globally-significant ecosystem.

In 2009, we were instrumental in achieving the Great Bear Rainforest Agreements that protect 2.1 million hectares -- an area one-half the size of Switzerland--of spectacular old-growth coastal forest that is home to the rare white 'Spirit Bear' or Kermode bear. The agreements also saw the legislation of "lighter-touch" logging, or Ecosystem-based Management (EBM) in an additional 700,000 hectares of the Great Bear Rainforest.

Other B.C. wilderness areas we played a key role in protecting include the Khutzeymateen Valley Grizzly Bear Sanctuary, South Moresby on Haida Gwaii, and Vancouver Island's Carmanah Valley, Brooks Peninsula and Clayoquot Sound.

Our award-winning education program has taken nature into B.C. schools since 1998, cultivating the next generation of environmental stewards. More than 100,000 B.C. students from Kindergarten to Grade 12 have participated in our curriculum-based programs and Sustainable High Schools initiative.

We have published ground-breaking research on the vital role that B.C.'s old growth forests play in storing carbon. We also support the Guardian Watchmen Network, First Nations technicians who work as stewards of the land and water in and around the Great Bear Rainforest.

- We helped develop the certification standard for sustainable forestry in B.C. as part of the internationally recognized Forest Stewardship Council (FSC).
- Our joint campaign to preserve endangered mountain caribou habitat celebrated a major milestone in 2006 when the provincial government announced it will protect 2.2 million hectares of mountain caribou habitat in north-eastern B.C.
- We helped start Markets Initiative, now Canopy, protecting forests through business practices. Check out the Canadian Harry Potter - on ancient forest-friendly paper!

Our global warming campaign helped to persuade the B.C. government in 2007 to adopt world class targets for carbon emission reductions. Our two sea level maps of the Lower Mainland and Greater Victoria drew public attention to the potential impact of climate change on B.C.'s coastal communities. We also helped stop plans for two coal-fired power plants and a gas-fired power plant that would have unnecessarily increased B.C.'s greenhouse gas emissions.

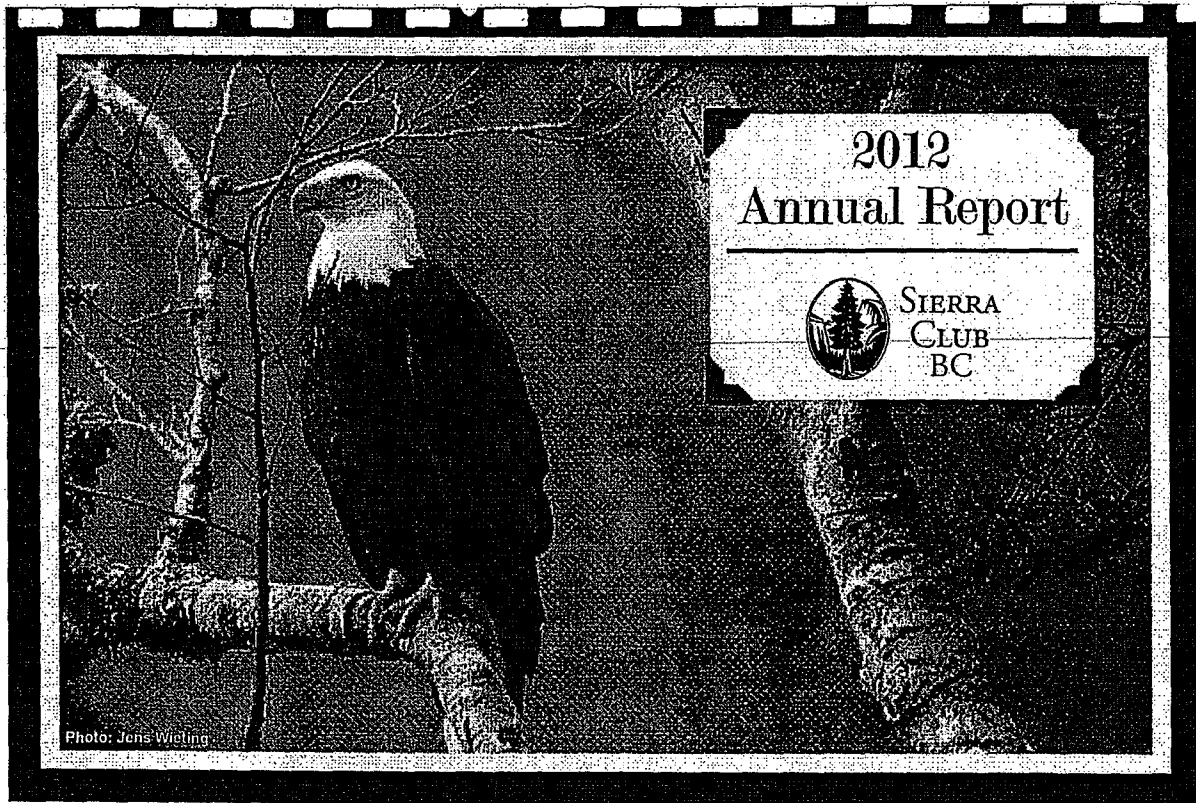
We successfully lobbied for a wild salmon conservation policy, and spearheaded a groundfish reform process that led to mandatory at-sea monitoring of trawler by-catch. Our wallet-sized seafood card continues to help Canadian consumers and retailers make seafood choices that support healthy marine ecosystems

Pesticides, sustainable transportation, sewage, regional land use planning, tanker traffic - just a few of the many issues that our Sierra Local Groups have tackled over the years.

# TAB

---

# 40



## 2012 - A Memorable Year

Dear David,  
2012 was a year of unique challenges for the environmental cause in Canada. The federal government introduced omnibus bills in May which stripped environmental laws of their teeth and made it more difficult to stand up to the environmental movement. We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects.

We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects. We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects.

Land use was a key challenge in 2012. We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects. We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects.

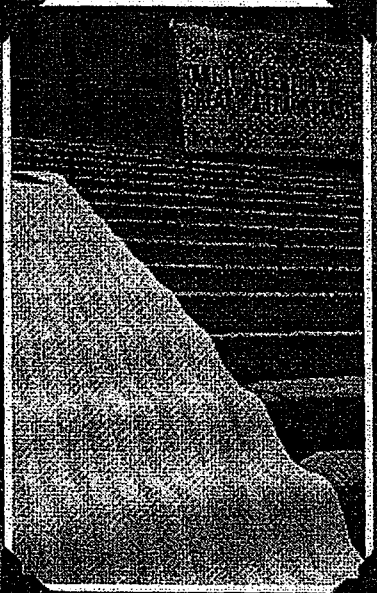
We continued to support coastal First Nations in voicing their strong opposition to the proposed pipeline and oil tanker project. And we spoke out against Kinder Morgan's plan to build a new pipeline from Alberta's tar sands and bring more than 400,000 barrels of oil per day to the coast. We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects.

We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects. We saw the federal government's attempt to strip the public of its right to know about the environmental impacts of projects and the government's attempt to strip the public of its right to know about the environmental impacts of projects.



*Sarah Cox*

Sarah Cox  
Executive Director  
Greenpeace Canada



More than 10,000 people called on Premier Christy Clark to finish the job B.C. started a decade ago and complete the historic Great Bear Rainforest Agreements. In July, Sierra Club BC and our partners presented a 5-metre-long list of names to the B.C. government, marking a major milestone in public support to safeguard the Great Bear Rainforest.



Photo: Andrew S. Wright

Rainforest scientists from around the world sent a letter to B.C. Premier Christy Clark, calling on her government to uphold its promise to protect the home of the rare white spirit bear, or Kermode bear.

The social media community was abuzz on March 20, when Great Bear Rainforest advocates used Facebook and Twitter accounts to help protect one of the last intact temperate coastal rainforests in the world.

In August, there were more than grizzly bears and mountain goats roaming the Flathead River Valley. Artists and scientists gathered in the Flathead to document the area's beauty and biodiversity in a 10-day BioBlitz and artist workshop. The expedition culminated on August 20, when more than 80 people gathered in the Flathead to share a symbolic meal across the Canada-U.S. border. In November, to our dismay, we discovered that a federally-owned coal block in the Flathead headwaters is not included in the 2011 B.C. ban on energy and mining development. With the Flathead also slated for intensive logging and road-building, we are redoubling our efforts to seek permanent protection in the form of a National Park in the southeastern one-third of the Flathead and a Wildlife Management Area in the rest of the valley and adjoining habitat.



Photo: Jaime Rojo



Photo: Joe Riis, ILCP



Photo: SeaChoice

Known as forage fish, herring, capelin, shrimp, and krill are key links in the marine food chain. When we eat forage fish we compete for food with numerous fish species, including salmon. Working with our SeaChoice partners, in the fall of 2012 we submitted a proposal to the Department of Fisheries and Oceans to extend its *Policy on New Fisheries for Forage Species* to the existing forage fisheries, and to align that policy with emerging international standards.



Photo: Caitlyn Vernon

SeaChoice partner Canada Safeway announced in March that its canned tuna will be sourced responsibly, using sustainable fishing gear that avoids by-catch. The introduction of responsibly caught tuna marks the latest milestone in Safeway's journey toward its commitment to source only sustainable and traceable seafood by 2015. Since partnering with Sierra Club BC and SeaChoice in 2011, Safeway has expanded the supply of ocean-friendly seafood while eliminating red-listed items such as orange roughy, Chilean seabass and Atlantic halibut.

MARINE • 5



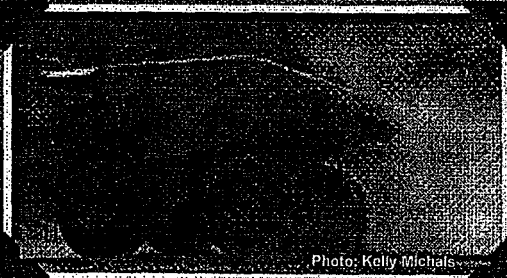


Photo: Kelly Michals

Along with our work building awareness about the proposed \$8 billion Site C mega-dam in the Peace River Valley, we also raised science-based concerns about hydraulic fracturing, or fracking. Fracking's unacceptable impacts on groundwater and its proposed massive expansion to produce liquefied natural gas (LNG) for foreign markets prompted us to call for a moratorium until its environmental and health impacts have been studied thoroughly. In fact, Site C and fracking go together in an unfortunate way: 100 per cent of the power from Site C could be used to fuel a possible LNG boom. This would constitute a very expensive new subsidy to highly profitable energy companies, paid for by the people of British Columbia.

As part of our ongoing effort to reform B.C.'s antiquated mining laws, we supported concerned Kamloops residents fighting the proposed Ajax open-pit copper and gold mine. The Ajax mine would be located within city limits, six kilometres downwind of twelve schools, four seniors' residences, a hospital and a university – not to mention hundreds of homes. It's a perfect example of why B.C.'s 150-year-old mining laws need to change – to put an end to the special treatment the current B.C. law grants mining interests above all others.

Sierra Club BC once again spoke out in opposition to Taseko Mines Ltd.'s proposal for a gold and copper mine near Williams Lake, which would cause irreparable damage to First Nations rights, as well as to fish stocks and at-risk grizzly populations. While the mine was rejected by the federal cabinet in November 2010 (following a scathing environmental assessment), the proposal is back for another costly environmental review.



Photo: KAP



Photo: Caitlyn Vernon

From Kitimat to Vancouver, British Columbians delivered a powerful message to the Enbridge Joint Review Panel; we don't want tar sands across Northern B.C., oil tankers in the Great Bear Rainforest, or climate-wrecking emissions from tar sands oil. Sierra Club BC supported speakers with resources and training and hosted Enbridge letter-writing parties in Victoria and the Lower Mainland. Sierra supporters rallied in Vancouver and Comox to protest the Enbridge pipeline and oil tankers proposal as well as Kinder Morgan's plans to build a new export pipeline along its Transmountain route, which would result in more than 400 oil tankers a year travelling past Victoria and the Gulf Islands carrying tar sands bitumen. Sierra Club BC also supported coastal First Nations who voiced opposition to the Enbridge project. Sierra Club BC's campaigner Caitlyn Vernon spoke at rallies in Bella Bella (hosted by the Heiltsuk Nation) and Prince Rupert (Gitga'at). We also organized a speaking tour for Haisla and Gitga'at representatives in Victoria, Salt Spring Island and the Lower Mainland.

In September, Sierra Club BC, in partnership with four other conservation groups, took the federal government to court over its failure to protect four endangered species along the proposed Northern Gateway pipeline and tanker shipping route. The lawsuit, launched by Ecojustice on our behalf, claims that the federal government's continued failure to implement the Species at Risk Act (SARA) threatens the endangered southern mountain caribou, Pacific humpback whale, Nechako sturgeon, and marbled murrelet on the proposed route.

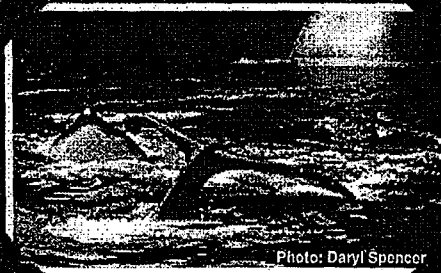
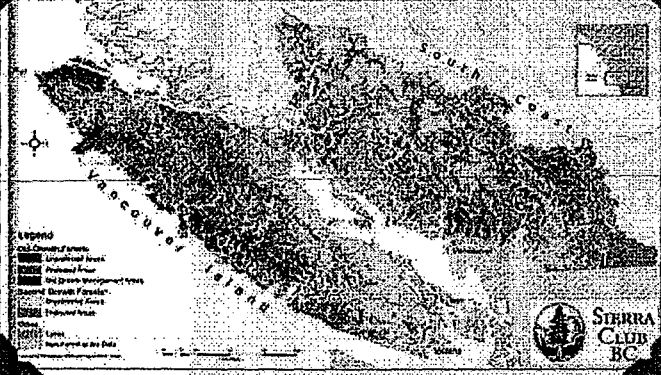


Photo: Daryl Spencer

TANKERS • 7

# Carbon at Risk: Unprotected Old-Growth Forest on Vancouver Island and South Coast



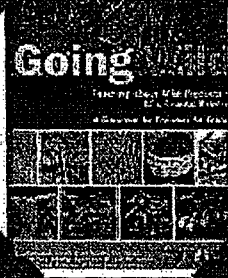
In July, we spoke out against the B.C. government's decision to revisit land use plans in B.C.'s interior with an eye to logging in forests set aside to protect old-growth, wildlife habitat and riparian areas. We advocated for increased conservation to maintain species habitat and carbon storage in light of global warming. Sierra Club BC and other environmental groups sent an open letter to the B.C. government, highlighting the dangers of moving precipitously to fill timber supply shortfalls at the expense of ecosystems.

In September, we released a report revealing that B.C.'s greenhouse gas emissions quadruple when emissions from fossil fuel exports and forests are counted. The report, *Emissions Impossible?*, warns that if current emissions remain unchecked and new fossil fuel infrastructure is built as planned, by 2020 British Columbia will increase its carbon footprint by 10 times the 2010 official figures.





The 2011-2012 school year was a busy time for our education team, which reached over 2,700 students in 25 schools across 13 B.C. school districts. We were delighted to see some great sustainability projects submitted to our Take Action challenge - including a waste reduction rap by grade 5 students, an Earth-themed book, planting gardens, presentations on environmental impacts, recycling projects and even some haikus.



In November, we were honoured to be presenters at B.C.'s province-wide professional development day for teachers held by the First Nations Education Steering Committee (FNESC). We presented our Going Wild program to teachers attending the 20th anniversary FNESC event in Vancouver.



Led by a group of enthusiastic youth, our Sustainable High Schools participants went camping at Fort Rodd Hill in September. Held in partnership with YesBC and Parks Canada, the camp-out was one of several excursions for environmentally engaged youth. We were inspired by their passion for protecting our amazing province.

ENVIRONMENTAL EDUCATION • 9



Photo: Coalwatch Comox Valley

Sierra Comox Valley continued to draw attention to the environmental and economic risks of the proposed Raven coal mine near Fanny Bay on Vancouver Island. The mine threatens Comox Valley drinking water, fish-bearing streams and the thriving Baynes Sound shellfish industry. Opponents include the B.C. Association of Shellfish Growers, which is concerned that potential contaminants from the mine will negatively impact the \$28-million per year Baynes Sound shellfish industry, along with one of the world's richest oyster beds and the 600 jobs created by the industry.

Sierra Malaspina was successful in persuading the Powell River mayor and city councillors to turn down a proposal to build an incinerator to burn waste shipped from the Lower Mainland. The incinerator could compromise air quality.

We were delighted with two new additions to the Sierra Club family – local groups in Nanaimo and the Okanagan Valley.



Photo: Carin Stein and Rachelle Stein-Wotton

In September, Sierra Club BC and Sierra Quadra grieved the sudden and untimely loss of Judy Leicester, long-time leader of Sierra Quadra and dedicated environmental champion.

With many thanks to Judy Leicester for her leadership, Quadra Islanders working to save the heart of Quadra Parks celebrated the successful finale to a fundraising drive that raised \$200,000 towards the acquisition of 395 hectares of private land that connects two spectacular marine parks - Octopus Island and Small Inlet Provincial Parks. Many gifts were made in memory of Judy, who devoted 16 years of her life to making this dream a reality.



Photo: Norri Sinclair



Photo: Mark Wunsch

LOCAL GROUPS • 11

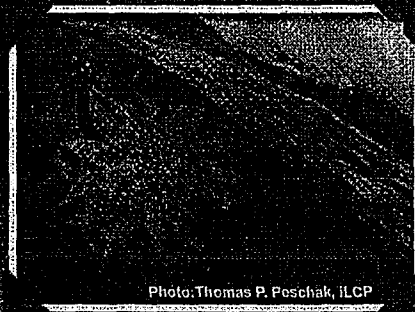
It was an extra special Earth Day in April 2012, as Sierra Club BC and local groups were out and about. We participated in the first annual Creatively United for the Planet Festival in Victoria, a free community festival. Looking forward to future events!

For the first time, we added a Vancouver Sierra Social to our annual fundraising event in the fall. Guest speaker Gerald Amos from the Haisla First Nation travelled to Victoria, Vancouver and Salt Spring Island, sharing his moving experiences of coastal opposition to oil tankers off the Great Bear Rainforest.

Sierra Lower Mainland hosted a variety of outings appealing to all tastes – from gentle walks to see snowy owls on Boundary Bay and listening to songbirds at Maplewood Flats to snowshoeing treks up Dog Mountain.



Keen naturalists observed the social behaviour of migratory waterfowl during a Sierra Victoria outing to Esquimalt Lagoon, guided by ornithologist James Clowater.



Sierra Club BC has been a proud participant in two photo Rapid Assessment Visual Expeditions (RAVEs) with the International League of Conservation Photographers. In 2012, photo exhibits featuring the Great Bear Rainforest RAVEs were mounted in Victoria. The Great Bear exhibit wrapped up with a packed celebration at Victoria's Canoe Brewpub.

George Heyman, Executive Director

[illegible]

## Executive

[illegible]

Vireo group of 10 species  
 Grackles (10 species)  
 Mockers (10 species)  
 Jays (10 species)  
 Starlings (10 species)  
 Robins (10 species)  
 House Wrens (10 species)  
 Song Sparrows (10 species)  
 Chipping Sparrows (10 species)  
 Foxglove Sparrows (10 species)  
 Meadowlarks (10 species)  
 Cowbirds (10 species)  
 Goldfinches (10 species)  
 Titmice (10 species)  
 Nuthatches (10 species)  
 Downys (10 species)  
 Kinglets (10 species)  
 Chickadees (10 species)  
 Bluebirds (10 species)  
 Starlings (10 species)  
 House Wrens (10 species)  
 Song Sparrows (10 species)  
 Chipping Sparrows (10 species)  
 Foxglove Sparrows (10 species)  
 Meadowlarks (10 species)  
 Cowbirds (10 species)  
 Goldfinches (10 species)  
 Titmice (10 species)  
 Nuthatches (10 species)  
 Downys (10 species)  
 Kinglets (10 species)  
 Chickadees (10 species)  
 Bluebirds (10 species)



# Statement of Operations

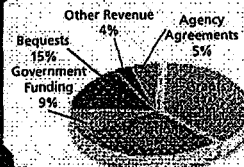
For the 12-month period ending December 2011

	2012	2011
<b>Revenue:</b>		
Grants	\$473,675	\$455,131
Donations	\$366,915	\$332,972
Government Funding	\$118,552	\$118,985
Bequests	\$195,348	\$2,612
Other Revenue	\$44,003	\$80,595
Activities carried out under Agency Agreements	\$66,963	\$89,459
<b>Total Revenue</b>	<b>\$1,265,456</b>	<b>1,079,754</b>
<b>Expenditures:</b>		
Operations	\$113,221	151,001
Development & Supporter Engagement*	\$311,948	282,181
Conservation Programs*	\$381,722	329,899
Education*	\$211,812	188,756
Local Groups*	\$21,489	17,283
Activities carried out under Agency Agreements	\$66,963	\$89,459
<b>Total Expenses</b>	<b>\$1,107,155</b>	<b>1,056,580</b>
<b>Excess (deficiency) of revenue over expenses</b>	<b>\$158,301</b>	<b>\$23,174</b>

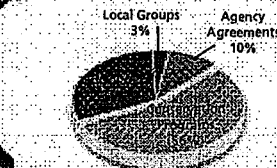
\*Includes Communications

The vast majority of Sierra Club BC's funding comes from Canadian sources, including foundations, community businesses, and many, many people like you.

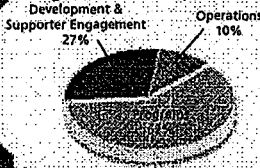
## Sources of Support



## Program Expenditures



## Organizational Expenditures



## Thank you to our 2012 funders!

Sierra Club BC would like to express special appreciation for the lasting commitment to conservation through the following bequests in 2012:

Herbert Buchanan  
Harold De Vries

### Corporate Sponsors

Banquet Island, Georgia  
Accent Inns  
Bill Hatley Insurance Services  
Nature Fare Markets  
Red Soup  
Fidelity Investments  
Gondor Properties  
Landmark

Alison Chance Wildlife Society

Bartel Foundation

Be Social Venture Partners

Foundation

Bernard Foundation Inc

Burnaby Community Centre

Canadian Forest Industry

Canadian Environmental Science

Centre

CKW Wildlife Fund

Conservation Alliance

Dave and Della Packard

Foundation

Gaming 502 Multi-Use Public

Safety and Security General

Foundation

Goldend and Barry Moore

Foundation

Grange St. Louis Community

Foundation

Hampden Foundation

Health Science Association of British

Columbia

Wildlife and Conservation Society

Research Council of Canada

Wildlife Foundation

North Gower Foundation

Prabhu Foundation

Reynolds Foundation Inc

Sandra Jackson Foundation

Service Canada

Sky Foundation

Northlands of the Environment

Foundation

United Nations Foundation

United Nations Foundation

United Nations Foundation

United Nations Foundation

United Nations Foundation

United Nations Foundation

OUR SUPPORTERS • 15



SIERRA  
CLUB  
BC

304-733 Johnson St.  
Victoria, BC V8W 3C7

250-386-5255 | [www.sierraclub.bc.ca](http://www.sierraclub.bc.ca) | [info@sierraclub.bc.ca](mailto:info@sierraclub.bc.ca)

Registered Charity No. 11914 9797 RR0001

*Page backgrounds created with photos by:*

Page 2 - Jaline Rojo; Page 3 - Caitlyn Vernon; Page 4 - Andrew S. Wright; Page 5 - Paula Steele; Page 6 - Jens Wieting; Page 7 - Rikki MacCulloch; Page 8 - Kieran Dowling; Page 9 - Kay Jasinski; Page 10 - Brad Foster; Page 11 - Shannon Arnold; Page 12 - Andrew Toft, ILCP; Page 13 - Nori Sinclair; Page 14 - Jaime Rojo; Page 14 - Andrew S. Wright.

# TAB

---

# 41



# SIERRA CLUB BC

**2013**

**Annual Report**

## MESSAGE FROM THE EXECUTIVE DIRECTOR

Last fall, I accepted the role of executive director of Sierra Club BC with great pleasure. In turn, I was thrilled to find the enthusiasm and commitment from the staff for which Sierra Club BC has always been renowned.

And boy do we need it! At this time in B.C., we find ourselves facing federal and provincial governments with overwhelming pro-oil and gas agendas. In 2013, the joint review panel hearing on Enbridge Northern Gateway made the disappointing, but unsurprising, recommendation that the project proceed. (Though this is far from a done deal.)

Kinder Morgan officially filed an application for their new pipeline and tankers proposal. The provincial government is vehemently pushing a massive expansion of fracking and LNG. All this when our governments should be taking immediate action to reduce emissions and combat global warming.

Sierra Club BC is well-placed to tackle these challenges head-on. In 2013, when I came on board, we launched a strategic review process. Working together with board and staff, we established our direction, set priorities, and strategized about how to most effectively focus our efforts.

Thanks to your ongoing support for our work, 2013 was also a year of successes for the organization. We made positive headway with the Flathead River Valley, Quadra Parks and Great Bear Rainforest campaigns.

We mobilized diverse voices to speak out against pipeline and tanker proposals.

We launched a court challenge over water use and fracking in B.C. against the BC Oil and Gas Commission, in coalition with other groups.

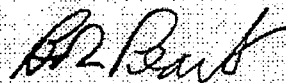
We worked hard to build alliances with First Nations, labour unions, other environmental organizations and industry in order to achieve our goals.

We continued to support our dedicated local groups, and other grassroots organizations, encouraging people to speak out and get involved in their communities.

A life-long environmentalist, I have been very involved with the "child in nature movement" over the years. One of the things that has always drawn me to Sierra Club BC is their education program, running for 15 years now. In 2013, we launched the Youth Environmental Leadership Program and supported the organizers of the first ever PowerShift BC, a youth climate justice event.

In closing, I want to acknowledge previous executive directors Sarah Cox and George Heyman and thank them for their years of service to Sierra Club BC.

These are difficult times for the environment on which we all depend for our health. Being a part of Sierra Club BC fills me with hope as we find ways to rise to these challenges. We thank you for all your support, past and ongoing.

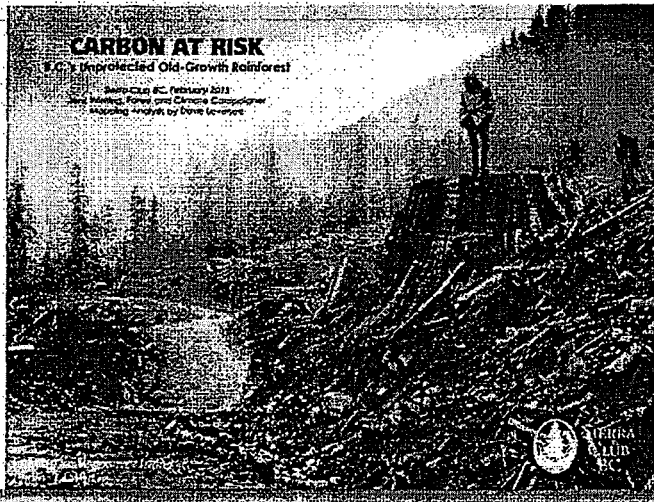


Cover photo: Travis McLachlan



## GREAT BEAR RAINFOREST & FORESTS

After three years of negotiations, Sierra Club BC and our allies reached an agreement in 2013 with a group of major logging companies on recommendations for implementing the final step of the Great Bear Rainforest Agreements. The recommendations, delivered to the province and First Nations in January, 2014, outline an increase of the rainforest area off limits to logging by approximately 500,000 hectares and limit the scope of future logging along B.C.'s central and north coast.



Sierra Club BC issued a report, *Carbon at Risk: B.C.'s Unprotected Old Growth Rainforest*, revealing that old growth logging in southwest B.C. releases approximately three million tonnes of carbon dioxide into the atmosphere per year. The report's findings – which showed that because of old-growth logging B.C.'s forests emit more carbon than they sequester – were covered across major B.C. media outlets.

Andrew S. Wright



## EDUCATION AND YOUTH PROGRAMS



In 2013, Sierra Club BC proudly celebrated 15 years of delivering quality environmental education in B.C. classrooms, reaching over 4,500 students in 14 school districts across B.C.

In September, Sierra Club BC's education team launched the Youth Environmental Leadership Program (YELP) in Victoria. YELP, which emerged from our Sustainable High Schools program, fosters youth leadership skills and civic engagement through advocacy-based activities, workshops, events, habitat restoration and camp-outs.



We were part of the core organizing team for PowerShift BC, an event which attracted over 1,000 youth engaged in climate justice issues.

Sierra Club BC's education team helped lead the organizing and planning committee for the annual Canadian Network of Environmental Educators and Communicators conference in June, 2013.



## FLATHEAD RIVER VALLEY

The campaign to protect the Flathead River Valley made notable headway in 2013. Not only did mining giant Teck Resources set aside three parcels of land in the southeast corner of the province for conservation, the federal government also announced that portions of the Dominion Coal Blocks within the Flathead Valley would be exempted from a planned sale of federal lands.

We continue to advocate for a national park in the southeastern third of the Flathead, as well as a Wildlife Management Area in the rest of the valley, to protect the rich valley environment and the associated at-risk species.



The 2013 Flathead BioBlitz, organized by Sierra Club BC and our Flathead Wild coalition partners, was a huge success. Approximately 25 biologists and citizen birders, (more than double the size of the 2012 team) headed out in June to document the diversity of species in the Flathead.

Greg Ross



## TANKERS AND PIPELINES

2013 was a big year on the tankers and pipelines front. In the face of the ongoing muzzling of scientists, gutting of environmental laws, and undermining of public democratic participation, we successfully mobilized increasing numbers of British Columbians to raise their voices against Enbridge's Northern Gateway and Kinder Morgan's Trans Mountain pipeline and tanker proposals.

We supported people who applied to speak to the Enbridge Joint Review Panel, sharing their stories with media and the general public. We organized rallies and events outside the hearings in Terrace, Victoria and Vancouver, and helped organize a national day of action against pipelines and climate change, with a large rally in Victoria.



We continued our court case against the federal government for unlawfully delaying the recovery strategies for species-at-risk along the proposed Enbridge route.

When the JRP recommended in favour of Enbridge, we launched #SolidarityBC, an online letter-writing campaign which resulted in hundreds of personalized letters of support sent to First Nations and northern communities on the frontlines.

Cristina Mittermeier, ILCP

## TANKERS AND PIPELINES

To raise awareness and build opposition in anticipation of the Kinder Morgan proposal, we organized highly successful town hall events on Salt Spring Island and in Victoria. We also produced "Thief Behind the Mask", a video about climate and pipelines featuring CR Avery that has over 8,500 views online.

In November 2013, Sierra Club BC, together with other organizations, launched a court case against the BC Oil and Gas Commission for allowing oil and gas companies to withdraw vast quantities of fresh water from lakes, rivers and streams for fracking and drilling operations, in violation of the *Water Act*.



To support sustainable livelihoods for B.C. communities, we participated in Green Jobs BC, an alliance between labour and environmental organizations promoting an alternative green jobs plan.



Garth Lenz

©www.garthlenz.com

## SEAFOOD AND OCEANS

On behalf of SeaChoice, Sierra Club BC filed submissions to the Minister of Fisheries and Oceans recommending that the findings of the Cohen Commission (an inquiry into declining sockeye salmon stocks in the Fraser River) be applied to other wild salmon species, and that the policy written for new forage fisheries be extended to existing fisheries to recognize their critical role in the food chain of many predator species.



André Holmnet

We worked closely with SeaChoice to keep B.C. farmed salmon on the "avoid" list. While there have been improvements to the salmon farming industry, there are still concerns, including the use of pesticides and antibiotics.

  
**SeaChoice.org**  
for healthy oceans

Thomas Pestchak, ILCP

## SITE C

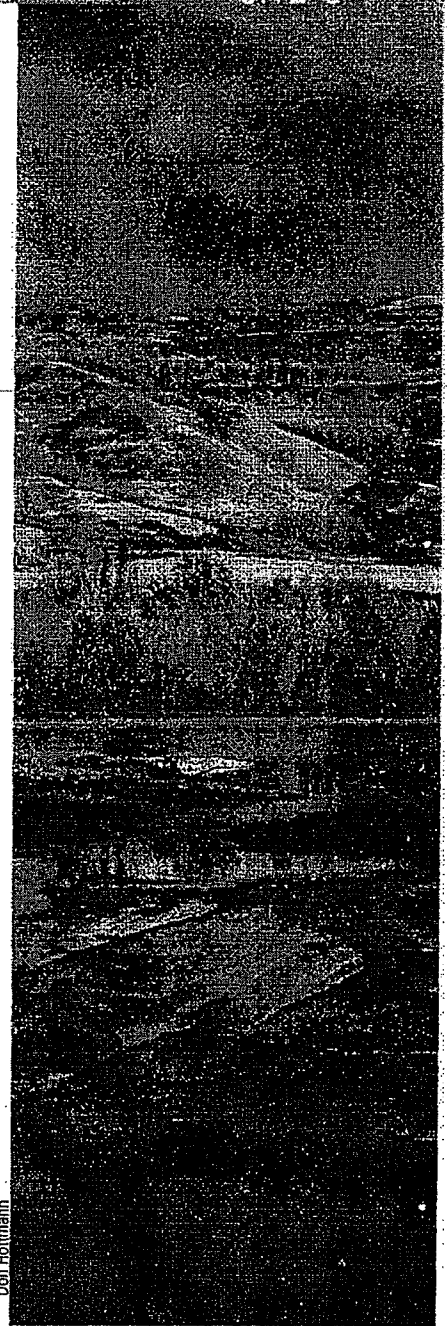
The proposed Site C dam on the Peace River in northeastern B.C. would flood some of B.C.'s best farmland and disrupt a vital wildlife corridor, all in the service of the climate- and water-polluting LNG industry. Due to the project's remote location, many British Columbians are unaware of the dam's impacts on food security, farm families, First Nations, and wildlife.



Sarah Cox

Sierra Club BC teamed up with Yellowstone to Yukon Initiative and Peace Valley Environment Association to raise awareness and mobilize opposition. Our efforts paid off when over 28,000 letters were sent to the federal and provincial governments, and mainstream media began to question the need for such a costly and destructive project.

Don Hoffmann



## LOCAL GROUPS



Dayn Craig

Sierra Comox Valley and Coalwatch Comox Valley celebrated a major milestone in the fight against a proposed coal mine in the heart of B.C.'s shellfish-growing region. Compliance Energy's Raven mine proposal was rejected by regulators for lack of consultation with First Nations, and for failing to address concerns regarding impacts on drinking water and air quality. Sierra Comox Valley played a huge role in bringing forward potential watershed impacts in the environmental review process. Over the past two years, they have pored over thousands of pages of documents, commissioned expert studies, talked to their neighbours, engaged in street theatre and organised letter-writing events.

Sierra Club BC's local groups are organizing at the grassroots level on issues in their communities.



Dayn Craig, Sierra Prince George

The expanding network of Sierra local groups across B.C. was strengthened by the addition of a new group in Prince George. Sierra Prince George adds another environmental voice for northern B.C. through nature outings and public education.

Sierra Nanaimo hosted movie nights focused on the threat of pipelines and tankers, and gathered together a coalition of diverse groups to oppose the proposed location of Metro Vancouver's new waste-to-energy incinerator at Duke Point.



## LOCAL GROUPS

Sierra Okanagan Valley engaged local government and other stakeholders in the Okanagan Valley toward an important restoration project – construction of a trail along Lower BX Creek in Vernon.

Sierra Malaspina in Powell River and Sierra Lower Mainland spoke against the expansion of B.C.'s coastal coal corridor – from Fraser Surrey Docks to the deep-sea coal port on Texada Island.

Sierra Victoria presented to the regional district and garnered media coverage as part of a grassroots push to retain the ban on biosolids on public land in the Capital Regional District.

With dogged persistence, Sierra Quadra kept the acquisition of the “Heart of Quadra Parks” alive in the media and with the B.C. government. (Spoiler alert: the park deal was finalized in March, 2014.)



Ralph Keller

Ian McAllister, ILCP



## VOLUNTEERS



We couldn't do it without volunteers!

Volunteers have been instrumental in helping to promote and plan events, and participating in outreach activities like tabling at festivals and farmers' markets.

In November, the volunteer team took on a big share of the organizing for No Tankers! No Pipelines!, a national day of climate action event, pulling together an inspiring rally at Clover Point in Victoria.

In 2013, two dedicated volunteers travelled from Victoria to the remote Flathead River Valley to help out during the BioBlitz.

The volunteer team does more than volunteer – they're an inspiring group of change-makers.



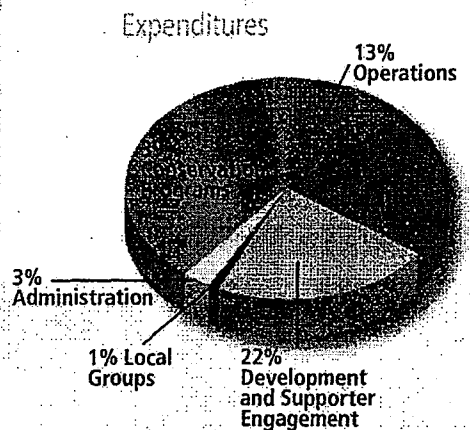
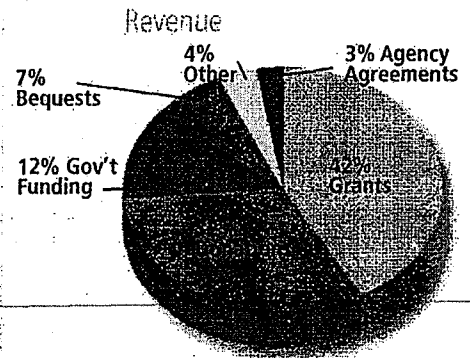


# STATEMENT OF OPERATIONS

For the 12-month period ending December 2013

	2013	2012
<b>Revenues</b>		
Grants	\$413,364	\$473,675
Donations	\$319,768	\$366,915
Government Funding	\$119,132	\$118,552
Bequests	\$75,262	\$195,348
Other Revenue	\$36,842	\$44,003
Activities Carried Out Under Agency Agreement	\$27,334	\$66,963
<b>Total Revenue</b>	<b>\$991,702</b>	<b>\$1,265,456</b>
<b>Expenditures</b>		
Operations	\$139,722	\$113,221
Development & Supporter Engagement	\$229,218	\$311,948
Conservation Programs	\$402,490	\$381,722
Education	\$229,407	\$211,812
Local Groups	\$10,120	\$21,489
Administrative costs	\$26,476	\$66,963
<b>Total Expenses</b>	<b>\$1,037,433</b>	<b>\$1,107,155</b>
<b>Net Profit</b>	<b>-\$45,731</b>	<b>\$158,301</b>

The vast majority of Sierra Club BC's funding comes from Canadian sources, including foundations, community businesses, and many, many people like you.



## STAFF AND BOARD

### Current Sierra Club BC Staff

Bob Peart, Executive Director  
 Caitlyn Vernon, Campaigns Director  
 Tim Pearson, Communications Director  
 Kieran Dowling, Education Program Manager  
 Michelle Johnson, Major and Corporate Gifts Manager  
 Galen Armstrong, Outreach Coordinator  
 Lynn Bakken, Office Administrator  
 Meg Banavage, Education Program Coordinator  
 Dr. Colin Campbell, Science Advisor and Marine Campaign Coordinator  
 Susan Elrington, Individual Giving Steward  
 Chris Fretwell, Youth Engagement Coordinator  
 Anna Kemp, Communications Associate  
 Dave Leverage, GIS Mapper  
 Rikki MacCuish, Multimedia Communications Specialist  
 Lynn Mathieson, Chartered Accountant  
 Kim McCrory, Environmental Educator  
 Amy Mitchell, Grants Coordinator  
 Ana Simeon, Community Engagement Coordinator  
 Jens Wieting, Forest & Climate Campaigner  
 Maureen Yao, Bookkeeper

*Happy trails to Sarah Cox, Susan Howatt, Laura Milne, Nori Sinclair, Kristen Evers and Lindsay Fraser and Zuzanna Szekularek!*

### Sierra Club of British Columbia Foundation Board of Directors

Doug McArthur, Chair  
 Robert Mitchell, Vice-Chair  
 Shirley Franklin, Treasurer  
 Rahmani Saleem, Secretary  
 Jackie Larken, Member at Large  
 Patricia Lane, Member at Large  
 Gail Riddell, Member at Large  
 Tim Thielmann, Member at Large  
 Stan Tomandl, Member at Large  
 Bob Peart, Executive Director, Staff

### Local Group Representatives

Victoria Group: Caspar Davis & Patricia Molchan  
 Quadra Island Group: Geraldine Kenny & Susan Westren  
 Malaspina Group: Betty Zaikow  
 Comox Valley Group: Mike Bell & Peggy Zimmerman  
 Lower Mainland Group: Elaina Konoby-Sinclair  
 Nanaimo Group: Carla Stein  
 Okanagan Group: Brad Foster  
 Prince George Group: Dayn Craig



## THANK YOU TO OUR 2013 FUNDERS

### Corporate sponsors

Telus Community Engagement (Vancouver)  
Nature's Fare  
Fidelity Investments Canada ULC  
Bluewater Adventures  
Bill Hartley Insurance  
BC Hydro  
Accent Inns  
A.S.T.C. Science World Society  
Agenda Office Interiors (in kind)

### Bequests

Estate of Douglas Gordon Marsden  
Anna Marie Vandenbosch  
Herbert Buchanan  
John and Wenche Hemphill  
Anna Murray

### Funders

A.S.T.C Science World Society  
Ball Family Foundation Fund  
Barthel Foundation  
B.C. Social Ventures Partners  
Brainerd Foundation  
Canadian Boreal Initiative  
David and Lucille Packard Foundation  
Edmonton Community Foundation  
Gaming - BC Ministry of Public Safety and Solicitor General  
Gordon and Betty Moore Foundation  
Laura L. Tiberti Charitable Foundation  
Learning for a Sustainable Future

Natural Sciences and Engineering Research Council of Canada  
New Venture Fund  
North Growth Foundation  
Patagonia Foundation  
Sitka Foundation  
Real Estate Foundation of BC  
Tides Canada  
Vancity  
Vancouver Foundation  
Victoria Foundation  
Wilburforce Foundation  
Yellowstone to Yukon Conservation Initiative



The symbol has been printed on recycled paper.

Lynn Mahison





# SIERRA CLUB BC

301-2994 Douglas Street  
Victoria, B.C. V8T 4N4

Registered charity number: 119149797 RR0001

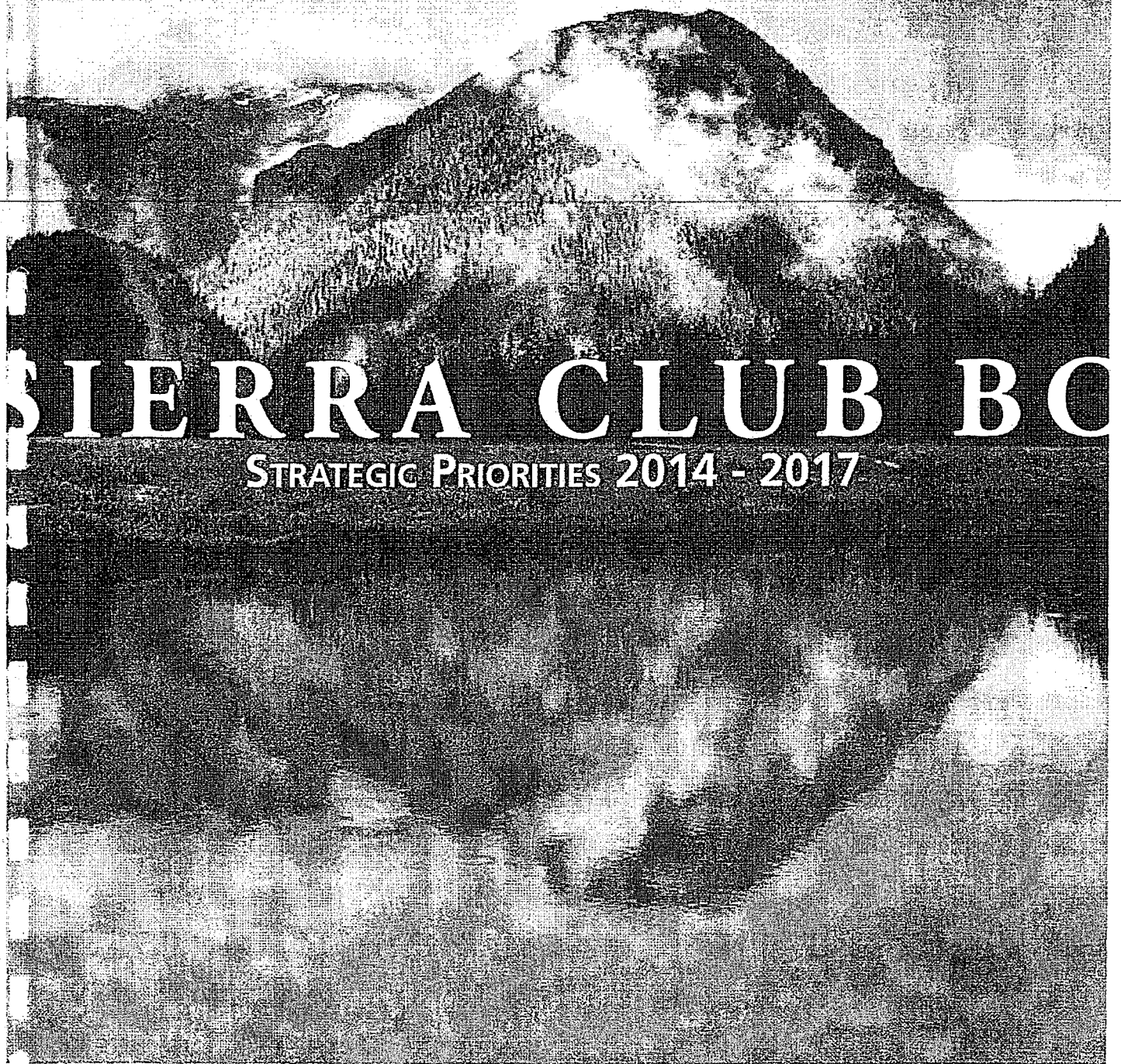
[www.sierraclub.bc.ca](http://www.sierraclub.bc.ca)

# TAB

---

# 42





# SIERRA CLUB BO

STRATEGIC PRIORITIES 2014 - 2017



SIERRA  
CLUB  
BC

One Earth • One Chance

*Friends,*

*Recently, Sierra Club BC's Board and Staff completed a strategic review of the organization to realign our priorities with the challenges and*

*opportunities facing British Columbia today. This document reflects that realignment, especially in the context of the increasing urgency of climate change and the multiple threats to B.C.'s biodiversity and the health of our communities. We hope you will see in our approach a reflection of your values and aspirations, and that you will support Sierra Club BC's efforts. Together we can make a difference.*

*Doug McArthur, Chair*

*Bob Peart, Executive Director*



## OUR VISION

An ecologically sustainable province which integrates human and economic activity, while conserving the province's wilderness and biodiversity values.

## OUR MISSION

To protect, conserve, and educate the public about, B.C.'s wilderness, species and ecosystems, within the urgent context of climate change impacts.

## OUR VALUES

- We are guided by science and use big picture thinking to connect the issues.
- We believe it is essential to transition to a low carbon economy as soon as possible and to protect B.C.'s biodiversity for our future through place-based, large landscape conservation.
- We work collaboratively with communities, youth, First Nations, workers, government, businesses and other NGOs.
- We believe strong, sustainable communities are ones whose citizens are engaged and empowered to participate in decisions that affect them.
- We believe nature education and encouraging a love of nature in children and youth are essential for a sustainable future.
- We approach all our work with integrity, honesty and accountability.
- We believe our own work and spirit are sustained and strengthened by connecting with nature whenever possible.

Cover Photo: Great Bear Rainforest, Florian Schulz, iLCP



# OUR HISTORY & ACHIEVEMENTS

Sierra Club BC was formed in 1969. Throughout our history we have been at the forefront of protecting B.C.'s special places, including Clayoquot Sound, South Moresby, the Khutzeymateen and Carmanah Valley. More recently, our work helped secure a ban on mining and oil and gas development in the wildlife-rich Flathead River Valley.

We had a leadership role in achieving the historic Great Bear Rainforest agreements in 2006, which included legislation of protected areas totaling half the size of Switzerland, \$120 million in funding for First Nations communities to help kick-start a new conservation economy, and the introduction of stricter logging regulation outside protected areas.

In 2007, our climate change campaign played a key role in pressuring the B.C. government to adopt ambitious targets for carbon emission reductions, including the introduction of the first carbon tax in North America.

We have a longstanding tradition of providing quality nature education for young children both within and outside B.C.'s school system.

Over the years Sierra Club BC has fought and won a number of critical court cases against various governments. Most recently, a federal court ruled that federal ministers broke the law by delaying the development of recovery strategies for four at-risk species, as mandated by the Species at Risk Act.

Clayoquot Sound, Torino Photography

# FOR THE LOVE OF NATURE

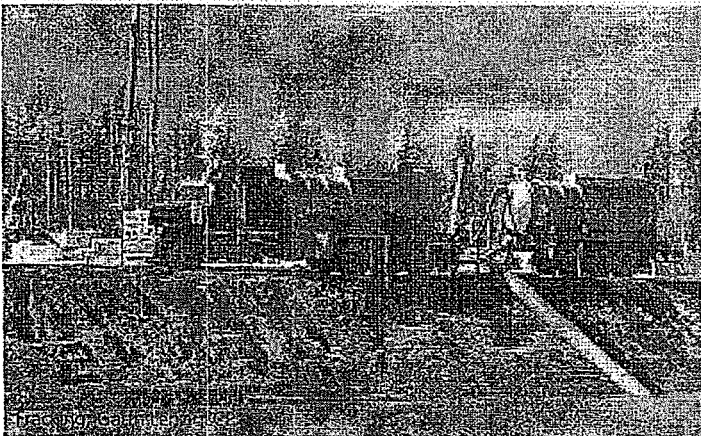
What kind of future do we want for ourselves, our children and our grandchildren?

The choice has never been starker or more urgent. We can accept business as usual and the prospect of runaway climate change that will threaten our economy, our health, and the health of our ecosystems. Or we can make changes now that will help head off the worst climate change scenarios, allow us to adapt and to build a prosperous, low carbon economy along with healthy communities and ecosystems.

Powerful business forces are determined to exploit the tar sands, natural gas and other natural resources as quickly as possible for maximum profit. They are doing this despite resounding scientific evidence that their actions will accelerate climate change. Pro-development forces are also undermining our democratic institutions and processes, marginalizing other viewpoints and denying citizens a voice in their collective future.

Against this backdrop, Sierra Club BC is equally determined to demonstrate that positive change can be achieved through the actions of engaged, mobilized citizens. We will offer a hopeful, positive vision of what British Columbia can become if we turn away from fossil fuels and embrace a clean energy, low carbon future.

In the end, no matter which part of B.C. we live in, we all depend on clean air, land and water. A healthy environment is the basis for the stable, healthy economies and communities in which we live our lives.



*"Unless we preserve the rest of life, as a sacred duty, we will be endangering ourselves by destroying the home in which we evolved, and on which we completely depend."*

*— E.O. Wilson*

# OUR GOALS

## INSPIRE PEOPLE TO VALUE NATURE & ACT TO PROTECT IT

It is essential that we inspire and empower communities, children and especially youth to connect with, love and protect nature. We will support people to get involved and take charge of the future of the wild spaces and ecosystems they value.

We are most likely to achieve success in conserving and protecting B.C.'s special places when individual citizens, grassroots organizations and communities come together to stand up for what they value.

Sierra Club BC will be the catalyst to inspire a new generation of citizen activists to oppose reckless fossil fuel exploitation and the destruction of B.C.'s wild places, protect B.C.'s biodiversity and our climate, and bring about a sustainable, just economy.

A key way to catalyze positive citizen engagement is by encouraging people to reconnect with nature and the wild spaces they care about and that inspire them. We believe passionately that our society's lack of connection with the natural world is a major contributing factor to a sense of despair and pessimism that prevents people from taking control of and shaping the world they want to live in.

We will balance realism with hope, to inspire an understanding that our efforts can make a difference.

### OUR WORK

- Mobilize youth, through our Youth Environmental Leadership Program (YELP) and youth conservation corps, by offering conservation and campaign training to youth groups throughout B.C.
- Provide nature education for young children, within classrooms and in outdoor settings.
- Lead summer camps for young children, for their education & enjoyment, and to help provide a diversified funding base to our organization.
- Support Sierra Club BC local groups, and other grassroots community groups, to take action in support of our campaigns and on key issues of local concern.



# TRANSITION TO A LOW CARBON ECONOMY

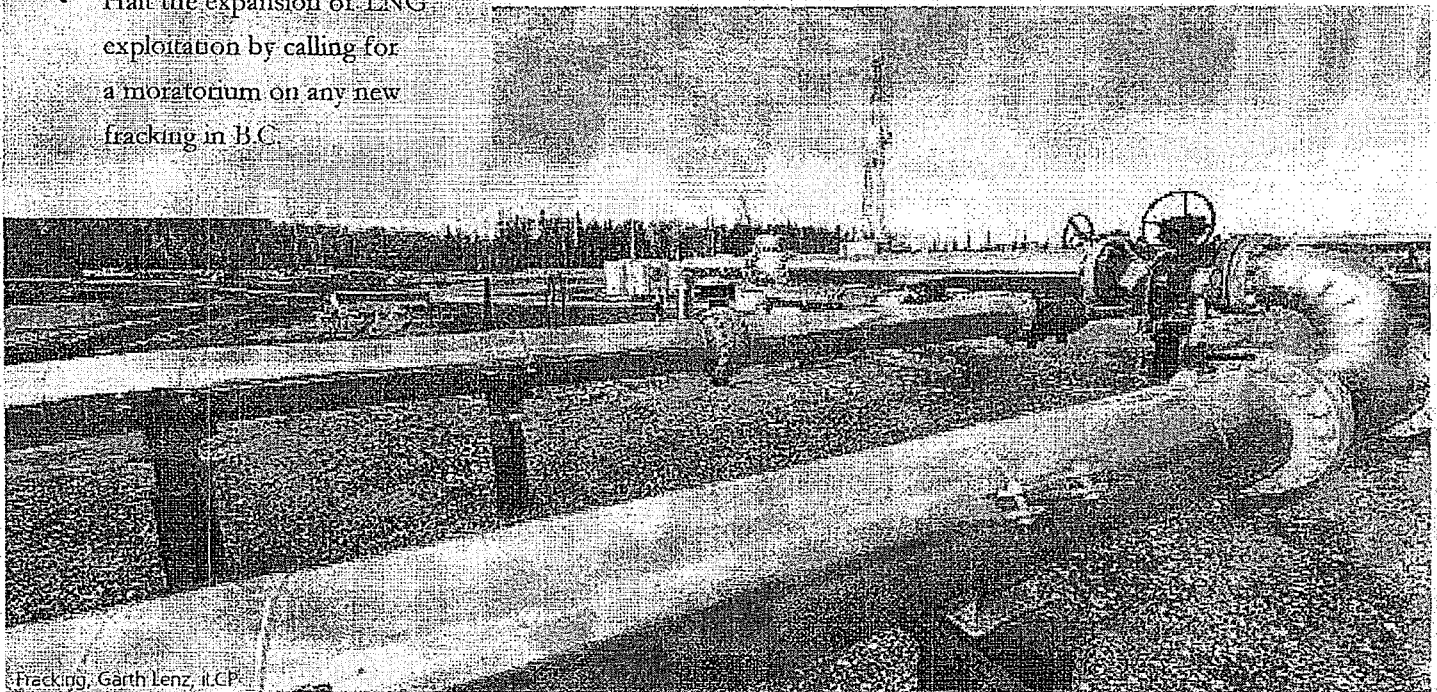
## OUR WORK

- Stop both the Enbridge Northern Gateway and the Kinder Morgan Trans Mountain pipelines.
- Keep oil tankers off the coast.
- Build a sustainable B.C. economy through Green Jobs BC, an alliance of environmental and labour groups.
- Halt the expansion of LNG exploitation by calling for a moratorium on any new fracking in B.C.

To successfully tackle climate change we must shift rapidly towards a clean energy, low carbon future. Sierra Club BC is developing a province-wide conservation and energy vision to guide the province away from our dependence on fossil fuels and towards a sustainable green economy for B.C.

To reduce emissions we must stop new fossil fuel infrastructure projects, conserve terrestrial, freshwater and coastal ecosystems, adopt clean energy sources, and support a transition for workers and communities towards sustainable livelihoods.

The short-sighted, destructive rush to exploit Alberta's tar sands and B.C.'s natural gas deposits is reckless and irresponsible in the face of climate change. Both must be stopped and investment shifted to green technologies and jobs.

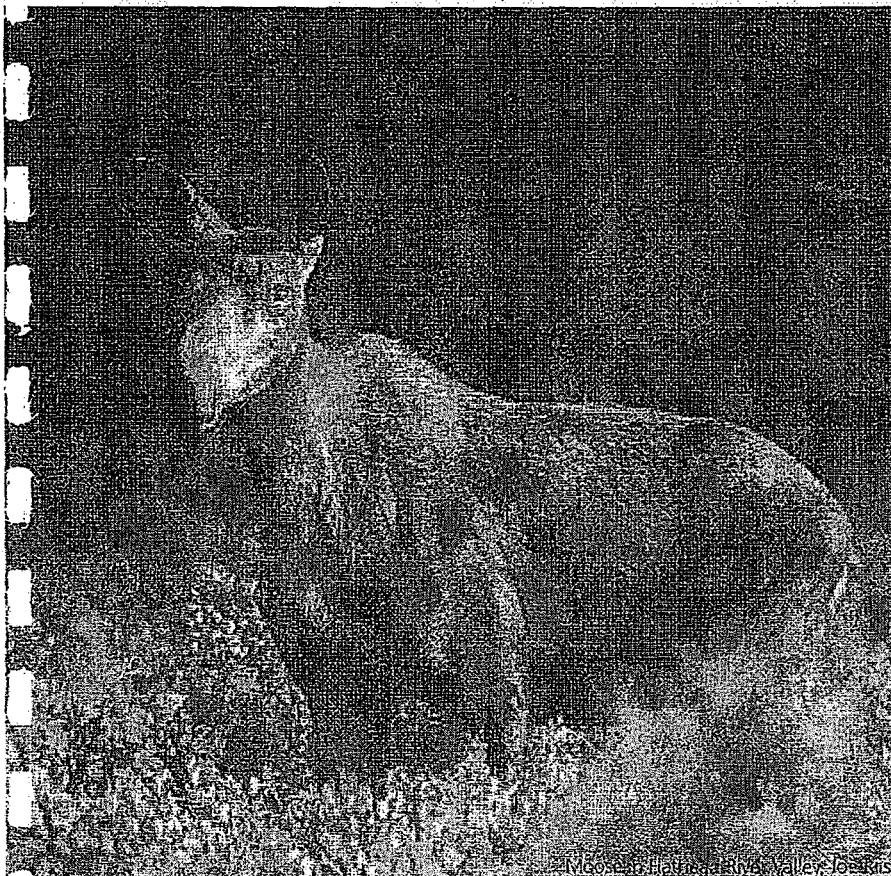


Fracking, Garth Lenz, iLCP

# CONSERVE PROTECT BC'S WILD SPECIAL PLACES

Sierra Club BC is one of the leading place-based conservation advocacy organizations in B.C.

Most of B.C. is public land, to be managed by the province, subject to Aboriginal title and rights, for the benefit of all British Columbians. These lands and waters should be the base from which future generations can sustain and plan their life and future with certainty. Instead they are increasingly being managed for short-term profit, with numerous threats arising from a dizzying array of proposed industrial developments.



## OUR WORK

- Continue to campaign for protection of three of B.C.'s most iconic wild places ensuring these long-standing, hard-fought campaigns are seen through to the end:
  - the Great Bear Rainforest;
  - Clayoquot Sound;
  - Flathead River Valley.
- Pursue new place-based conservation campaigns, such as improving forest management, stopping the Site C hydroelectric project and Taseko mine, achieving new protected areas and/or climate-related conservation areas. Any new campaigns will be informed by the particular degree of ecological risk in each location, First Nations and local community support, our ability to galvanize broad-based public involvement and the likelihood of achieving our goals.

# WORKING TOGETHER

The threats to B.C.'s wild spaces and ecosystems are multiplying. Sierra Club BC understands that to be strategic and effective, we cannot respond to every issue. We need to be focused, and we will be.

We believe it is essential to bring a traditional place-based conservation approach together with our campaigns to stop pipelines and promote clean energy, all within the urgent context of climate change.

It is within this nexus that we can build a compelling story about where we are now and where we need to be.

We will continue with place-based campaigns. They are ecologically important and effective at mobilizing people to action.

We will continue to take a science- and evidence-based approach to all our activities.

We will continue to work collaboratively with workers, First Nations, community groups, other NGOs, as well as businesses and governments wherever possible. We will also be active in government relations and ensure that these lines of communication remain open and productive.

We will expand our efforts to engage, inspire





# TO ACHIEVE CHANGE

and train youth to be at the front lines of bringing about a low carbon, clean energy future.

We will mobilize pressure on governments by facilitating grassroots organizing and action, by generating media coverage, and by bringing science-based evidence to bear on public debate. We will work with our partners to build a "wall of noise" that governments and decision-makers cannot ignore.

We will build stable, long-term funding to sustain our activities, build our capacity

and help us achieve results. We will become a more donor-centric organization, continually listening to our supporters and demonstrating the results of their generosity and commitment.

Throughout all, we will reframe the debate by shifting towards a more positive approach that says "yes" to an alternative vision of our future, a vision that British Columbians can see themselves a part of and in which they can prosper and live healthy, fulfilling lives.





SIERRA  
CLUB  
BC

For more information, please contact:

Michelle Johnson

250-386-5255 ext. 250

301-2994 Douglas Street

Victoria, B.C. V8T 4N4

Registered charity number: 119149797 RR0001

[www.sierraclub.bc.ca](http://www.sierraclub.bc.ca)



---

**TAB**

**43**

## Joint Review Panel Oral Statements Q&A

### OVERVIEW

#### What is the Joint Review Panel?

The Joint Review Panel (JRP) is a three person panel appointed by the federal government to review the Enbridge Northern Gateway proposal. They are considered a "joint" review panel because they must review the project application under both the *Canadian Environmental Assessment Act* and the *National Energy Board Act*.

The Panel's job is to consider the issues set out in the Joint Review Panel Agreement, and to specifically,

- Examine the environmental effects of the project;
- Consider technically and economically feasible measures to mitigate negative environmental effects;
- Consider comments from the public and Aboriginal peoples that are received during the review;
- Provide various ways in which interested organizations and people including members of the public and Aboriginal groups may participate the hearing process; and
- Submit a final environmental assessment report with recommendations about the project to the federal government.

Once the review is complete, the Panel will make a recommendation to Cabinet about whether to approve the project or not.

#### When is the JRP expected to make its final decision?

The JRP has until December 31, 2013 to send its report containing recommendations to Cabinet. Cabinet will have 180 days to make a decision. If the project is approved, the National Energy Board (NEB) will have 7 days after receiving the decision to issue a Certificate of Public Convenience and Necessity. Therefore, a final decision is expected in mid-2014.

#### Will the Panel review just the pipeline or both the pipeline and the tankers?

The Panel must look at issues regarding both the pipeline and the tankers.

#### Will the Panel take climate change or the tar sands into account?

No. The Panel decided to reject broad consideration of these issues, despite being asked to consider them by First Nations, community and conservation groups, and individuals.

*Greenhouse gas emissions and climate change:* It does not appear that the Panel will expand the consideration of greenhouse gas emissions and climate change impacts of the project beyond the



Healthy Oceans. Healthy Communities.



SIERRA  
CLUB  
BC



emissions directly caused by the construction and operation of the pipeline. It will only consider federal policy on greenhouse gas emissions and international commitments as they relate specifically to the project's direct environmental effects, which means it will not examine broader climate change implications of the related tar sands production or oil consumption. The Panel will not consider the impact of the project on Canada's ability to meet its greenhouse gas reduction commitments. The Panel also does not say that it will consider the impact of the project and wilderness fragmentation on climate change adaptation.

*Tar sands development impacts:* The Panel will not consider impacts of "upstream" tar sands development. The Panel states that tar sands impacts are a provincial responsibility, and it wishes to avoid unnecessary duplication caused by examining them. In addition, the Panel states, "we do not consider that there is a sufficiently direct connection between the Project and any particular existing or proposed oil sands development, or other oil production activities, to warrant consideration of the environmental effects of such activities as part of our assessment of the Project," since this is a project to transport oil, not to extract oil, and the oil could come from any number of locations in Alberta. The Panel states that unless tar sands environmental impacts somehow enter into its cumulative effects analysis, it will not consider them; given the Panel's finding that there is no direct connection with oil production, this is unlikely.

**Recent statements from the federal government make it sound like this project is a done deal. Is this true?**

Until the 2012 federal Budget Bill, C-38, was passed into law by Parliament, the Joint Review Panel had the final say on whether or not to approve the pipeline. It had a mandate to make the decision as an independent, quasi-judicial body similar to a court of law. The Panel has affirmed that it will make its recommendation based on evidence presented during the review process and will not consider or respond to information reported in the press or elsewhere that is not on that record.

However, the federal government has now changed the law to give the Cabinet – that is, the Prime Minister and his cabinet ministers – the final say on whether the pipeline will be approved. The Joint Review Panel can now only *recommend* to Cabinet whether or not the project should be approved, and what conditions should be placed on such an approval. The Panel's recommendation will come at the end of its review process, and Cabinet will make a decision after that. Although Cabinet will take the Panel's report and recommendations into consideration, it has the final say and does not have to abide by those recommendations. Cabinet may consider any factors that it chooses to, including political factors, in deciding whether to approve the pipeline and whether the pipeline is, in its opinion, in Canada's national interest. The federal government has already declared that it believes that having pipelines to the Pacific Coast in order to export oil to Asia is in Canada's national interest. While originally this decision was to be made in an independent and impartial manner, now it appears that the decision will be politically motivated.

**If the panel recommends against approving the pipeline and tankers, can the federal government still approve the project?**

Yes. See above.

## Joint Review Panel Oral Statements Q&A

**Should I participate in the JRP process even though the federal government has changed the rules to give itself the final say, and has taken that authority away from the JRP?**

Yes, absolutely! The JRP has requested that people come forward to share their views and concerns about the project. We must all have a say in proposals that threaten our lands and waters. This is especially true for First Nations in B.C. whose lands have never been ceded by treaty or conquest and First Nations in Northeastern B.C. and Alberta who have signed treaties. We all have a right to say "no" and to decide whether this project should go ahead or not. The JRP process provides a forum to voice our concerns and our opposition. It is also a forum to assert the authority of local communities, First Nations and all British Columbians to make this decision.

**Will the panel listen to my concerns or are they only looking for expert opinion?**

The Panel has a duty to consider comments from the public and First Nations that are received during the review. Giving an oral statement at a community hearing is an opportunity to provide your personal knowledge, concerns or views about the project in your own words. You do not have to be an expert. You can choose to include facts and arguments in your presentation, make a heartfelt pitch, or do both. Your message can be as simple as "I do not want this project." It will still be considered.

The Panel says that it will listen to what everybody has to say. In practice, expert evidence and oral evidence that may be cross-examined (or tested through questioning) in a courtroom style – as opposed to individual oral statements that won't be cross-examined – may be given more weight by the Panel.

**What is the difference between the technical hearings this fall and the community hearings that are starting in January 2013?**

One portion of the JRP hearings is for INTERVENORS - First Nations, governments and other organizations that have registered to provide expert written evidence. Starting in January 2012 these intervenors presented their *oral evidence*, similar to court proceedings. The technical hearings this fall have been a chance for Enbridge to cross-examine the evidence put forward by the intervenors, and vice versa. Another portion of the hearings is for INDIVIDUALS like you to speak your mind to the Joint Review Panel in a 10-minute *oral statement*. These community hearings were held along the proposed route during spring and summer of 2012, and will begin for Southern B.C. communities in January 2013. After the community hearings conclude, the cross-examination of intervenors will continue through the spring of 2013 and then intervenors will present their final arguments to the Panel in the fall of 2013.

### LOGISTICS/TIMING / WHAT TO EXPECT

**Where can I find information from the Joint Review Panel on what to expect?**

**Procedural Directions 5 and 6 from the Panel:** These directions provide guidance for participants who have registered to make an oral statement to the Joint Review Panel during the community hearings.

**I think I signed up to speak, but I haven't heard anything from the Panel. Am I registered?**

## Joint Review Panel Oral Statements Q&A

If your name is on this [list](#), you are registered to give an oral statement. However, if you did not take the additional step of signing up for a time slot, you will not be permitted to speak according to the rules at the present time. Please check the Joint Review Panel website for further information, as the hearing schedule was being updated at the time of writing.

### When and where are the remaining hearings?

The Panel has announced the following dates for hearing oral statements. For updates please see the Panel [website](#).

**Victoria, B.C.** (venue and exact times to be confirmed)

January 4 – 11, 2013

**Vancouver, B.C.** (venue and exact times to be confirmed)

January 14 - 18, 2013

January 30 and 31, 2013

February 1, 2013

**Kelowna, B.C.** (venue and exact times to be confirmed)

January 28, 2013

### What have other people been saying to the JRP?

Community hearings have been held in the following locations and you can access [transcripts of those hearings here](#), if you want to get an idea of the kind of statements people have been making:

Bella Bella, BC	Hartley Bay, BC	Prince Rupert, BC
Bella Coola, BC	Hazelton, BC	Skidegate, BC
Burns Lake, BC	Kitamaat Village, BC	Smithers, BC
Fort St. James, BC	Klemtu, BC	Terrace, BC
Grand Prairie, AB	Old Masset, BC	Calgary, AB
Comox, BC	Prince George, BC	Edmonton, AB

**I am concerned that I may be on holiday when it is my turn to speak. Can I have someone else speak for me?**

No. Only people who registered to give an oral statement can do so.

### When do I have to show up to the hearing I am scheduled for?

When you used the online scheduling tool, you signed up for a morning, afternoon or evening session. You must arrive on location at least 15 minutes before the start of your session. For example, if you have scheduled a presentation during the 9 a.m.-12 p.m. morning session, you must arrive on location by 8:45 a.m. The Panel cannot give you a precise time for your presentation, because when you speak will depend on how long the other speakers take. Within each time block, the order of speakers will be arranged

## Joint Review Panel Oral Statements Q&A

alphabetically based on last name. The list of speakers will be released a few days before the hearing in each community.

### **What do I do when I arrive?**

When you arrive you must check in with a member of the Panel staff who will explain more about the process for that venue. You will need to show photo identification.

You will also be asked to sign a photo release form which will allow the Panel and government to use any photos taken of you at the hearings for non-commercial purposes. If you do not want to sign the form, you may still give your oral statement.

### **What will the room be like, and what else can I expect?**

The hearings are like a courtroom in many ways, but a little less formal. You have to tell the truth and be respectful. You will be asked to swear or affirm that the information you are presenting is accurate and truthful to the best of your knowledge and belief.

---

The three panelists will be sitting together at a table. You will be seated at another table facing the panelists. You will be speaking into a microphone so that everybody in the room can hear what you are saying.

There will be an audience of people listening. These people will likely be sitting behind you when you speak, depending on the set-up of the room. An Enbridge lawyer will likely be in the room.

Your presentation will be recorded and broadcast live over a webcast for anyone to listen to. There will also be someone there transcribing your words as you speak, and the transcript will be available online afterwards.

Once you give your presentation, you are free to leave the hearing, or you can stay and listen to what others have to say.

There are no placards or signs allowed inside the hearing room, however we are encouraging everyone to wear a blue scarf and/or pin on a blue felt water drop to show solidarity with the speakers.

Before each hearing, there will be informal information sessions for you to see the set-up of the room and ask any last-minute questions to the Process Advisory Team. You will be notified via email about these sessions. Attendance is not mandatory.

### **How long will I have to speak?**

You have a maximum of 10 minutes but can use less if you choose. As you are presenting, a member of the Panel staff will signal to you to let you know when you have three minutes left to speak, and again when you have one minute remaining. If you go over your allotted 10 minutes, you will be asked to stop.

## Joint Review Panel Oral Statements Q&A

**Can I read from notes?**

Yes.

**Can I use props, use a PowerPoint presentation, or show a video?**

Electronic visual aids (such as PowerPoint presentations, videos, digital photos or maps, or other media) will not be allowed.

Although not recommended, you may use props or hard copy photos or maps, but you will have to describe them out loud so people listening to the live webcast and the transcriber know what you are showing. You must allot time in your 10 minutes to do so. No additional time will be granted.

Paper documents such as photos and maps cannot be handed up to the Panel. Because the deadline for submitting Letters of Comment has passed, if you wish your documents to be in the public registry, you will have to file a written Motion with the Panel formally requesting acceptance of your documents.

A map showing the proposed pipeline, facilities and marine shipping routes will be displayed at the hearings for presenters to refer to if they wish.

**Can I have another person stand with me as I present, and if so, can that person speak with me during my presentation time?**

If you need a person to assist you because you have difficulty speaking or communicating, this should be permitted by the panel. You should confirm this with the Process Advisor Team toll free at 1-866-582-1884. Ordinarily no-one else should be speaking in your time slot. Singing by others as part of your presentation may be permitted, but you should be prepared to address the Panel in a non-musical way if they decide not to permit you to sing.

**Can I present in a group?**

Yes, but each member of the group must have registered by the October 2011 deadline. In addition, you must have scheduled a block of time long enough for each group member's allotted 10 minutes. In other words, if there are six members of your group, you must have scheduled a 60-minute time slot in the online scheduling tool.

**Can we bring a friend to watch?**

Yes! Everyone is free to attend the community hearings even if they are not speaking.

**Will the hearings be taped?**

Audio recordings are broadcast live during the hearings. The written transcripts are available from the Panel website here.

Media may also be present at the hearings, so you may be photographed or filmed.

## Joint Review Panel Oral Statements Q&A

### PREPARING MY PRESENTATION

#### **What should I talk about in my presentation?**

This is your opportunity to share your views about this project. Your presentation can include how the project will impact you and whether you think it should be approved or not. You may talk about any part of the project or its impacts (environmental, cultural, and/or economic) that you wish. Everything you say should support your position on the project. If you do go off topic in the view of the Panel, they may ask you to come back to the point.

#### **Is the fact that climate change issues are not being reviewed by the Panel in itself an issue for discussion?**

Yes. Both the effects of climate change and the decision to not consider the broader issues in the scope of the review process could be included in your statement.

---

#### **Can I talk about the tar sands and climate change as they are linked to the project, even though these are not being reviewed by the Panel?**

Yes, if those are the issues that most concern you. However, they may decide not to let you speak about these issues so you should be prepared with alternative comments, or be prepared to make a case as to why you *should* be able to present on these issues, or both.

#### **Can I talk about associated energy projects such as the Site C dam and shale gas, as they relate to Enbridge?**

Yes, if those are the issues that most concern you. However, they may decide not to let you speak about these issues so you should be prepared with alternative comments, or be prepared to make a case as to why you *should* be able to present on these issues, or both.

#### **What does the Panel mean by "national interest"? Can I speak to what I perceive to be in the national interest?**

"National interest" generally refers to what is in the collective interest of all Canadians when balancing the economic, social and environmental components of an issue. You may define what it means to you and say whether or not you believe the proposed project is indeed in our collective best interest.

#### **Many environmental impacts have been discussed in the media and by First Nations in their oral evidence. I am still allowed to talk about them?**

Yes. The environmental impacts from this project are of serious concern. You are free to express your thoughts on whatever most concerns you. You might want to come prepared with alternative things to say, or an argument for why you should be entitled to express your view in case the Panel says that your concerns are repetitive. However, if you speak about what the environmental risk means to you personally, you are not repeating anything that has been said before. We each have a unique perspective and story to tell.



### **Do I need to do research to prepare my presentation?**

No. All you need to do is be yourself and tell the Panel what you think and how you feel about Enbridge's proposed pipelines and tankers. If you do have technical expertise or knowledge you wish to draw on, that's great, but it needn't be your focus.

### **Should I tell facts or stories?**

Either one – or both – is fine. You get to decide what you share with the Panel. Whatever you do, speak your truth. To speak from the heart, make it personal. Why does this matter to YOU? Tell stories. Make it place-based. What are the places that matter to you that would be at risk of tanker spills or a pipeline leak?

Speaking from the heart will help you:

- Stick out in Panel's mind: The Panel will be hearing from thousands of people, and many arguments will be similar. The Panel is more likely to remember your message if it is unique and personal.
- Show depth of opposition: The Panel only needs to glance at a poll to see the majority of British Columbians oppose tanker traffic on the North Coast, but a poll does not demonstrate how much people care about an issue or why.
- Highlight the complexity of the issue: Bringing to light all the diverse ways this project would impact British Columbians shows it's too complex for a simple rubber stamp.

### **Am I the only one who feels nervous about speaking?**

No. Many people are facing their fear of public speaking and are finding the courage to speak out. If speaking to the Panel seems nerve-racking, remember that many, many people are standing with you and support your position.

### **First Nations have already said no to Enbridge, how can I support them?**

You can reference the First Nations opposition in your presentation. Here is some background information to help non-Aboriginal people to speak about their support for First Nations. Make sure that you are careful, if you are not First Nations yourself, that you don't claim to speak *for* First Nations:

- Over 130 First Nations in western Canada have stated their opposition to Enbridge's proposed Northern Gateway project. Opposed First Nations form an unbroken chain across B.C. and from the U.S. border to the Arctic Ocean. The First Nations position is that this project will violate their constitutionally-protected Aboriginal Title and Rights, and that the Enbridge pipeline and tankers are against their laws.
- There are two declarations against Enbridge: the Coastal First Nations Declaration bans crude oil supertankers on the North Coast; and the Save the Fraser Declaration bans tar sands pipelines through Fraser River watershed, as well as tankers on the North and South Coasts.

## Joint Review Panel Oral Statements Q&A

- First Nations Laws never went away: In B.C., First Nations have the right to make decisions about the use of their land and waters, according to their own laws, which are protected under Canada's constitution and international laws. The Coastal First Nations Declaration and the Save the Fraser Declaration are First Nations law, permanently protecting the coast and rivers from oil spills. As of March 2012, over 87,000 British Columbians have signed petitions supporting First Nations and recognizing that these declarations protect us all.

### **Many municipalities have already said no to Enbridge. How can I support them?**

You can reference the opposition in your presentation. Here is some background information:

- In 2010 the Union of B.C. Municipalities passed a resolution in support of a permanent tanker ban on the North Coast of British Columbia. A permanent tanker ban would effectively stop the Northern Gateway project because the tankers are a key component of the project.
- In 2012 the Union of B.C. Municipalities passed a resolution opposing projects that would lead to the expansion of oil tanker traffic through B.C.'s coastal waters. In this resolution, the Union of B.C. Municipalities committed to urging elected provincial officials to use whatever legislative and administrative means available to also halt such an expansion.
- The Skeena Queen Charlotte Regional District, Kitimat-Stikine Regional District, and the City Councils of Prince Rupert, Terrace, Smithers, Victoria, North Saanich, and Whistler, as well as all the municipalities on Haida Gwaii, have all passed resolutions opposed to Enbridge's Northern Gateway project.

### **Can I express my concerns regarding the process, given recent federal government statements in support of the project?**

Yes.

### **Can I ask the Panel questions, during my presentation?**

No, the Panel will not answer any direct questions.

### **I have more questions, who can answer them?**

The Joint Review Panel Process Advisory Team is available to answer any questions regarding the community hearings in order to help make you more comfortable. You can contact the Process Advisory Team via email at [GatewayProcessAdvisor@ceaa-acce.gc.ca](mailto:GatewayProcessAdvisor@ceaa-acce.gc.ca), or toll free at 1-866-582-1884.

Many organizations in British Columbia are prepared to help answer your questions as well. Feel free to contact any of us: Dogwood Initiative, ForestEthics, Friends of Wild Salmon, Living Oceans Society, Sierra Club BC, T Buck Suzuki Foundation, and West Coast Environmental Law.

OTHER RESOURCES

- **Upcoming webinars:** *Our Coast, Our Decision: Maximizing Your Impact at the Enbridge Northern Gateway Joint Review Panel Hearings* co-presented by West Coast Environmental Law, Dogwood Initiative, ForestEthics, Friends of Wild Salmon, Living Oceans Society, and Sierra Club BC. The webinars will be held:
  - Thursday, November 22, 2012 at 7:00 p.m.,
  - Saturday, November 24, 2012 at 3:00 p.m., and
  - Wednesday, November 28, 2012 at 12:00 p.m.

We will repeat the same information in each webinar. Please contact one of these organizations if you are interested in joining a webinar.

There will also be in-person preparation sessions presenting the webinar information, in Vancouver on November 29, 2012, and in Victoria on December 4, 2012. Please contact one of the organizations listed above for more information.

---

- **Procedural Directions 5 and 6:** Guidance from the Panel for participants who have registered to make an oral statement to the Joint Review Panel during the community hearings.

# TAB

---

# 44



Search for events

Browse Events

Sign up

Log in

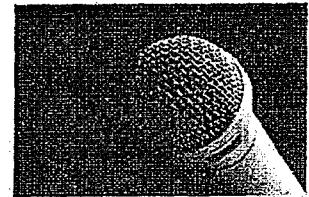
Help

CREATE EVENT

This event has ended

## Maximizing Your Impact at the Enbridge Northern Gateway Community Hearings

ForestEthics Advocacy, West Coast Environmental Law, Dogwood Initiative, Sierra Club BC  
Tuesday, 4 December 2012 from 7:00 PM to 8:30 PM (PST)  
Victoria, BC



### Ticket Information

TYPE	END	QUANTITY
Victoria Enbridge JRP Prep	Ended	N/A

### When & Where

Michele Pujol Room, UVic Student Union Building (SUB)  
3800 Finnerty Rd  
Victoria, BC V8P 5C2  
Canada

Tuesday, 4 December 2012 from 7:00 PM to 8:30 PM (PST)

Share Maximizing Your Impact at the Enbridge Northern Gateway Community Hearings

Share Tweet

Add to my calendar

### Event Details

You've signed up to make an oral statement at the Joint Review Panel Hearings happening in Victoria in 2013 regarding the Enbridge Northern Gateway project. That's great! Now what? If you've never been to one of these kind of community hearings before and are not sure what to expect, this Prep Session may help to answer your questions.

In this free session, we will go over what a Joint Review Panel Hearing is and what you can expect. In addition, we'll go over some of the ways that you can make yourself heard effectively on this issue, and provide opportunities for you to ask questions. And if you're looking for more background information on the issue, we can point you toward some great resources.

Have questions about Maximizing Your Impact at the Enbridge Northern Gateway Community Hearings?

Contact ForestEthics Advocacy, West Coast Environmental Law, Dogwood Initiative, Sierra Club BC

### Organizer

ForestEthics Advocacy, West Coast Environmental Law, Dogwood Initiative, Sierra Club BC

Contact the Organizer

View organizer profile

Maximizing Your Impact at the Enbridge Northern Gateway Community Hearings

Victoria, BC Events Conference

## Interested in hosting your own event?

Join millions of people on Eventbrite.

LEARN MORE

http://www.eventbrite.ca/e/maximizing-your-impact-at-the-enbridge-north...

1 of 2

Use Eventbrite for event ticketing and online registration  
©2015 Eventbrite | [About](#) | [Terms](#) | [Privacy](#) | [Help Centre](#) | [Cookie Policy](#)

Already registered? [Get your tickets](#)  
[Questions?](#) [Contact the organizer](#)

# TAB

---

# 45

November 28, 2013

## HUFFPOST BRITISH COLUMBIA CANADA

### Why is The Country I Love Spying On Me?

Posted: 11/27/2013 7:23 pm

Like 80 people like this. Be the first of your friends.

Last week, I found out that my government is spying on me. Canada ranked worst in the developed world for response to climate change, Canadians rose up against pipeline proposals all across the country, and the media reported precious little of any of it.

What happened to the Canada we know and love? Where is the country that holds its head high in the world, a respected leader on human rights and environmental issues?

Was it ever there to begin with? We were known as peacekeepers, and those who could afford to travel proudly wore the flag on their backpacks. And I remain fiercely proud of our public health care, even if it is far from perfect.

But if you are indigenous, you've seen your land and your children taken away. And if you were an Atlantic cod, well, you probably are no longer. Same goes for sea otters on the west coast, and old growth forests across much of Canada.

This beautiful country has a history of boom towns and ghost towns, built and then abandoned by hard-working families as the resources were used up. Alberta's tar sands are the latest and worst instance of government and industry following this well-worn path: deny indigenous rights, get the resources out of the ground as fast as possible, and move on.

And yet, we also have a proud history of making course corrections as a country, when the science makes clear the consequences of our actions. We were global leaders in banning chlorofluorocarbons (CFCs) that were causing holes in the ozone layer.

Today we recognize that digging up the earth against the will of the people who live there has never been okay. This is not just an environmental issue; it is a human rights issue and the First Nations who live around the tar sands and along the pipeline routes are asking us to stop.

And the science is clear: What we choose to do with Canada's tar sands will impact the climate and future of the entire planet. If you breathe air or drink water, this is about you.

How is it that speaking up for clean drinking water and a safe climate makes me suspect in the eyes of our federal government? The information on spying obtained by the Vancouver Observer names Sierra Club as one of the organizations being monitored by CSIS and the RCMP, with briefings provided to private oil companies.

The thing is, caring about coastal jobs, about coastal cultures and communities, about our children's future, these things do get in the way of tar sands expansion, pipelines and tankers.

Faced with this inconvenient truth, our federal government is responding to the challenge of our time with spying and denial, when what is needed is creativity and the courage to chart a new path.

Spending taxpayers' dollars on spying now won't save us from the massive costs of dealing with climate change fall-out: the floods, droughts, ocean acidification and extreme storms that we're signing up for if we build the Enbridge or Kinder Morgan pipelines.

Climate change is not some abstract concept for the future; it is already here. The recent typhoon in the Philippines is only one tragic example of what's in store, and none of us are immune.

When it comes to doing something about climate change, Canada is the worst country in the developed world. And yet, polls show that 84% of Canadians want the federal government to take leadership on climate change. So who exactly is our government representing, as they undermine international climate talks and spy on concerned citizens?

We are at a crossroads in this country. Down one path, B.C. is poised to become a gateway for global warming, an exit port for shipping dirty fossil fuels to overseas markets. Down a different path, thousands of Canadians rallied in over 130 communities last week to defend our communities from climate change and the risks posed by tar sands pipelines.

Canadians can make good choices. We made good choices when we ended commercial whale hunting, when we created a universal health care system, and when we closed the last of the residential schools.

We can make good choices again.

We are calling on our provincial and federal governments to be climate leaders, to develop energy strategies to reduce our greenhouse gas emissions and invest in good green jobs, while building the infrastructure we will need for a low-carbon economy.



There is so much we could do together; spying just seems a waste of time and money. Let's get on with building an economy that supports working families without destroying the land, water and climate we all depend on.

\*\*\*

*Caitlyn Vernon is Campaigns Director with Sierra Club BC, one of the organizations being monitored by CSIS and the RCMP, according to information obtained by the Vancouver Observer. Our mandate is to protect and conserve British Columbia's wilderness, species and ecosystems, within the urgent context of global warming impacts. We advocate the responsible use of B.C.'s natural resources while promoting a modern, equitable economy that sustains our planet in every way. We engage and mobilize people to protect ecosystems and wild spaces, and we work with different levels of government and First Nations to provide science-based conservation viewpoints and advice on policy decisions that affect a range of environmental issues.*

Follow Caitlyn Vernon on Twitter: [www.twitter.com/caitlynvernon](http://www.twitter.com/caitlynvernon)

# TAB

---

# 46

[\(http://www.leadnow.ca/\)](http://www.leadnow.ca/)

[CAMPAIGNS \(/CAMPAIGN\)](#)

[ORGANIZE \(/ORGANIZE\)](#)

[ENGAGE \(/ENGAGE\)](#)

[DONATE \(HTTPS://LEADNOW.NETDONOR.NET/EA-ACTION/ACTION?EA.CLIENT.ID=1694&EA.CAMPAIGN.ID=17830&](https://leadnow.netdonor.net/ea-action/action?eaclient.id=1694&ea.campaign.id=17830&)

[EATRACKING.ID=DONATE-SINGLE\)](#)

[ABOUT \(HTTP://WWW.LEADNOW.CA/ABOUT/\)](http://www.leadnow.ca/about/)

## About Leadnow

## Vision & Mission

Leadnow is an independent advocacy organization that runs campaigns on the major issues of our time, engages people in participatory decision-making, and organizes in communities across Canada. We envision a country where people work together to build an open democracy, create a fair economy and ensure a safe climate for all generations.

It's been just over three years since 3,000 people from all across Canada came together before the 2011 election and began building the Leadnow.ca campaigning community.

People become part of this community by taking part in campaigns to defend our democracy and hold governments accountable to the values of a majority of people across Canada.

By taking action through a wide range of campaigns – from the omnibus crime bill and budget bills, to the Canada-China FIPPA investors deal and the CBC takeover clause – our community has grown from a small youth-led team to include over 400,000 people across Canada, and our voice keeps getting stronger everyday.

The Leadnow.ca community believes that as we come together to defend the things we care about, we can also help build the momentum this country needs to rise to the major challenges of our times.

Through local gatherings and online surveys, the Leadnow.ca community has decided to focus our long-term efforts on strengthening Canada's democracy, doing our part to stop runaway climate change, and building a fair economy that reverses the trend of growing inequality.

Your input is crucial because this community's people-powered campaigns only work if they help you have a powerful impact on the issues you care about. Look at what our community has told us and help us make the big decisions about the future of our work

About

[\(http://www.leadnow.ca/about/\)](http://www.leadnow.ca/about/)

FAQ

[\(http://www.leadnow.ca/faq/\)](http://www.leadnow.ca/faq/)

CASL

[\(http://www.leadnow.ca/2014/08/canadas-anti-spam-legislation-casl/\)](http://www.leadnow.ca/2014/08/canadas-anti-spam-legislation-casl/)

Hiring

[\(http://www.leadnow.ca/hiring/\)](http://www.leadnow.ca/hiring/)

Volunteer

[\(http://www.leadnow.ca/volunteer/\)](http://www.leadnow.ca/volunteer/)

Media

[\(http://www.leadnow.ca/media/\)](http://www.leadnow.ca/media/)

together by visiting our Connect page. (<http://www.leadnow.ca/connect/>)

## Media Inquiries

By Email: [media@leadnow.ca](mailto:media@leadnow.ca)  
(<mailto:media@leadnow.ca>)

By Phone: 1-855-532-3609  
(<http://www.ringcentral.com>) ext. 4

Latest Media Release (<http://e-activist.com/ea-campaign/action.handleViewInBrowser.do?templateId=>

## Staff

Leadnow currently has a small, dedicated staff team, and many amazing volunteers and advisors who support our work.

### Lyndsay Poaps Executive Director

Lyndsay Poaps is passionate about engaging people in community building and decision making. Before joining Leadnow, Lyndsay founded Frontrunner: a campaign school for young women. She brings a background in public policy to Leadnow and is a former City of Vancouver Park Board Commissioner (2002-2005). She is an Action Canada fellow, a former Urban Fellow with the City of Toronto, and the spokesperson for the City of Vancouver's Engaged City Task Force. Lyndsay holds a Master's degree in Public Policy from Simon Fraser University.



### Jamie Biggar

#### Campaigns Director

Jamie has a background in large-scale online and offline collaboration to develop policy and campaigns. He began organizing in the youth climate movement, co-founding Common Energy and goBeyond to bring university communities across British Columbia together to support regional climate action. Jamie's research focused on the need for democratic innovation to tackle social, ecological and economic problems. He has served on the boards of multiple environmental, social justice, and educational organizations.



### Matthew Carroll

[p... www.leadnow.ca/about/](http://www.leadnow.ca/about/)

## Director of Engagement Innovation

Matthew trained as an atmospheric scientist, and has a decade of experience as an organizer, facilitator and campaign strategist, working with a variety of non-profits, public institutions and governments. Originally from England, he now lives in Grimsby, Ontario, where his wife's family have been farming for seven generations.



## Kelly Dowdell

### Campaign Manager, Online

Kelly joined Leadnow in May 2014 and is based in Calgary. In her role as Campaign Manager, she is responsible for developing responses to current events and policy developments through timely, online campaigns while at the same time coordinating online integration support for longer-term, strategic, organizing initiatives across the country. Kelly has been both a scholar of and participant in citizen-based movements and initiatives supporting participatory democracy, community development, indigenous rights, economic and social justice and peacebuilding over the past 15 years. She holds a Master of Arts in political anthropology studying the impact of social movements on the development of a democratic political culture in Mexico. Her work in the non-profit sector has focused on program development, organizational strategy, group facilitation and training and building community partnerships.



## Amara Possian

<http://cf.leadnow.ca/wp-content/uploads/2013/02/Amara3.jpg>

### Campaign Manager, Elections

Amara manages Leadnow's 2015 federal election campaign. She joined Leadnow in 2013 to work with our 400k+ members to design longer-term campaigns for an open democracy, a fair economy, and climate justice.



Based in Toronto, Amara is a trainer, facilitator, and organizer who has been involved in movements for ecological and economic justice through a wide range of projects,

creative actions, and campaigns. She chairs the board of the Center for Story-based Strategy (<http://www.storybasedstrategy.org/>), and recently wrapped up a Graduate Diploma in Social Innovation (<http://gradsi.ca/>), where she explored the intersection of social justice, social innovation, and solidarity.

**Francis Kung**  
(<http://cf.leadnow.ca/wp-content/uploads/2013/02/francis.jpg>)



## Head of Technology

Francis brings over ten years of experience working with technology and non-profits, combining his training as a software engineer with an interest in online engagement and community-building.

In his role at Leadnow, he is responsible for finding (or building) the best tech tools to support the organization's campaigns and community. Francis is based in Toronto.

## Danielle Cadhit

### Operations Manager

Danielle is based in the Toronto area and has previously worked and consulted in different industries including: publishing, higher education, health promotions, medical education, and web development. In her role with Leadnow, she manages the day-to-day operations of the organization including: human resources, budgeting, finances, and organizational development. She is an avid world traveller and enjoys exploring different cultural experiences. After sailing on the Semester at Sea



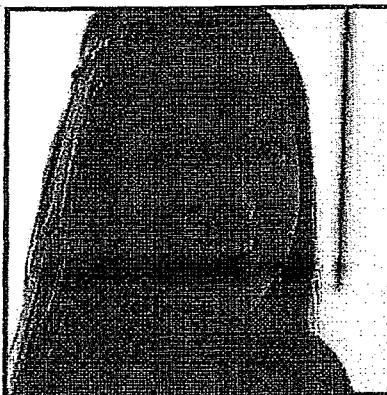
(<http://www.semesteratsea.org/>) Summer 2011 voyage as a Diversity Abroad scholar, Danielle has deepened her understanding of diversity and our responsibilities as global citizens. She is interested in exploring the changing ways we leverage technology and digital media for collective collaboration across nations and borders.

## Tess Munro

### Community Support Coordinator

From finances to friendly emails, Tess works in many parts of the organization. She provides support to both the Leadnow community and staff in their daily interactions. She answers emails, processes donations and provides administrative backing. She is a recent graduate from the University of Victoria, and majored in Environmental Studies and Human Geography. Before Leadnow, Tess volunteered with the Sierra Club of BC

(<http://www.sierraclub.bc.ca/>) and work with Fortis BC (<http://www.fortisbc.com/Pages/default.aspx>) in energy conservation.



## Rodrigo Samayoa

### Campaigner and Communications Assistant

As an online campaigner, Rodrigo uses the power of the internet and social media to connect Leadnow community member to the issues they care about the most. He has a diverse background working towards social and environmental justice with Oxfam Canada, The Sierra Club and Powershift BC. While working with Leadnow makes him spend his weekdays on the internet, Rodrigo enjoys nothing more than spending his weekends exploring BC's boundless nature.



## Logan McIntosh

### Manager of Field Organizing

Logan's background is in environmental justice, deliberative dialogue and petro-politics organizing. She has designed and implemented deliberative projects that engaged hundreds of University of Alberta community members in sustainability planning. Her petro-politics organizing was directed at engagement around the tar sands, Indigenous solidarity, and water justice issues. Logan joined Leadnow in the spring of 2012, as a coordinator of decentralized days of action. Now she works on Leadnow's national organizing plans, which build a foundation for action leading up to the 2015 federal election and beyond.



## Jolan Bailey

### Tricities BC Field Organizer

As Vancouver Organizer, Jolan works to support the formation and development of on-the-ground organizing teams in the greater Vancouver area. Before joining Leadnow, Jolan helped galvanize opposition to pipelines and tankers in BC, through tried and true, boots-on-the-ground organizing. Jolan sees face-to-face conversations between regular people as the building blocks of any successful movement, and is excited about creating pathways to for Leadnow's online supporters to take action offline, in their communities.



## Anna McClean

### National Organizer

A talented educator who has focused on popular and experiential education, Anna is passionate about creating opportunities that empower people to create positive change in their lives and their communities. After completing her Masters in Education at the University of Alberta in 2010, Anna began working at the Pearson Seminar on Youth Leadership (<http://psyl.ca>) before joining the Leadnow team as a volunteer in the fall of 2011. As Leadnow's National Organizer, she manages Beyond the Party Line, Leadnow's Call-From Home program, and runs trainings for organizers from coast-to-coast-to-coast. She grew up in the Monashee Mountains of BC, and now calls Victoria home.

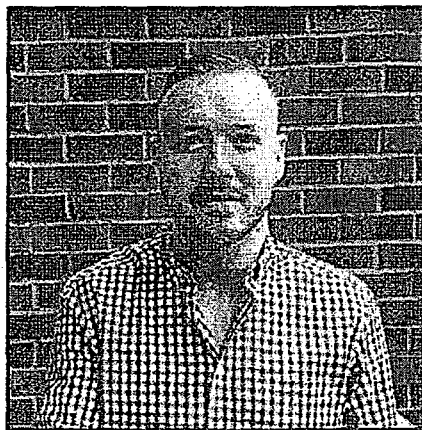


## Jack Milroy

(<http://cf.leadnow.ca/wp-content/uploads/2013/02/Jack.jpg>)

### National Organizer

Jack is an experienced organizer, digital campaigner and political strategist with a background in progressive politics and the labour movement. He organized young workers for a peak union federation, and ran national political campaigns for United Voice: one of Australia's largest and most progressive labour unions. Jack also worked at civi-tech startup NationBuilder where he helped customers build their tech infrastructure and scale their campaigns. Jack has





a MA in Political Science from Simon Fraser University where he looked at the influence of interest groups on political parties. As Leadnow's National Organizer based in Vancouver, he manages Beyond the Party Line, Leadnow's national phone banking program.

## Katelynn Northam

### Toronto Field Organizer

Katelynn is the Toronto Organizer for Leadnow, and her work entails training and supporting teams of organizers across the Greater Toronto Area to take action in the upcoming federal election and on Leadnow's issue based campaigns. Before Leadnow, she worked on numerous youth civic engagement projects in Nova Scotia and Manitoba. She has an MA in Political Science from Dalhousie University.



---

## Leslie Cramer

### Prairies and the North Field Organizer

As the Regional Organizer for the Prairies and the North, Leslie's role is to support people organizing on the ground and to build up Leadnow's organizing network in the region. With a background in social justice, community development, and anti-poverty work, Leslie is passionate about supporting people to have greater influence over the systems that impact their lives.



## Rachel Tetrault

<http://cf.leadnow.ca/wp-content/uploads/2013/02/rachel.jpg>

### Vancouver Field Organizer

Rachel is the Field Organizer for Vancouver and is working with teams on the ground to build capacity leading up to the federal election and beyond. Before joining Leadnow, Rachel worked as a Settlement Youth worker with the Vancouver School Board supporting newcomer immigrant and refugee youth in civic engagement and youth-led projects. Her experience in social justice work stems from her time in Quebec



organizing with the Student Movement and the Palestinian Solidarity Movement where she became passionate about working with people to take collective action for the change we want to see.

**Joseph Wasylycia-Leis**  
(<http://cf.leadnow.ca/wp-content/uploads/2013/02/Joe.jpg>)

### Winnipeg Field Organizer

Joe has been doing community and campus-based organizing in his hometown of Winnipeg since 2008 and has worked extensively on election campaigns at the municipal, provincial, and federal levels. His post-secondary degrees focus on the links between community-building and social change in response to the major socio-ecological challenges of our time. As Leadnow's Winnipeg election organizer, his job is to support and expand a team of grassroots volunteers who are working to unite voters ahead of the upcoming federal election and establish real democratic power for the long-term.



**Corrigan Hammond**  
(<http://cf.leadnow.ca/wp-content/uploads/2013/02/Corrigan.jpg>)

### Eastern Field Organizer

Corrigan is focusing on supporting ridings in Ontario and the Maritimes. His professional background is in communications, film & television production and political grassroots organizing. Corrigan was raised in a Northern Ontario and has since lived in Brantford, Hamilton and Toronto. He is based out of Leadnow's Toronto office.

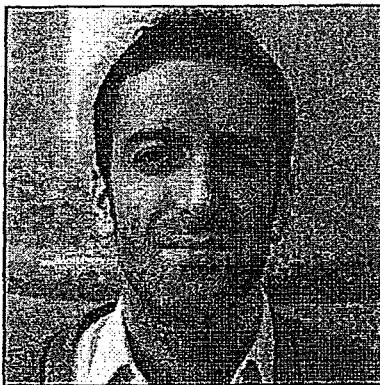


---

## Board

**Adam Shedletzky** (<http://cf.leadnow.ca/wp-content/uploads/2013/02/Adam.jpg>)

Adam co-founded Leadnow in March 2011, and currently sits on the Board of Directors. After graduating from McGill University, he began his career as a management consultant with Oliver Wyman in Washington, New York and New Delhi before becoming engaged in climate change advocacy with Power Shift Canada and C-Day: Fill the Hill. He is a Junior Fellow at Massey College, a law student at the University of Toronto, and will be a 2013 summer student with McCarthy Tetrault.



**Eugene Kung**  
(<http://cf.leadnow.ca/wp-content/uploads/2013/02/leadnow-Eugene-Kung1.jpg>)

Eugene Kung is a Vancouver based lawyer practicing in the areas of human rights, environmental, regulatory, administrative and constitutional law. Born and raised in

Burnaby, B.C., he holds a B.A. in Political Science from UBC and a J.D. from Dalhousie Law School. Eugene has served on boards and steering committees of several organizations working on democracy, poverty reduction, human rights and social and environmental justice. In his spare time Eugene is a mediocre musician, a so-so snowboarder and a horrible hockey player.



**Marie-Marguerite Sabongui**  
(<http://cf.leadnow.ca/wp-content/uploads/2013/02/Marie-Bio.jpg>)

Marie-Marguerite is a campaign strategist and environmental policy specialist. A Montreal native, she holds a BA from McGill and a Masters in Environmental Science and Policy from Columbia University. She began

organizing in the Canadian youth climate movement and in recent years has developed strategies to mobilize the public in democratic rights, education, and human rights at Purpose. She is currently the Chief of Staff of Here Now, a global climate movement accelerator and serves on the boards of a number of environmental and social justice organizations. She also holds a Lego action figure from a previous life playing a children's TV superhero.



---

# Champion Volunteers

Leadnow relies on skilled, dedicated volunteers to drive our work forward. It's impossible to recognize every person who's contributed, and we are thankful to each and every member of our community who's stepped up. Our current long-term champion volunteers include:

## Axtli Viau

(<http://cf.leadnow.ca/wp-content/uploads/2013/02/Axtli2.png>)

Axtli was born in Mexico and grew up in the greater Montréal area. After college he traveled the world, including spending several months participating in rallies in Latin America and a few

years in China. Axtli is a part-time EMD by night, and multiple-cause volunteer by day. He started translating for

Leadnow in the summer of 2013, working behind the curtains to reach out to the Francophone community. He is now leading a team on-the-ground in Montréal, and is working to make the website, as well as many of our future campaigns, fully bilingual.



## Laura Cornish

Laura Cornish recently completed her M.A. student in Resource Management and Environmental Studies at UBC. Her research is focused on processes and strategies capable of mobilizing the general public, and specific communities in supporting and implementing climate solutions. Laura answers general Leadnow emails, contributes her organizational skills to keeping track of many of Leadnow's to do lists, and helps out on-the-ground organizing in Vancouver

## Julia Pope

### Special Advisor

Julia began working with Leadnow in the fall of 2011 and brings more than 10 years experience as an organizer, campaigner and strategist. She has a background in journalism and communications, having worked as a contributor and guest-host at CBC Radio and as a consultant in the biomedical field.

This post is also available in: [Français](http://www.leadnow.ca/fr/about/)  
(<http://www.leadnow.ca/fr/about/>)



<http://www.leadnowcanada.com>  
<http://www.leadnowcanada.com>

[Privacy Policy \(/privacy-policy\)](#)

[Contact us \(/contact/\)](#): [Media \(/about-media/\)](#) | [Unsubscribe \(/contact/?subject=Unsubscribe\)](#)

© 2014 Leadnow - All Rights Reserved.

# TAB

---

# 47

Published on *The Vancouver Observer* (<http://www.vancouverobserver.com>)

## Exposure of Harper government spying should frighten "scandal-plagued" Tory pols: Leadnow

**Leadnow communications director expresses "deep concern" at emails revealing that government spied on a workshop in a church basement last January in Kelowna.**

Matthew Millar

Posted: Nov 23rd, 2013

(Page 1 of)

Julia Pope, director of strategic communications at Leadnow, an independent advocacy organization that "brings generations of Canadians together to achieve progress through democracy" reacted with anger over news reported by the Vancouver Observer this week that the National Energy Board worked with government spies to monitor a workshop organized by Leadnow and Dogwood Initiative, a Victoria-based environmental advocacy group, in a church basement in Kelowna last January.

"The exposure of this abuse of power should frighten a scandal-plagued government seeking re-election," Pope said.

- Harper government's extensive spying on anti-oilsands groups revealed in FOIs
- Harper government under fire for spying on environmental groups
- Harper government officials, spies meet with energy industry in Ottawa

The federal government has been vigorously spying on anti-oil sands activists and organizations in BC and across Canada since last December, documents obtained under the Access to Information Act by reporter Matthew Millar show. Not only is the federal government subsidizing the energy industry in underwriting their costs, but it is apparently deploying public safety resources as a de-facto 'insurance policy' to ensure that federal strategies on proposed oil pipeline projects are achieved, these documents indicate.

"We're deeply concerned that our government has been using taxpayers' money to spy on citizen groups promoting democracy and volunteers doing arts and crafts in church basements instead of focusing real issues like the corruption scandal in the Prime Ministers Office and the Senate, or growing economic inequality that is making life harder for Canadians," Pope said.

Before the National Energy Board's Joint Review Panel hearings on the proposed Enbridge oil pipeline last year, the NEB coordinated the gathering of intelligence on opponents to the oil sands. The groups it monitored included independent advocacy organizations that oppose the Harper government's policies and work for environmental protections and democratic rights---Idle No More, ForestEthics, Sierra Club, EcoSociety, Dogwood Initiative, Council of Canadians and others, as well as LeadNow.

Leadnow is a growing community of 350,000 Canadians working together across generations to advance climate justice, equality and democratic reform by using online organizing tools and crowd-sourced, reactive campaigns to hold government accountable to build a better future for all Canadians.

At the workshop last January, three Leadnow team-members taught retired senior citizens how to use story-telling techniques to get the public more interested in political discourse.

Pope said, "This government is using out-of-control spy agencies to monitor citizens groups who don't want big oil companies ramming dangerous energy projects through our communities.

"If the oil and gas industry are having trouble convincing the public that these projects are safe, that should be their problem. Our government shouldn't be spying on concerned citizens and feeding that information to their friends in private industry."

"The privacy, democratic rights and long-term interests of the Canadian public should come before the narrow interests of a few energy companies. This is obvious to Canadians from across party lines and from all walks of life, but apparently not to our current federal government.

"The fact that we even need to say that the government shouldn't wasting money monitoring the actions of those using paintbrushes in church basements says a lot about the state of our democracy right now."

*Photograph of Dogwood Initiative campaigner Celine Trojand speaking at Kelowna Leadnow meeting last January courtesy of Julia Pope*



## More in Canada

[Canada's approval puts 'Frankenfish' one step closer to dinner plate](#)

[Rex Murphy is fluent in the language of occupation](#)

[Surveillance Trojan Horse or Big Brother in disguise?](#)

[Harper government officials, spies meet with energy industry in Ottawa](#)

[NEB statement on board's involvement in oil sands activist spying](#)

[FOLLOW US on TwitterBECOME A FAN on FacebookSIGN UP for weekly news alerts](#)

[Add New Comment](#)


Source URL: <http://www.vancouverobserver.com/world/canada/exposure-harper-government-spying-should-frighten-scandal-plagued-tory-pols-leadnow>



# TAB

---

# 48

  
[advanced search](#)

## About Us

Founded in 1985, the Council of Canadians is Canada's leading social action organization, mobilizing a network of 60 chapters across the country.

Through our campaigns we advocate for clean water, fair trade, green energy, public health care, and a vibrant democracy. We educate and empower people to hold our governments and corporations accountable.

Join us and be part of a global movement working for social and environmental justice. We believe a better Canada and a fairer world are possible. Together, we turn that belief into action.

The Council of Canadians is a registered non-profit organization and does not accept money from corporations or governments. Our work is sustained by the volunteer energy and generous donations of people like you.

*[Council of Canadians' photostream on Flickr.](#)*

---

## Statement on Non-Violence

The Council of Canadians believes in peaceful protest and non-violent civil disobedience. We do not damage property or engage in any form of aggressive behaviour toward police and other security personnel. We do not condone violence against persons or property in our organization or our movement. We believe that our message of peace and justice is not served by images of violence and destruction, and that in the common struggle to build a better world our methods must be consistent with our goals. We believe that a better world is possible and that it must be modeled in our movement.

---

TAB

---

49

**Working Document**  
**Approved by the Board of Directors, 4 November, 2005**

**THE PURPOSE, STRUCTURE AND GOVERNANCE  
OF THE COUNCIL OF CANADIANS**

*By what authority does The Council act?*

*The world of issues that sets our agenda; the kind of leadership taken in response to those issues; the principles espoused as the bases for our actions; the membership base of citizens across the country; the funders who provide resources for certain program activities; and the movements of coalition partners with whom we work.*

### **Introduction**

---

The purpose, structure and governance of the Council of Canadians is premised upon the theme of "Partnership." The Board and staff recognize that they are partners in the running of the organization and that members and volunteers are vital to the successful operation of The Council's mandate. By choosing this model, The Council of Canadians rejects the extremes of either a staff-driven or a Board-driven model of operation and takes the shared vision of partnership between an elected Board and an employed staff working with and on behalf of members and chapters. The Council of Canadians also recognizes that it operates in coalition with like-minded social, labour, cultural, human rights and environmental groups in Canada and around the world.

### **Statement of Purpose**

The Council of Canadians is an independent national citizens' organization committed to safeguarding our social programs, promoting economic justice, renewing our democracy, strengthening Canadian sovereignty, promoting alternatives to economic globalization and corporate-style free trade, and preserving our environment. Through its strong national leadership, individual members, and its local action groups, The Council of Canadians defends the right of Canadians and citizens of all countries to assert their democratic rights and to demand that our governments make policy in the interests of citizens and communities, not big business.

The Council of Canadians is committed to a campaign style that encourages constituency development, builds grassroots citizen groups for action, and encompasses both centralized and decentralized forms of planning and participation.

The Council is creating a citizens' movement through its national campaigns, its networks of local action groups, and its alliances with like-minded organizations. We promote a citizens' agenda in opposition to corporate-driven economic globalization by identifying

fundamental issues, providing information and analysis, and creating opportunities for political action. As Canada's largest public advocacy group, we are committed to effecting transformational social change, political and economic literacy, and developing a Citizens' Agenda that will set the political and social agenda for the 21st Century.

We are non-partisan but work to compel all political parties and governments to address the key issues of democracy, sovereignty, and social justice. We are committed to building an organization with the broadest possible diversity reflective of Canadian society and culture.

### **Guiding Values and Principles**

In our role as Council of Canadians members, activists, staff and Board members, we:

- give thoughtful consideration to the best interests of Canadians and their communities;

---

- ensure there are opportunities for everyone involved in The Council's work to participate in defining the purpose, direction and culture of The Council;
- ensure clear and frequent communication and positive interaction among all those who are involved in our work;
- provide opportunities for people to develop their knowledge, skills and activism in order to further The Council's goals;
- expect the primary commitment of each person involved in our work is to the goals of The Council;
- aim for open and honest discussion with relevant issues clearly on the table;
- allow for disagreement - each person may not always get what (s)he wants but all opinions will be heard;
- maintain commitment and engagement without insisting on control;
- hold ourselves and each-other accountable for positive performance and effective working relationships;
- maintain dignity, integrity and respect for one another; and
- maintain high standards of work.

We do not tolerate racism or discrimination of any kind. We believe in the uniqueness, equality and potential of each culture, race and gender. Accordingly, we seek to include all Canadians who share the organization's values: No one shall be refused membership or be otherwise subjected to discrimination on the basis of race, national or

ethnic origin, colour, religion, gender, sexual orientation, age or ability.

## **Structure**

The Council of Canadians is a partnership. All involved have an essential role and all are needed in order to create the whole. As a partnership, we are always seeking to keep the lines of communication open and to ensure the most co-operative relationship possible.

### *Board of Directors*

The principal roles of the Board are:

- to establish overall policy direction for The Council's work on specific issues,
- to participate in long range planning discussions about Council strategy,
- to engage in review and evaluation of Council programs and projects on an annual basis,
- to participate as appropriate as members of Board-Staff committees to carry out the work of the Council and to ensure the sound financial footing of the organization, and
- to strike sub-committees to carry out specific tasks as needed.

The Board of Directors, in other words, sets the objectives and goals of the organization. It decides what kind of organization the Council is to be. It is the responsibility of the staff to design the programs to carry out this direction.

The Board of Directors is responsible for the hiring, direction and evaluation of the Executive Director. The Executive Director is responsible for all other staff, including hiring, assignments, evaluation and discipline. However, for the hiring of staff Directors, input from the table officer responsible for Human Resources will be sought.

The Board of Directors is national, not federal, in structure. Although they bring regional information and sensitivity to the organization, Board members do not represent regions per se, but act and speak for the whole country. The Board strives to have representation even in regions where our membership is weak. All prospective Board members should share a political analysis based on the basic tenets of the mission, guiding values and principles, structure and governance protocols outlined in this document to be considered for the Board.

Each member of the Board of Directors is encouraged to attend a Regional or a Chapter meeting once a year during each year of a Director's term.

### **Election of Board of Directors**

During the transition year of 2005, half the Directors will be elected for a one-year term and half will be elected for a two-year term to establish a rotation. Thereafter, beginning in 2006, all Directors will be elected for a two-year term (there is no limit on the number of terms a Director can serve). For reasons of continuity and renewal, one-half of the

Directors are to be elected each year.

There are two methods for electing members to the Board of Directors.

(1) Fifteen members of the Board of Directors, including the Chairperson, are chosen by the general membership of The Council at the Annual General Meeting. A Nominating Committee constituted by the outgoing Board recommends a slate of candidates to the AGM. In developing its recommendations, the Nominating Committee will attempt to balance the following considerations: continuity and new voices; regional and other forms of diversity, and the expertise necessary for the Board to fulfil its mandate and fiduciary responsibility.

(2) Beginning in 2005, four Regional Chapter Representative will be elected by and from the Chapters, one in each of the following regions:

- British Columbia and Yukon;
- Alberta, Saskatchewan, Manitoba and the Northwest Territories;
- Ontario, Quebec and Nunavut;
- New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador.

Directors elected by the Chapters will be confirmed at the AGM. They will be full members of the Board with the same rights and obligations, including the fiduciary responsibility to the national organization.

The Board of Directors may, from time to time, appoint up to two additional Directors.

#### *Executive Committee*

The Executive Committee is composed of the Chairperson and five table officers. The Chairperson is elected by the membership at the AGM. The five table officers are selected by the Board of Directors at its first meeting following the Annual General Meeting, and they are limited to serving three consecutive one-year terms. The rotation of the five table officers will be staggered to ensure a balance of continuity and new ideas.

The Executive Committee operates on behalf of the Board between meetings. Just as the Board is responsible for setting overall policy direction, the Executive is authorized to ensure that the policy is operationalized through the program and administration. The Executive is responsible for monitoring the management of the organization.

While Table Officers provide support and input to their staff counterparts, in cases where the Executive Director deems that the input received is not consistent with the operational plan or would result in an unmanageable increase in workload, he/she will make a final decision on the course of action. Amendments to the operational plan are made by the Board of Directors as a whole, not by individual Board members.



## **Duties and responsibilities of the Executive Committee**

### **1. National Chair**

- acts as the main official spokesperson for The Council in public events, the media and high level meetings;
- presides as chair at regular Board meetings, Executive meetings, and the Annual General Meeting of The Council as appropriate;
- provides support and input to the Executive Director and all national office Directors on matters related to The Council's general program and administrative objectives;
- serves on and reports to the Executive Committee and collaborates with the other table officers on matters that relate to their mandates and responsibilities;
- carries out public speaking and educational tasks for The Council at constituency and community events where possible and appropriate;
- ensures that the Board Protocol Guidelines are adhered to.

### **2. Vice Chair**

- provides support and input to the Executive Director and Campaigns and Communications Director on matters related to the issue campaigns;
- serves on and reports to the Executive Committee and collaborates with the other table officers on matters that relate to their specific mandates and responsibilities;
- acts as the point of contact for Board members on issues related to issue campaigns between Board meetings;
- substitutes for the National Chair as official spokesperson for The Council at public events, the media and high level meetings where necessary and appropriate;
- substitutes for National Chair as presiding Chair of Board and Executive meetings when it is necessary and appropriate to do so;
- carries out public speaking and educational tasks for The Council at constituency and community events where possible and appropriate;
- assists the National Chair in ensuring that Board Protocol Guidelines are adhered to.

### **3. Treasurer**

- provides support and input to the Executive Director, Development Director and Financial Director on matters related to Finances and Fundraising;
- serves on and reports to the Executive Committee and collaborates with the other table officers on matters that relate to their specific mandates and responsibilities;
- acts as the point of contact for Board members on issues related to Finance between Board meetings;
- makes official reports to the Board, the Executive Committee and the Annual General Meeting regarding The Council's finances.

#### 4. Secretary/Governance

- provides support and input to the Executive Director and Executive Assistant on matters related to the work and decisions of the Executive Committee and the Board of Directors including the keeping of minutes and the agenda-setting process for Board and Executive meetings where it is determined which items and decisions are Board items and which are the jurisdiction of staff;
- serves on and reports to the Executive Committee and collaborates with the other table officers on matters that relate to their specific mandates and responsibilities;
- monitors Board policy documents to see that they are developed, maintained and archived, as appropriate.
- provides support and input to the Executive Director and Executive Assistant on matters related to the Annual General Meeting.

In addition to these designated Executive positions, the Executive Committee will appoint a member or members to be responsible for each of the following:

---

#### 5. Human Resources Development:

- provides support and input to the Executive Director and team Directors on matters related to Human Resources, including collective bargaining and interpretation of the Collective Agreement;
- serves on and reports to the Executive Committee and collaborates with the other table officers on matters that relate to Human Resources;
- acts as the point of contact for Board members on issues related to Human Resources between Board meetings;
- acts as a representative of the Employer on the Joint Consultation Committee and other Union-Management bodies as required.

#### 6. Communications:

- provides support and input to the Executive Director and Communications Director on matters related to communications;
- acts as the point of contact for Board members on issues related to communications;
- serves on and reports to the Executive Committee and collaborates with the other table officers on matters that relate to their specific mandates and responsibilities.

#### 7. Organizing:

- provides support and input to the Executive Director and Director of Organizing on matters related to organizing;
- acts as the point of contact for Board members on issues related to organizing.

#### Other:

- any Executive Committee member may be called upon to help other table officers as the work demands.

### *Executive Director*

The Executive Director provides overall leadership to and is responsible for management of the programs, operations and finances of The Council of Canadians. He/she ensures that policy decisions made by the Board of Directors are carried out effectively. Further, the Executive Director provides professional support and policy guidance to the Board of Directors. As well, he/she is one of The Council's spokespersons, officially representing the organization to the public, government, media and other organizations.

The Executive Director acts as the Employer's Representative for the purposes of the relationship with the bargaining agent that represents Council employees, and is responsible for the employment of non-union staff as well. The Executive Director is accountable to the Board of Directors, through its Chairperson and the Executive Committee.

---

### *Chapters*

Activist chapters of The Council work to realize the mandate of the national organization in their communities. Chapters plan and execute events and actions in their communities that reflect the objectives of The Council's current national campaigns. Chapters may also support local initiatives that are consistent with The Council's Statement of Purpose.

A local chapter consists of at least five members in good standing of The Council, who work together, on a regular basis and in a democratic manner, to participate as a group in Council campaigns.

For purposes of being a Recognized Chapter for the election of a director, the Chapter must additionally meet the following qualifications:

Each chapter shall convene an annual chapter general meeting and at such meeting shall submit an annual report which shall include a financial statement to the members of such chapter for their approval at the annual chapter general meeting. Each chapter shall submit to the Corporation's Board of Directors, no later than June 30 of each year, a report including a list of the chapter's members and a copy of the annual report approved by the members of such chapter.

### **Governance**

#### *Protocol for the Staff*

1. In order to keep Board members informed and up-to-date, communication will be conducted as follows:

- The Board-Staff Advisory Committees, comprised of the relevant Team Director, two or three designated Staff and three or more Board members, shall meet no less than twice in any fiscal year. The committee co-chairs (one Board, one Staff) shall determine the frequency of meetings. The purpose of the committees is to assist staff in implementing Board policies and solving upcoming issues. The committees also provide Board members the opportunity to share their expertise on challenges identified by staff.
  - The Executive Director will ensure that agendas for Board and Executive meetings clearly indicate which items require a Board decision and which are for information purposes. The agendas will be circulated in advance of all meetings.
  - The minutes of Executive Committee meetings will be circulated to the whole Board as soon as possible.
  - The Executive Assistant will forward to the Board regular communications such as *Council Connections*, the Board-Staff newsletter; monthly campaign updates that are prepared for chapters; and Council news releases at the time of their release.
  - Board-Staff development days may be arranged from time to time as the need arises.
2. Staff will inform Board members of important regional or local actions through postings on the Chapter listserv and through the Organizing Board-Staff committee and will provide feedback to the Board from Council members or coalition partners.
  3. Staff recognizes that all national campaigns have regional characteristics and should, where possible, be developed in a way that is regionally sensitive.
  4. Staff recognizes that The Council is invited by media or regional coalitions to publicly support issues that are unrelated to the Council's national campaigns. When the issues are in accord with Council principles, staff will consider time and resource constraints in giving such support since the focus of staff is our national campaigns.

#### *Protocol for the Board*

1. Every Board member of The Council has both a public and internal role to play as spokesperson for the organization and advisor on program development and implementation. However, before a Board member speaking on behalf of the Board comments publicly on an issue, consultations with either the Executive Director or the Director of Campaigns and Communications, as well as the Chairperson or other table

officers must take place if:

- the issue is not an already-identified Council campaign;
- the Board has not adopted an official position or policy on the issue;
- the issue has, or could have, staffing ramifications;
- the position being taken publicly binds the Council to a particular coalition, political action or commitment.

2. When Board members speak on behalf of The Council of Canadians, they do so as members of the National Board, not as regional spokespersons.

In order to cooperate with a busy staff and not overburden them, simple requests for information can be directed to the staff person responsible for that area. However, anything that involves a more substantial amount of staff time must go to the appropriate staff Director. Where there is a disagreement between the Executive Director and a Board member over any of the protocol items for either the staff or the Board, it will be referred to the Executive Committee. It is the responsibility of the National Chair and/or appropriate table officer to speak to a Board member about a possible breach of protocol if it is deemed necessary. A possible breach of protocol by a staff member will be addressed by the Executive Director

#### *Protocol for Chapters*

1. Chapters agree to operate in a fashion consistent with the participatory, democratic aims of The Council, as reflected in the Statement of Purpose and Guiding Values and Principles.
2. Chapters agree to adhere to the chapter mandate and the policies and procedures outlined in the Chapter Handbook and as set by The Council.
3. In order to ensure regular communications between chapters and the national office, chapters will designate a contact person to whom all correspondence (letters, fax, e-mail, phone calls) will be directed. The key staff contact person for local chapters will be the Regional Organizer for their area or the Director of Organizing.

This document will be reviewed from time to time. The operating principles contained in it will be monitored and subjected to testing and improvement over time.

*Most recent update: 2012-03-30*

# TAB

---

# 50

# About Us

## Purpose

---

The West Kootenay EcoSociety protects the natural environment while building a just and sustainable post-carbon world.

---

## Principles

---

We express the innate creativity, intelligence and generosity of the human spirit in our work.

Our work is inclusive, collaborative, heart-centered and joyful.

Our primary focus is increasingly 'local', both by design and necessity

We believe the new paradigm of human civilization will be bio-centric and will take into account multiple, future generations.

We recognize the need for personal and cultural transformation in order to create the social, economic, and environmental conditions for sustainability.

We direct our work and build support on the basis of empirical evidence and analysis.

We work creatively and constructively with a diverse array of partners.

## West Kootenay EcoSociety's Constitution and Bylaws

## History

---

It all began in 1994 when some environmental, political and economic activists pooled their resources to rent offices in an old heritage building in downtown Nelson. Together, they built the foundations of a non-profit environmental society that is still going strong today.

Over the years, we have expanded our horizons to include social, economic and food security projects, but the West Kootenay Community EcoSociety's roots remain firmly planted in the belief that what is good for the environment is good for our community as a whole. From saving grizzly bear habitat to printing Barter Bucks, the EcoSociety has brought together a wide range of local interests. By 1996, we had registered as a non-profit society in British Columbia. Through the early years the EcoSociety owed its existence and accomplishments to volunteers, memberships and donations, with a special thanks to Bob Hellman of Hellman Canoes who provided us with a canoe to raffle every year!

When we began to generate income through recycling projects and farmers markets in 2001, we were able to hire a part time co-coordinator to direct our efforts. From there we have blossomed into an organization that has tapped into the growing concern for preservation of the environment, be it the wilderness or the family farm.

The early days saw us working on environmental issues with others such as the establishment of the West Arm Wilderness Park, mapping, networking and publishing. We also initiated an alternative currency system called Kootenay HOURS and published the Kootenay Barter Times and EcoCentric.

During the early days we supported or initiated:

The Grizzly Project- West Kootenay efforts to preserve grizzly bear habitat and provide education.

Forums on water and health, forestry issues.

West Arm Watershed Alliance- spearheaded for 10 years the successful campaign to save Nelson's watershed and 25,000 hectares in the West Arm Wilderness Park (Lasca Creek).

Joy and Sacredness Art Exhibit- A month long art exhibit culminating in a hand bound book celebrating our spiritual connections with the Earth.

Keep Jumbo Wild- The EcoSociety's efforts have joined with those of many others for 12 years to keep Jumbo pristine.

Kootenay Barter- Initiated an alternative currency system that brought hundreds of people together to trade, buy or sell locally.

Other notable projects in the early years included the mapping of the 5 year logging plans for the North Shore of Kootenay Lake, forest health forums, initiating an ongoing Caribou awareness campaign, sponsoring Clear Air Day, and a video outreach series.

The founders of the EcoSociety saw a need in the Nelson area for a pro-active organization that was willing to take on local issues and bring a voice to environmental, social and economic concerns.

By the year 2000 priorities had changed. The EcoSociety board scaled down the square footage we rented on Ward Street, and took a comfortable small upstairs office on Baker Street. As attention to running a full time environmental society became more focused, the EcoSociety found new momentum.

In 2001, we were awarded the contract from the city to run the Cottonwood Farmer's and Artisans market at Cottonwood Falls throughout the summer on Saturdays. Our efforts for a Wednesday downtown farmer's market met with success and the EcoSociety is still responsible for both markets. In 2001, we also began operating the Regional District's recycling centre, which closed in 2008. Through enterprises like these and support from community members and grantmaking agencies, EcoSociety has been able to:

---

Present the 2007 Regional Forum on Climate Change

Preserve Grohman Park through a successful BC Supreme Court challenge

Operate the Kootenay Ride Share

Initiate a Community Supported Agriculture (CSA) Grain Co-op with Creston farmers

Present Christmas Faires, Market Fests and the Nelson Garden Festival

Support Jumbo Wild

Lobby and network with other groups to preserve mountain caribou habitat, the Incomappleaux River valley

Contribute with time and money to the effort to stop the privatization of BC Rivers

Produce special events such as video series, special Earth Day broadcasts and speakers such as Captain Paul Watson

Network with other organizations and co-ops such as the Kootenay Co-op Radio, Earth Matters, Kootenay Co-op food market.

We invite you to join with us to keep the environmental voice strong in the Kootenays.

---




#### RECENTLY POSTED

NELSON DOWNTOWN MARKET RETURNS  
JUNE 10  
JUMBO OFFICIAL COMMUNITY PLAN  
JOIN OUR TEAM FOR THE SUMMER!  
ECOSOCIETY OPPOSES HELI-SKI  
APPLICATION

#### NEW SLETTER

Sign up for the new sletter!

EmailAddress 

West Kootenay EcoSociety  
#206 - 507 Baker St  
Nelson, BC V1L 4J2

Web design & development by The Seed Smith  
<http://theseednetwork.com/>,  
with funding from MEC (<http://mec.ca/>).

#### SOCIAL

Join the discussions with our online  
communities:

[http://www.facebook.com/  
WestKootenayEcoSociety/](http://www.facebook.com/WestKootenayEcoSociety/)

<http://ecosociety.inthekoots.com/>

email: [info@ecosociety.ca](mailto:info@ecosociety.ca)  
phone: (250) 354-1909  
fax: (250) 354-1966

[TERMS & CONDITIONS](#) [PRIVACY](#) [SITE MAP](#)

# Northern Gateway Pipeline

The Northern Gateway Pipeline (also known as the Enbridge pipeline), is a proposed pipeline from the Alberta Tar Sands across hundreds of rivers and streams to the rugged coast of BC. A Joint Review Panel of three people will be taking testimony and reviewing evidence for the next two years. At the end, this panel will decide whether the proposed pipeline will go forward, putting millions of acres of wildlife habitat and traditional First Nations territory at risk.

---

EcoSociety hosted an organizing meeting on February 23. Over 60 people attended, and more than twenty stuck around after the presentations to organize some actions. Here are the groups that are forming, along with their next meeting date:

1. Support Intervenor: email david@ecosociety.ca to sign up as a resource for intervenors
2. Petition Drive Contact David david@ecosociety.ca
3. T-Shirt making: Contact Dylan 250 359 8009
4. School outreach Contact Shannon 250 354 1743
5. Earth Day Concert Email harmonyfarm.music@gmail.com
6. Stop the Pipeline Party & Caravan Contact Keith: wileykeith@gmail.com

If you are interested in helping out with these initiatives, please contact the project leader or attend the meeting!

## Joint Review Panel

If you want to make a difference but don't want to work on a project, you can contact the Joint Review Panel (JRP). Here is the link for the online letter of comment to the JRP for the Northern Gateway Project.

<http://gatewaypanel.review-examen.gc.ca/clf-nsi/prtctngprcss/ltrfcmmt-eng.html> (<http://gatewaypanel.review-examen.gc.ca/clf-nsi/prtctngprcss/ltrfcmmt-eng.html>)

When you visit the page you will see the this message: If you would like to submit a letter of comment, please use the electronic form on this website or send your own letter to the address or fax number below:"

Secretary to the Joint Review Panel  
Enbridge Northern Gateway Project 444  
Seventh Avenue S.W.  
Calgary, AB  
T2P 0X8  
Fax: 403-292-5503;  
toll free fax: 1-877-288-8803  
That gets your letter to the review panel.

According to the website, you will also NEED to submit your letter to Northern Gateway, the shell company that Enbridge has set up for the pipeline:

Kenneth MacDonald VP, Law and Regulatory Affairs  
Northern Gateway Pipelines Inc. 30th Floor  
425 -1st Street SW Calgary, Alberta

T2P 3L8

Fax: 403-718-3525

[kenneth.macdonald@enbridge.com](mailto:kenneth.macdonald@enbridge.com)

Abby Dorval Manager, Regulatory Affairs Northern Gateway Pipelines Inc.  
30th Floor, 425 – 1st Street SW  
Calgary, Alberta,  
T2P 3L8

Fax: 403-231-7380

[abby.dorval@enbridge.com](mailto:abby.dorval@enbridge.com)

Richard Neufeld, Q.C.  
Barrister & Solicitor Fraser Milner Casgrain  
15th Floor, 850 – 2nd Street SW  
Calgary, Alberta  
T2P 0R8  
Fax: 403-268-3100  
[richard.neufeld@fmc-law.com](mailto:richard.neufeld@fmc-law.com)

#### RECENTLY POSTED

NELSON DOWNTOWN MARKET  
RETURNS JUNE 10


JUMBO OFFICIAL COMMUNITY  
PLAN

JOIN OUR TEAM FOR THE  
SUMMER!

ECOSOCIETY OPPOSES HELI-SKI  
APPLICATION

#### NEW SLETTER

Sign up for the new sletter!

Email Address 

West Kootenay EcoSociety  
#206 - 507 Baker St  
Nelson, BC V1L 4J2

Web design & development by The Seed Studio  
<http://theseednetwork.com/>,  
with funding from WRC <http://wrc.ca/>.

#### SOCIAL

Join the discussions with our online  
communities:

<http://www.facebook.com>

[WestKootenayEcoSociety](#)

<http://ecosociety.inthekoots.com/>

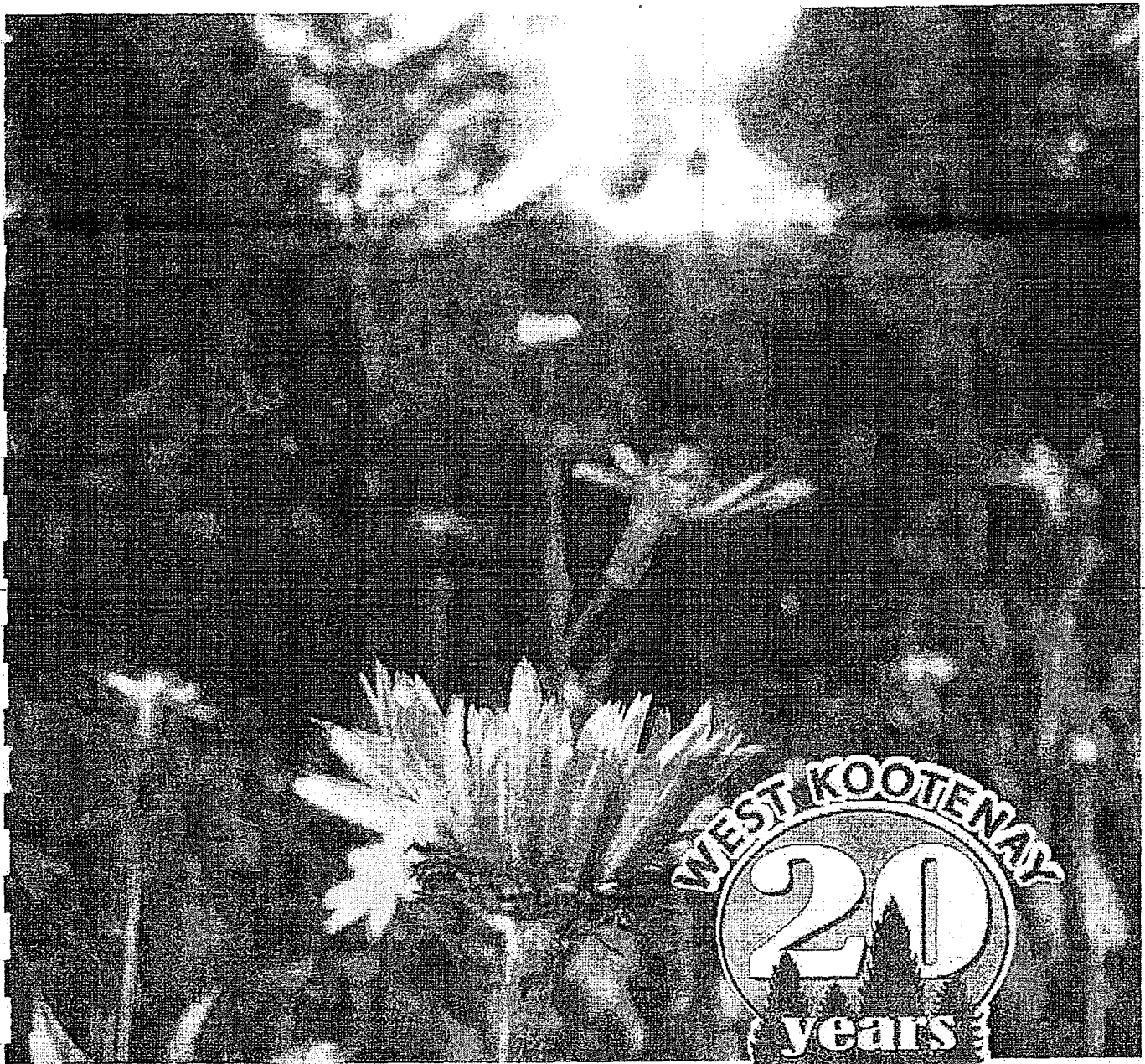
email: [info@ecosociety.ca](mailto:info@ecosociety.ca)  
phone: (250) 354-1909  
fax: (250) 354-1966

[TERMS & CONDITIONS](#) [PRIVACY](#) [SITE MAP](#)

---

**TAB**

**51**



EcoSociety

Working for  
the future  
we want

Progress in 2014

# Working for the future we want



EcoSociety

## Progress in 2014

**R**eal progress on environmental sustainability continues as a major public concern in the Kootenays, Canada and in fact, around the world. The West Kootenay EcoSociety forged ahead this year with strong programs that work toward sustainability and keep it in the public eye in our local community.

The West Kootenay EcoSociety celebrated its 20th Anniversary. Since 1994, the work and success of this grassroots organization have been growing steadily.

Planning and development for a growing range of environmental work in the future was also important in the year as the West Kootenay EcoSociety planned more staffing for local participation and, in the big picture, developed a broader, longer-term plan for a new Regional Sustainability Network.

This report on Progress in 2014 gives us a picture of the range and impact that a community organization can have.

## An amazing amount of activity

Our programs again covered a wide range, all the way from 40 market days, several high profile films, speakers, the edible garden tour, and several strong ongoing partnerships. It was the 8th year for MarketFest which has become a signature summer fun event in Nelson. The Cottonwood and Baker Street markets connected over 270 local producers with thousands of customers. Our Kootenay Rideshare project website had 40,000 unique visitors!

Our staff, volunteers and members generated an amazing amount of advocacy and economic and educational activity.



ecosociety.ca



# Setting the long-range goals

This report outlines four strategic long-term goals for the Society, and it reviews the 2014 activities as they work toward each of these goals. The goals have been set by the Board of Directors after intensive, and extended, planning. They are:

1

## GOAL ONE

Create a Regional Sustainability Network

2

## GOAL TWO

Implement projects that benefit sustainability and ecosystem health.

3

## GOAL THREE

Develop infrastructure and awareness to support environmental actions.

4

## GOAL FOUR

Build capacity and develop organizational infrastructure

## Overall themes

To keep our focus on our goals, our Board also set four on-going themes or objectives for us to make progress on. These are:

### Protect our community from climate change

A critical global issue that has to be met with local action, including carbon reductions and public pressure for systemic change.

### Create a sustainable local food system

Localizing food is a key way to reduce transport carbon and costs; reduce chemical usage and put us all more directly in touch with the producers, the plants and animals that sustain us.

### Help children to learn about the outdoors

We help our community – young and old – understand our regional ecosystems and the opportunities for sustainable communities. Learning about our dependence and connection with the natural world is essential.

### Save wild spaces for future generations

We live in a beautiful mountain setting where three mountain ranges tower over deep lakes. Helping to preserve the beauty and naturalness of this wonderful place creates a legacy for our children, and for the world.



## 1

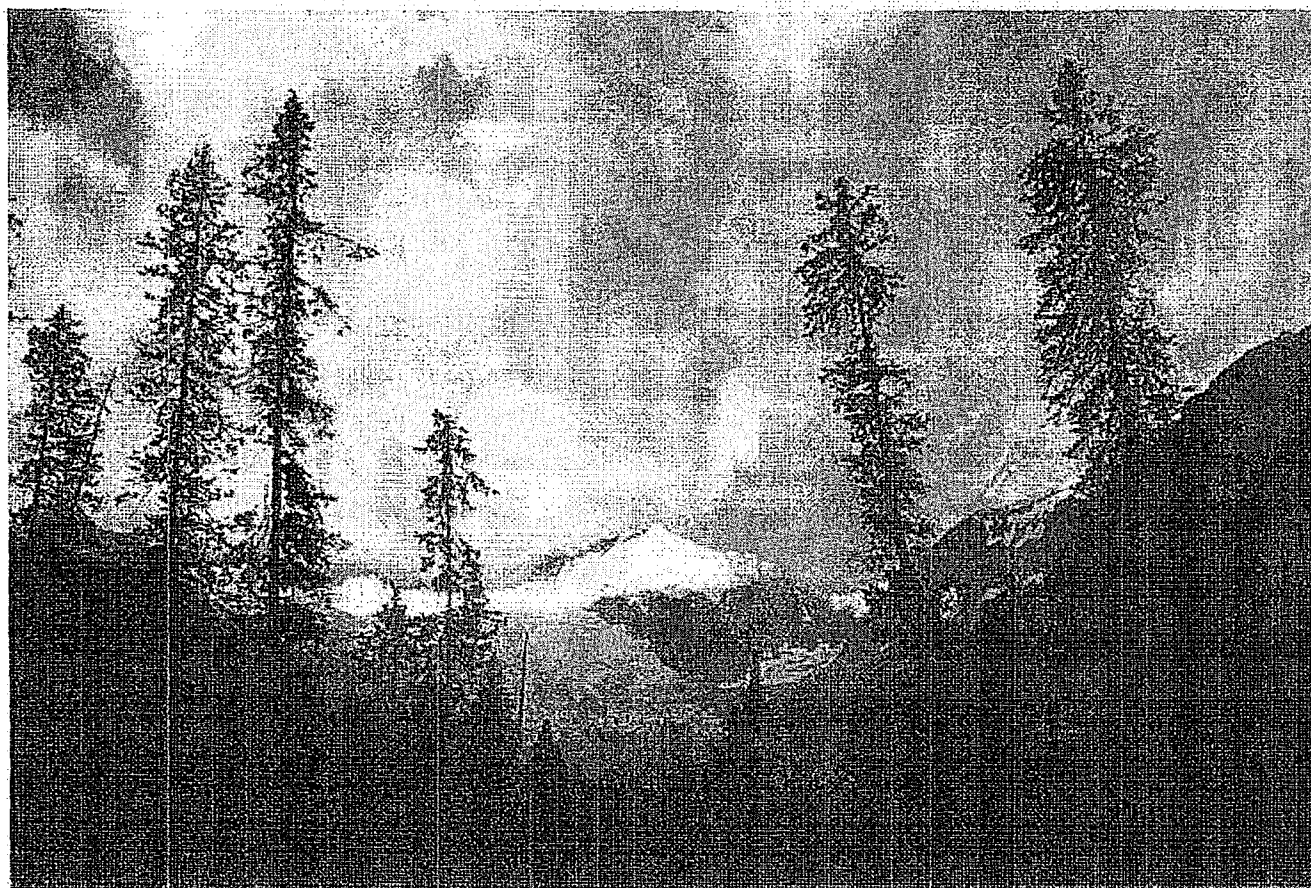
## GOAL ONE Create a Regional Sustainability Network

The Board of Directors wanted a comprehensive regional plan to be most effective. How can citizens have the most impact, make the most important changes? This would take research, collaboration with partners, in fact a network. The planning led to the decision to create this in the form of a new Regional Sustainability Network (RSN).

The RSN will be the main force to develop a more complete understanding of the challenges and opportunities facing our region.

We will find out what people want in a resilient community and determine how we can help (e.g. research, data collection, coordination and networking, analysis, capacity building, policy advocacy, programs, education).

The RSN is being established as an independent organization, a registered charity. It will be empowered to accept donations and give tax receipts/ It will give our community a means to identify the best ways to work together for sustainability, and support and implement projects to realize those priorities.





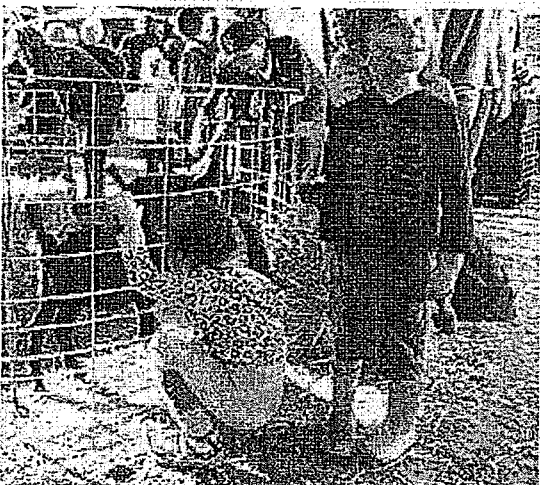
2

**GOAL TWO**

Implement projects that benefit sustainability and ecosystem health.

Goal two provides the framework for many of the EcoSociety's most viable projects. With our active board, large community of talented volunteers and committed staff, the West Kootenay EcoSociety is a major social enterprise and civil society contributor in our communities. Our wide range of activities, large and small, have an important beneficial effect on our lives here. Our Markets, Friends of Kootenay Lake, the Kootenay Rideshare, and Earth Matters are all examples of projects addressing Goal Two.

## Markets and Festivals



Connecting local producers with the community has become a major service the Society provides in an increasing number of markets and fairs. The demand from both sellers and buyers is growing steadily as more and more people look for local products. West Kootenay EcoSociety's Markets Director Jesse Woodward works tirelessly with the organization of these events, coordinating vendors and promotion. EcoSociety organized markets have become an "institution" that the community depends on.

### Cottonwood Community Market

Running Saturdays from May to October in Cottonwood Falls park, the weekly market has local charm and Kootenay culture all over it. Local musicians entertain and help create a festive air that makes Saturday at the market a great time.

Saturday Cottonwood market... one of Nelson's best local secrets.

### Nelson Downtown Local Market


The Wednesday markets that take over Baker Street from June through September are also now a key part of our local culture. Offering an amazing mix of local produce, plants, prepared foods, body care, and hand-made arts and crafts. Customers can rest assured that they are supporting the local economy due to the fact that 80% of each vendor's wares must be made locally to be sold at the market.

### MarketFest

Nelson's largest summer time festivals are on Friday night in June, July and August. MarketFest takes over downtown for a night of music, food, marketing and revellry. This was the 8th year of a great tradition that brings all of Nelson, and many visitors, into Nelson's living room.



ecosociety.ca

Progress in 2014  EcoSociety

5

## GOAL TWO

Implement projects that benefit sustainability and ecosystem health.

### Garden Fest

The 13th Annual Nelson Garden Festival was again a great place for local gardeners and producers to share their bedding plants, seedlings, services and wisdom. Garden Fest also takes over Baker Street for a Saturday in May. The tremendous turnout shows how seriously our communities take their gardening and stewardship of their local resources.

### Winter Craft Fair

Our Christmas market has become a highly popular and attended event where people keep their shopping local. It's a step in shifting from 'consumerism' to community. Our artists, weavers, potters and more bring in a large crowd. It's a great way to keep Christmas spirit in our community.

### Fall Fair

The 8th Annual Fall Fair is a traditional harvest celebration complete with live music, prizes for best produce, preserves, and pies, as well as all the fresh produce, delicious food and amazing crafts that are always at Cottonwood Market. It's keeping alive a timeless tradition that recognizes the importance of local producers and home cooking!

### Seedy Saturday

A major service to local gardeners, with workshops about what works here!

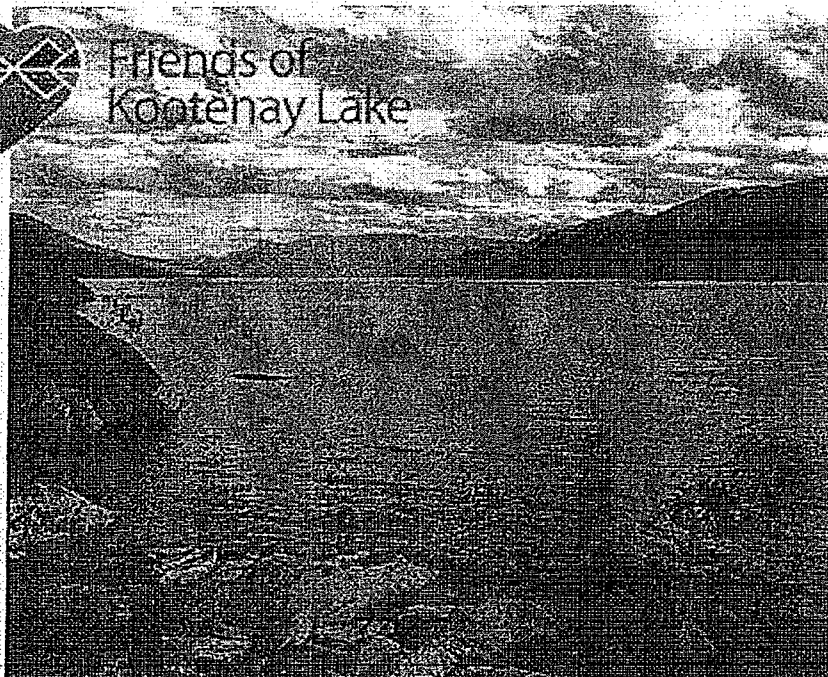
Locally grown seeds are better suited to our local conditions than seeds cultivated in far off lands. Meet other growers, share tips and ideas, and find unique varieties not available in any store or catalog! The event is a much appreciated service to local gardeners.



# Friends of Kootenay Lake



Friends of  
Kootenay Lake



**W**e are proud to be partners in establishing Friends of Kootenay Lake since its creation in 2012. Hosting a highly successful Kootenay Lake Summit in October, 2014, the Friends of Kootenay Lake is building a stronger community of interest on protecting our mountain gem. FOKL has engaged hundreds of residents around the lake to map wildlife and trees, collect over 5100 water quality data points, educate residents about lake stewardship, and implement the Harrop Wetland Restoration. Emphasize. FOKL has already had some amazing accomplishments.

Congratulations to FOKL coordinator Claire de la Salle for a great job. Most

recently she has helped produced a short new video for education about the Lake. See it here. <https://vimeo.com/121750775>



friendsofkootenaylake.ca

## What a team....

**W**est Kootenay EcoSociety is a social ecosystem made up of our members, directors, and volunteers, and the people who put in the most energy of all, our staff members. Thanks to this great team who make it all happen.

### EcoSociety Staff

David Reid, Executive Director  
Jesse Woodward, Markets Director  
Tim James, Projects Manager

### Kokanee Visitor Centre

Mel Reasoner, Director  
Joanne Siderius, Senior Naturalist  
Sara Marken Retail Manager  
Bryce Harrison, Front Counter

### Board of Directors 2014

Paula Snow, President  
Mary Ann Spears, Treasurer  
Montana Burgess, Secretary  
Fiona Galbraith  
David Lovekin  
Evan McKenzie  
Russell Precious

Progress in 2014



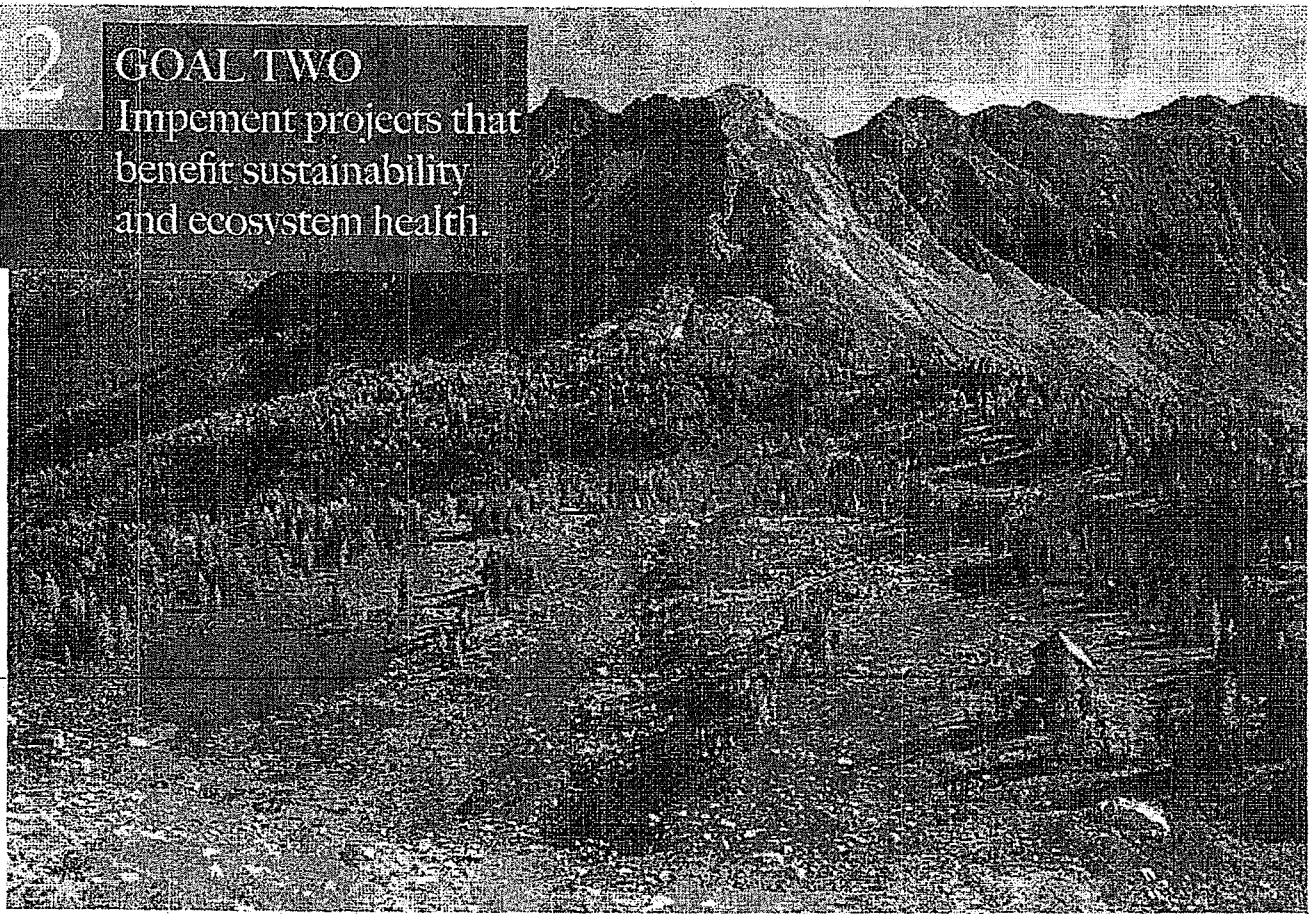
EcoSociety

7

2

## GOAL TWO

Implement projects that benefit sustainability and ecosystem health.



## Jumbo Wild!




keepitwild.ca

2014 looked to be a watershed year for the decades long struggle to stop ski resort development in the wilderness gem of the Purcell range. The already once renewed Environmental Certificate was set to expire in October and the developer needed to show substantial development or it would expire and trigger a completely new environmental assessment. The developer poured a small amount of concrete, but the government has yet to announce if that constitutes substantial development.

A monitoring camp staffed consistently by valiant volunteers from the East Kootenay and West Kootenay documented all the activity at the site from August through October.

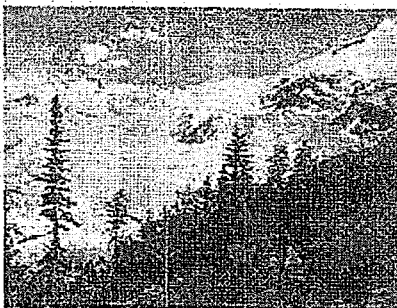
The volunteers hosted the 2nd

Progress in 2014  EcoSociety

annual Jumbo Camp dinner and hosted a Book Sale of the donation of Kim Kratke's wonderful library, which helped raised thousands more for the cause. The first annual Blues, Brews a Barbecue raised over \$2,000 for the campaign.

The West Kootenay EcoSociety filed a legal challenge to the Jumbo Glacier Resort Municipality, the municipality with an appointed mayor and provincially-granted budget, but NO citizens. A K'tunaxa First Nation legal challenge was denied by one court, but the K'tunaxa filed an appeal of the decision which is still pending.

As 2014 drew to a close, nothing was finally settled on the ski resort development and it appeared the campaign would necessarily go forward into 2015.



8



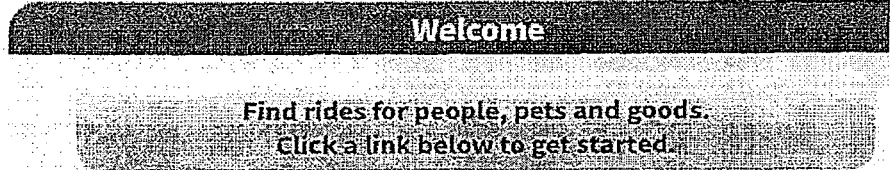
# Kootenay Rideshare

In 2014 we completely redesigned the website to make it even easier for people to find ways to share car trips and cut down on greenhouse gases. The new interface for the website allows people to choose very quickly whether they are offering or seeking a ride and whether it is an ongoing or one-time arrangement. The service is well-used by Kootenay residents particularly when travelling outside the region. The site had an amazing 40,000 unique website visitors in 2014. An important community service, the small investment made by the EcoSociety pays real dividends in assisting people and in cutting carbon emissions.



## Conservation Committee

The West Kootenay Society Conservation Committee does an overview of animal and habitat conservation issues. The committee is made up of highly qualified volunteers, professionals in their fields, including biology, and hydrology. They review policies and programs to promote conservation and protection of sensitive habitats.




## Earth Matters

The EarthMatters Waste Reduction and Education (Zero Waste Market) project works at regional markets in the Kootenays to provide education on waste reduction and divert waste from landfill through composting and recycling. Our Compost Educator Heather Koczan worked at markets and events and events throughout the summer, including the Cottonwood and Downtown markets in Nelson, but also at some of the following events:

- Salmo Farmer's Market
- Castlegar Farmers' Market
- Harrop Farmers' Market
- Ellison's Heritage Fair
- Kokanee Park Redfish Festival
- Kaslo Farmers' Market
- Crawford Bay Farmer's Market
- Hills Garlic Fest
- Nakusp Farmers' Market
- Lardeau Valley Farmer's Market
- Pass Creek Fall Fair
- Winlaw Farmers' Market
- Creston Farmers' Market



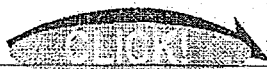
Progress in 2014  EcoSociety

3

**GOAL THREE**

Develop infrastructure  
and awareness to  
support environmental  
actions.

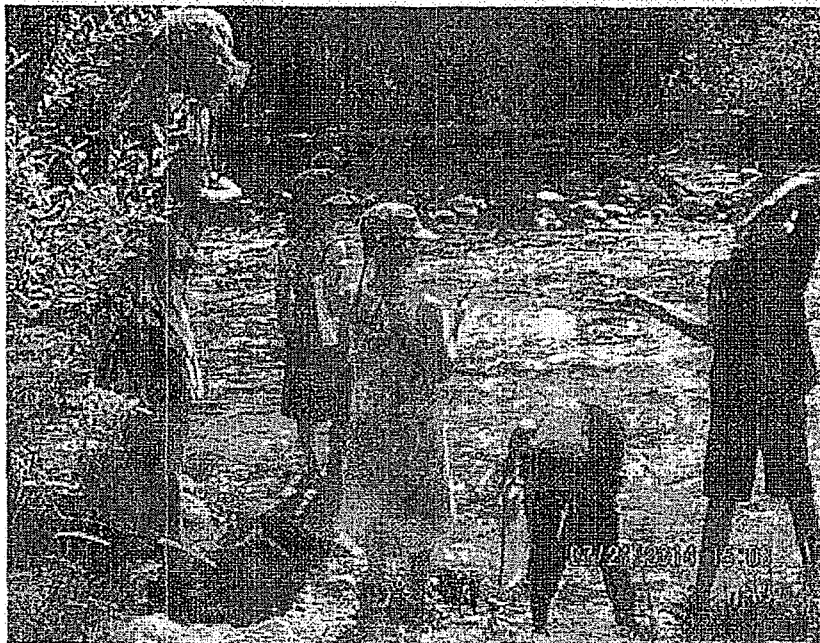
On-going public education, with news, events and ideas about environmental sustainability is a core project for West Kootenay EcoSociety. Broader community awareness is essential to support for the changes we need for sustainability. The EcoSociety continues to keep environmental issues front and centre in our community with our established projects and frequent public events.




kootenaycoopradio.com

**The EcoCentric**

West Kootenay EcoSociety volunteers host the weekly EcoCentric hour of environmental news on CJLY Kootenay Coop Radio. Hosts Suzy Hamilton, Bruce Edson and Keith Wiley and frequently David Reid talk to high profile environmental experts from around BC and the world. Tune in at noon on Tuesday or 9 am Sunday. Or listen to past EcoCentric shows online at KootenayCoopRadio.com or visit the facebook page for listings of shows and guests.



10

Progress in 2014  EcoSociety

**Kokanee Creek****Visitors Centre**

We work closely with Friends of West Kootenay Parks and BC Parks to deliver public programs at the Visitors' Centre in the Park. The Redfish Festival in August is the annual highlight of course, but our interpretive and nature programs reach hundreds of visiting campers and local children and families. The wonderful array of programs at the park would not be possible without funding from Columbia Basin Trust, the Regional District of Central Kootenay Areas E and F.

There were 20,000 visitors to the Centre last season, many local people as well as visitors from outside the region. Thousands of these visitors joined in the events in the Park:

Evening Programs  
Jerry's Rangers  
Nature Notebooks  
Stories in the Park  
Yoga in the Park  
Nature Investigators



kokaneevisitorscentre.org

# Films and public events

The EcoSociety keeps a high profile for the environment by organizing and co-sponsoring a large number of educational public events.

**Film Series:** In 2014 we screened the following films at the Nelson Civic Theatre to very appreciative audiences: *Bears, Damnation, Deep Green, Ghosts in Our Machine, GMO OMG, and Revolution.*

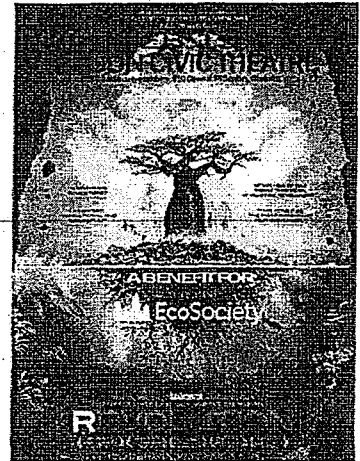
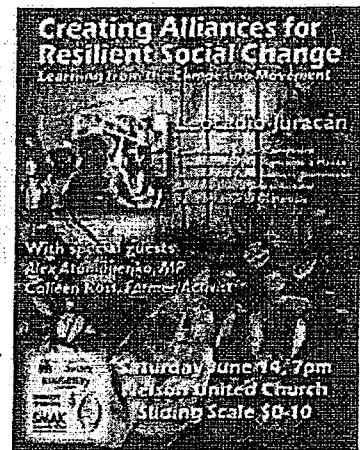
West Kootenay EcoSociety also sponsored speakers and events like Mayan farmer. Leocadio Juracan on creating a alliances for resilient social change.

It was a civic election year and we sponsored the very well-attended

**Speed Candidating** event which let people meet candidates for Nelson Council and School Board face-to-face.

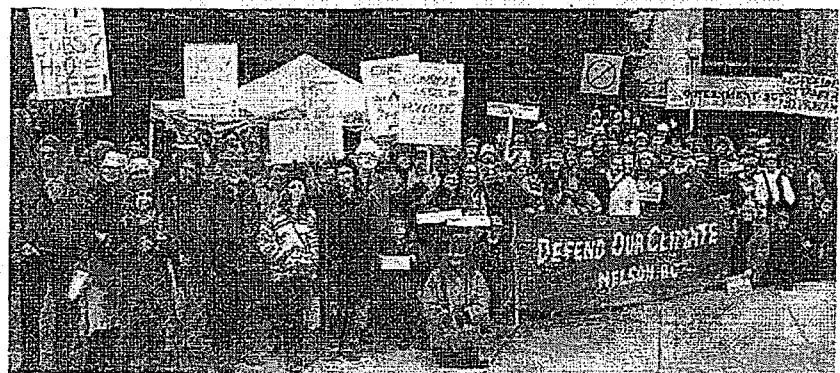
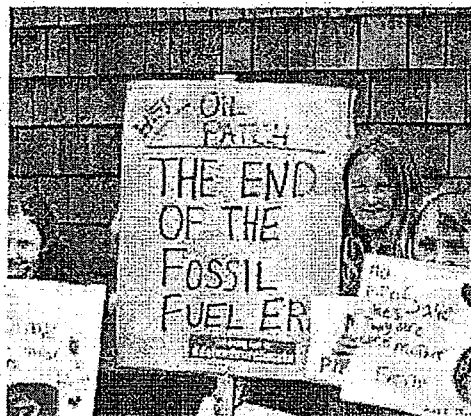
We co-sponsored a **Conversation Cafe** on educating the next generations about environmental concerns, what we should be doing about the concerns they have presented and, finally, how to foster community engagement with these issues.

The **Nelson Edible Garden Tour** was again a great chance to meet, learn from and visit neighbour gardeners. There was no end of conversations breaking out about many varied topics.



## Public action and discussion

Not every environmental concern is only local, and EcoSociety members and volunteers are strong activists in the growing global movement to shutdown the growth of fossil fuels and bring in a new renewable energy economy. Members helped organize the local National Day of Action on Climate change, a local protest of the decision to approve the Enbridge bitumen pipeline and a Critical Mass bike Ride for a clean energy future that brought out over 100 cyclists for a fun and highly visible mass ride through Nelson.



Progress in 2014 EcoSociety

## GOAL FOUR

Build capacity and  
develop organizational  
infrastructure

After 20 years of service to our community, West Kootenay EcoSociety is committed to being around for 20 years more. In order to ensure our own sustainability, our board members, staff members, and volunteers are continually improving our capacity and building a better, wiser, and more effective organization. In 2014, our board decided to move to quarterly meetings to allow members to participate more effectively in our board committees:

### Fundraising

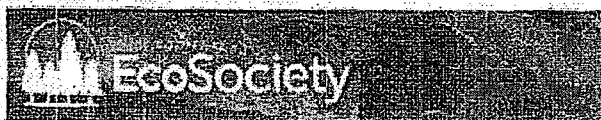
Our fundraising committee oversaw our membership program, raffles, fundraising events, and sponsorship drive. Although membership makes up a small percent of our budget, our members continue to be the lifeblood of our work, providing connection to our community and credibility with partners, funders, and elected leaders.

### Board Development

Recruiting, training, and engaging board members can be challenging, but our Board Development Committee has made great strides in ensuring that board members understand their roles and have the tools they need to meet their responsibilities.



ecosociety facebook



#### In this edition of the EcoSociety E-Update:

Yellowknife EcoSociety  
Board Members Update  
Greenwater Collective Community Center  
EcoSociety  
EcoSociety

#### Welcome New Staff!



West Kootenay EcoSociety is proud to announce two new members of our team, Mariana Burgess and Sam Jones.

### Financial Oversight

Reviewing monthly, quarterly, and annual budgets and financial reports is a key responsibility for our Board. Our committee worked closely with Executive Director David Reid to develop financial systems that create accountability for our members, funders, and partners, and which provide critical information to inform our budget planning process.

### Strategic Planning

Our strategic plan is a living document that is reviewed on an ongoing basis to ensure that our programs are designed to reach our strategic goals. In 2014, we made great strides in putting our plan to work.

### Program Oversight

Every year, West Kootenay EcoSociety develops annual work plans and budgets to enable us to allocate our resources effectively. The entire board works closely with staff to develop these plans and revise them every six months to ensure that staff time and other resources are put to the best, most strategic possible uses.



# Strong community support...

The West Kootenay community and area businesses have always been great supporters of EcoSociety endeavours. Here is a list of some of the organizations and businesses who have supported us.

Columbia Basin Trust

Kootenay  
co-op



NELSON STAR

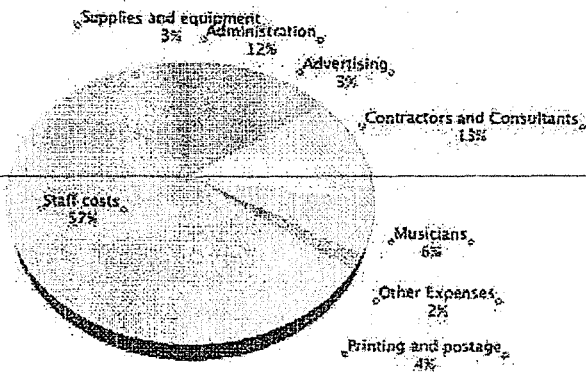
Nelson & District  
CREDIT UNION *logically. locally.*

- Abacus Beads
- Annie's Boutique
- Big Cranium
- Boomtown Sports
- Building Tree
- City of Nelson
- Columbia Basin Trust
- Cotton Creek Clothing
- Craft Connection
- Digerati Computing
- Gaia Rising
- Georama
- Gerick's Cycle and Ski
- Hipperson Hardware
- Kootenay Bakery Cafe
- Kootenay Coop Radio
- Kootenay Country Store Cooperative
- Max & Irma's
- Max the Jeweller
- Mountain Baby
- Nelson and District Chamber of Commerce
- Nelson and District Credit Union
- Nelson Brewing
- Nelson Civic Theatre
- Nelson Family Eyecare
- Nelson Star
- Oso Negro
- Otter Books
- Pathway Life Coaching
- Phoenix Computers
- Real Estate Foundation of BC
- ROAM
- Save-On Foods
- Shanti Yoga
- Still Eagle
- the Juice Radio
- Valhalla Path Realty
- Valhalla Pure Outfitters

# Financial snapshot...

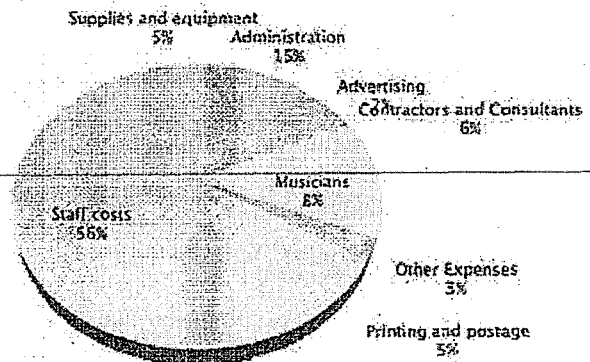
2014

## Expenses

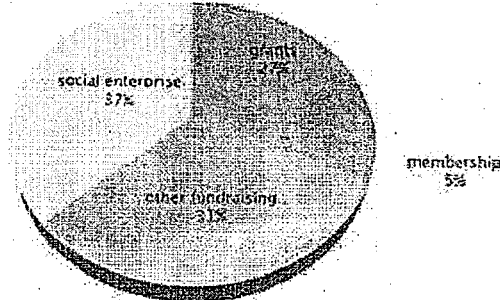


2015

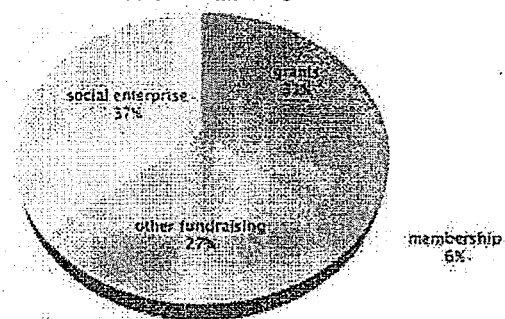
## Expenses



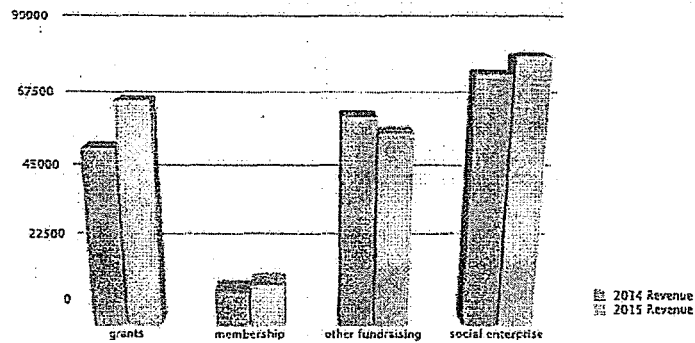
## Revenues



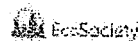
## Revenues



Projections for growth in 2015



Progress in 2014



SC-3  
PROTECTED B

File No. 1500-481

SECURITY INTELLIGENCE REVIEW COMMITTEE

IN THE MATTER of a complaint filed pursuant  
to section 41 of the *Canadian Security Intelligence  
Service Act*, RSC 1985, c C-23

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

-and-

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

---

RESPONDENT'S SUBMISSIONS

---

William F. Pentney, Q.C.  
Deputy Attorney General of Canada

Per: Stéphanie Dion  
Department of Justice  
National Security Litigation  
& Advisory Group  
P.O. Box 8127, Station T  
Ottawa, Ontario  
K1G 3H6

Tel: 613-842-1356  
Fax: 613-842-1345  
General line: 613-231-0027

Solicitor for the Respondent

3532/16  
Copy 3 of 5

**SECURITY INTELLIGENCE REVIEW COMMITTEE**

IN THE MATTER of a complaint filed pursuant  
to section 41 of the *Canadian Security Intelligence  
Service Act*, RSC 1985, c C-23

BETWEEN:

**BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION**

Complainant

-and-

---

**CANADIAN SECURITY INTELLIGENCE SERVICE**

Respondent

---

**RESPONDENT'S SUBMISSIONS**

---

**OVERVIEW**

1. This is a complaint filed with the Security Intelligence Review Committee ("the Committee" or "SIRC") in February 2014 by the British Columbia Civil Liberties Association ("BCCLA" or "Complainant") pursuant to section 41 of the *Canadian Security Intelligence Service Act (CSIS Act)*<sup>1</sup>.
2. BCCLA's complaint is based on media reports alleging that the National Energy Board ("NEB") has engaged in information and intelligence gathering about

---

<sup>1</sup> RSC 1985, c C-23.

organizations seeking to participate in the NEB's Northern Gateway Project hearings. The Complainant alleges that records obtained under the *Access to Information Act* ("ATIP release")<sup>2</sup> demonstrate that this information and intelligence gathering was undertaken with the co-operation and involvement of the Canadian Security Intelligence Service ("Service", "CSIS" or "Respondent") and other law enforcement agencies, and that CSIS participated in sharing intelligence information with the NEB's security personnel, the Royal Canadian Mounted Police ("RCMP"), and private petroleum industry security firms.<sup>3</sup>

3. Because national security considerations prevent the Respondent from confirming or denying whether a person or a group is or has been a subject of investigation, the Committee has heard evidence on CSIS's investigation, collection and dissemination activities in the course of the *ex parte* hearings. The Respondent's unclassified submissions should be read in conjunction with the classified submissions which address the classified evidence presented to the Committee.

4. The evidence has shown that any collection and dissemination of information by CSIS was done lawfully in conformity with its mandate. Furthermore, the Complainant has failed to establish that CSIS has done the acts or things alleged in its complaint. Requests for information or advice from the NEB to CSIS do not demonstrate that CSIS collected information about the groups seeking to participate in the NEB's hearings. The Complainant has also failed to establish a causal connection between the acts or things done or allegedly done by the Service and the "chilling effect" on freedom of expression and association.

<sup>2</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*.

<sup>3</sup> Exhibit SIRC-1, tab 1, *Complaint letter*; Complainant's opening remarks, Transcript of *In Camera* Proceedings, vol. 1, pp. 21-22.

I. THE ISSUES TO BE EXAMINED IN THE COMPLAINT

5. SIRC's jurisdiction in investigating this complaint under section 41 of the *CSIS Act* is limited to the activities of CSIS. SIRC does not have the jurisdiction to review the actions of other governmental bodies or the Minister mentioned in the course of this complaint such as the RCMP, the NEB and the Minister of National Resources. As such, CSIS's evidence and submissions will be limited to acts or things done or allegedly done by CSIS.

6. At the Pre-Hearing Conference Proceedings held on May 20, 2015, the Presiding Member adopted the issues that were agreed to by the parties. These issues are:

- 
- Did CSIS collect information about groups or individuals for their activities in relation to the Northern Gateway Pipeline Project? If so, was it lawful?
  - Did CSIS provide information relating to individuals or groups opposed to the Northern Gateway Pipeline Project to the NEB or non-governmental members of the petroleum industry? If so, was it lawful?<sup>4</sup>

7. The "groups" mentioned in the issues above are the groups listed in the Complaint letter of February 2014.<sup>5</sup> They are: Leadnow, ForestEthics Advocacy Association, Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More.<sup>6</sup>

---

<sup>4</sup> Exhibit SIRC-1, tab 12, *Respondent's letter of April 15, 2015*; Transcript of Pre-Hearing Conference of May 20, 2015.

<sup>5</sup> Transcript of Pre-Hearing Conference of May 20, 2015, pp. 18-19.

<sup>6</sup> Exhibit SIRC-1, tab 1, *Complaint letter*, p. 6.

## II. CSIS MANDATE : COLLECTION, ANALYSIS AND RETENTION

8. CSIS's mandate to conduct investigations is found in section 12 through to section 16 of the *CSIS Act*.

9. Section 12 of the *CSIS Act* states:

The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.

10. The expression "threats to the security of Canada" found in section 12 is defined in section 2 of the *CSIS Act*, it includes:

- espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage and sabotage;
- foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
- activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state; and
- activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada.

The *in fine* paragraph of the definition of "threats to the security of Canada" provides that "it does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities" referred above.



11. The Respondent agrees in general with the Complainant's submission that the exemption for lawful advocacy, protest and dissent (LAPD) is a crucial protection that enshrines serious concerns that were articulated by the McDonald Commission and which led to the creation of CSIS.<sup>7</sup>

12. Other aspects of CSIS's mandate include: taking measures to reduce activities which may be reasonably believed to constitute a threat to the security of Canada<sup>8</sup>; conducting investigations and providing security assessments to departments of the Government of Canada ("GoC")<sup>9</sup>; providing advice on matters relating to the security of Canada relevant to a Minister's duty or function under the *Citizenship Act* or *Immigration and Refugee Protection Act*<sup>10</sup>; and providing assistance to the Minister of National Defence or the Minister of Foreign Affairs, in Canada, on matters of foreign states and persons<sup>11</sup>.

### III. CSIS INFORMATION SHARING

13. Section 19 of the *CSIS Act* provides the legal authority under which CSIS is authorized to disclose information it has obtained in the performance of its duties and functions, it reads:

19 (1) Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

19 (1) Les informations qu'acquiert le Service dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ne peuvent être communiquées qu'en conformité avec le présent article.

(2) The Service may disclose

(2) Le Service peut, en vue de

<sup>7</sup> Complainant's final submissions, para. 150.

<sup>8</sup> *CSIS Act*, s. 12.1 (not in force at the time of filing of the complaint).

<sup>9</sup> *Ibid*, s. 13, 15; a security assessment is defined in s. 2 as meaning "an appraisal of the loyalty to Canada, and, so far as it relates thereto, the reliability of an individual"; department is broadly defined at s. 2 as including "any portion of a department of the Government of Canada [...]" and "any Ministry of State, institution or other body of the Government of Canada [...] or any portion thereof".

<sup>10</sup> *Ibid*, s. 14.

<sup>11</sup> *Ibid*, s. 16.



information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information,

(a) where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;

(b) where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister of Foreign Affairs for the purpose;

(c) where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or

(d) where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the federal public administration is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

(3) The Director shall, as soon as practicable after a disclosure referred

l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou pour l'exécution ou le contrôle d'application de celle-ci, ou en conformité avec les exigences d'une autre règle de droit, communiquer les informations visées au paragraphe (1). Il peut aussi les communiquer aux autorités ou personnes suivantes:

a) lorsqu'elles peuvent servir dans le cadre d'une enquête ou de poursuites relatives à une infraction présumée à une loi fédérale ou provinciale, aux agents de la paix compétents pour mener l'enquête, au procureur général du Canada et au procureur général de la province où des poursuites peuvent être intentées à l'égard de cette infraction;

b) lorsqu'elles concernent la conduite des affaires internationales du Canada, au ministre des Affaires étrangères ou à la personne qu'il désigne à cette fin;

c) lorsqu'elles concernent la défense du Canada, au ministre de la Défense nationale ou à la personne qu'il désigne à cette fin;

d) lorsque, selon le ministre, leur communication à un ministre ou à une personne appartenant à l'administration publique fédérale est essentielle pour des raisons d'intérêt public et que celles-ci justifient nettement une éventuelle violation de la vie privée, à ce ministre ou à cette personne.

(3) Dans les plus brefs délais possible après la communication visée à l'alinéa (2)d), le directeur en fait rapport au comité de

to in paragraph (2)(d) is made, submit surveillance.  
a report to the Review Committee  
with respect to the disclosure.  
(our emphasis)

14. When CSIS provides information and advice to the GoC on matters of national security, it does so pursuant to its mandate under section 12 and the preamble of subsection 19(2). GoC is not expressly defined in the *CSIS Act*; GoC refers to the executive or administrative branch of government,<sup>12</sup> it should be interpreted broadly and include persons or agencies carrying out their duties and functions on behalf of the Crown in order for CSIS to continue to provide timely information, analysis and advice relevant to those performing those duties and functions.

15. There may be situations where CSIS is required to disclose information outside of the GoC for the performance of its duties and functions, for example, to obtain information relevant to a CSIS investigation. This is commonly referred to as the "give to get" principle. Information disclosed under the "give to get" principle is disclosed under the authority set out in the preamble of subsection 19(2) (*for the purposes of the performance of CSIS's duties and functions*).

#### IV. EVIDENCE ON THE CONDUCT OF CSIS INVESTIGATIONS AND DISCLOSURE OF INFORMATION

16. The Respondent called five witnesses during the course of the hearings, four witnesses testified *ex parte* and one witness testified *in camera*. Robert, the Regional Director General of the British Columbia regional office, was called to testify *in camera* and testified to the conduct of CSIS investigations.<sup>13</sup>

<sup>12</sup> *RWDSU v Dolphin Delivery Ltd.*, [1986] 2 SCR 573, p. 598.

<sup>13</sup> Testimony of CSIS Witness, Transcript of *In Camera* Proceedings, vol. 2, pp. 238-248.

17. The witness described CSIS's mandate, specifically with respect to section 12 of the *CSIS Act* as well as the threats to the security of Canada as defined in section 2 of the *CSIS Act*.<sup>14</sup>

18. Robert testified that for the past ten years, most (two thirds to three quarters) of CSIS's investigative resources have been focused on counter-terrorism; a large portion of the remainder of CSIS's investigative resources is dedicated to counter-intelligence activities.<sup>15</sup>

19. With respect to paragraph (d) of the definition of "threats to the security of Canada", commonly referred to as subversive activities, Robert testified that the Service has not conducted any investigation under paragraph (d) for the last twenty or twenty-five years.<sup>16</sup>

20. The witness emphasized that none of the threats enumerated in section 2 include LAPD. However, LAPD activities carried out in conjunction with any of the activities referred to in the enumerated threats in section 2 may fall under CSIS's section 12 mandate. He explained that policies, procedures and directional statements address or provide guidelines on how to address a situation that may have a LAPD component. LAPD is also addressed in training.<sup>17</sup>

21. When asked about "unlawful" advocacy, protest or dissent, Robert opined that these acts would not necessarily trigger CSIS's mandate.<sup>18</sup> Whether the activities are lawful or not, the activities must fall within paragraphs (a), (b), (c) or (d) of the definition of "threats to the security of Canada" to trigger CSIS's mandate. Robert also testified that violence associated with a protest at some critical

<sup>14</sup> *Ibid*, pp. 240-242.

<sup>15</sup> *Ibid*, p. 243.

<sup>16</sup> *Ibid*, p. 241.

<sup>17</sup> *Ibid*, pp. 244-245.

<sup>18</sup> *Ibid*, pp. 269-272.

infrastructure would fall below the threshold unless it was acts of "serious violence".<sup>19</sup>

22. CSIS obtains information from open source information, foreign agencies, domestic partners, voluntary interviews, surveillance, human sources and other techniques.<sup>20</sup> The witness explained that CSIS only retains information that is germane to CSIS's mandate.<sup>21</sup>

23. Techniques involving the interception of communications require a Federal Court issued warrant pursuant to section 21 of the *CSIS Act*.<sup>22</sup> The witness testified as to the process to apply for warrant powers which requires weeks and months of preparation and Department of Justice consultation. Management, including the Director, has to approve the application, as well as the Minister of Public Safety. Finally, a Federal Court judge must be convinced that the powers sought are justified. These powers are only sought in the most exceptional "serious threat" cases and are focused on counter-terrorism.<sup>23</sup>

24. With respect to the conduct of surveillance, the witness testified that this invasive and costly technique is done with great circumspection and requires the approval of the Regional Director General.<sup>24</sup>

25. The witness testified, based on his experience with CSIS's security screening program, that concerns raised that participation in LAPD may have an impact on job opportunities, security clearance applications or mobility rights was without basis and without foundation.<sup>25</sup>

---

<sup>19</sup> *Ibid*, p. 301.

<sup>20</sup> *Ibid*, p. 245.

<sup>21</sup> *Ibid*, pp. 273-274.

<sup>22</sup> *Ibid*, p. 246.

<sup>23</sup> *Ibid*, pp. 246-247.

<sup>24</sup> *Ibid*, p. 247.

<sup>25</sup> *Ibid*, p. 248.

26. Robert briefly testified on some of CSIS's outreach and liaison activities which include speaking with community representatives or groups to explain CSIS's mandate. This also includes speaking with representative of banking institutions and critical infrastructure.<sup>26</sup>

27. The Complainant's allegation of improper information sharing with non-governmental members of the oil sector revolves around the Department of National Resources ("NRCan") biannual classified briefings. Robert testified that the NRCan briefings are organized by the NRCan, but because CSIS has a convenient venue, it is hosted at CSIS Headquarters, attended by a wide variety of federal, municipal, private sector associations to discuss threat-related activities of mutual interest.<sup>27</sup>

---

28. Witnesses 2 and 3 testified on these briefings. Witness 3 described the origin and purpose of the NRCan briefings and CSIS's role. Witness 2 gave the Committee concrete examples of serious acts of ideologically-motivated violence discussed at the NRCan briefings.<sup>28</sup>

## V. INVESTIGATION OF COMPLAINT BY SIRC

### a) Standard of evidence

29. SIRC's duties and functions include the conduct of reviews of CSIS's activities.<sup>29</sup> The reviews are undertaken at SIRC's discretion and on the activities identified by SIRC; they are typically not complaint-driven.

---

<sup>26</sup> *Ibid*, p. 253.

<sup>27</sup> *Ibid*, p. 254.

<sup>28</sup> Summary of evidence, witnesses 2 and 3.

<sup>29</sup> *CSIS Act*, s. 38, 40.

30. SIRC may also investigate matters that are the subject of a complaint.<sup>30</sup> A complaint (on a matter other than on a denial of security clearance), must be made with respect to “any act or thing done by the Service”.<sup>31</sup> A complainant does not need to establish or even allege wrongdoing, but it must establish, on a balance of probabilities, that an act or a thing was done by CSIS. The applicable standard of evidence before SIRC, absent any legislation to the contrary, is the “balance of probabilities” standard.<sup>32</sup>

31. The standard of evidence advanced by the Respondent that it “must simply put forward evidence from which it could be inferred that there is a reasonable possibility that CSIS has engaged in the impugned conduct”<sup>33</sup> fails to consider the already low threshold set out in section 41 only requiring an “act or thing done by the Service”. It also fails to consider SIRC’s authority to conduct reviews of CSIS’s activities at its discretion.

32. As mentioned in the Respondent’s letter of September 22, 2014:

The Committee must be cautious in allowing a complainant to initiate, by way of a complaint, a review of the Service’s investigations regarding domestic threats and information sharing with Canadian government agencies without specific information to support the allegations. The Committee ought not to allow itself to become a proxy of the BCCLA in a matter which falls within the ambit of a review and not a complaint.<sup>34</sup>

---

<sup>30</sup> *Ibid*, s. 38(1)(c)(i).

<sup>31</sup> *Ibid*, s. 41.

<sup>32</sup> *F.H. v McDougall*, [2008] 3 SCR 41, para. 40.

<sup>33</sup> Complainant’s final submissions, para. 159.

<sup>34</sup> Exhibit SIRC-1, tab 7, *Respondent’s letter of September 22, 2014*.

33. The “relaxed” standard of evidence advanced by the Complainant is a testament to the evidentiary difficulties it faced in supporting its complaint. These difficulties are not the result of CSIS’s inherently covert activities, but rather a result of bringing forward a complaint that is of the nature of a review.

b) Evidence of an “act or thing done by the Service”

34. Mr. Josh Paterson testified that the revelations made in a Vancouver Observer article alleging that the Canadian government was “spying on anti-oilsands group” is at the basis of the BCCLA’s complaint.<sup>35</sup>

35. Based on information in the ATIP release received from the Vancouver Observer journalist, the Complainant drew inferences that information was collected by CSIS and shared with the NEB and private members of the petroleum industry. These inferences are based on information found in the NEB documents such as “[w]e consulted these two Agencies”; “we’ve received intelligence”.<sup>36</sup> Inferences were also drawn from the *Access to Information Act* exceptions contained in the ATIP release.<sup>37</sup>

36. The Vancouver Observer article states that the “federal government has been vigorously spying on anti-oil sands activists and organizations in BC and across Canada since last December, documents obtained under the Access to Information

---

<sup>35</sup> Testimony of Josh Paterson, Transcript of *In Camera* Proceedings, vol. 1, pp. 74-75; Exhibit C-1, tab 9, The Vancouver Observer, *Harper government’s extensive spying on anti-oilsands groups revealed in FOIs*, Matthew Millar, November 19<sup>th</sup>, 2013.

<sup>36</sup> Testimony of Josh Paterson, Transcript of *In Camera* Proceedings, vol. 1, pp. 86-88, 92.

<sup>37</sup> Testimony of Josh Paterson, Transcript of *In Camera* Proceedings, vol. 1, pp. 119-120.

Act show.”<sup>38</sup> The ATIP release is a 125-page record of predominantly NEB documents.<sup>39</sup> It contains five mentions of CSIS:

- 1) **Email from Timothy O’Neil (RCMP) in response to email from Rick Garber (NEB) dated April 19, 2013 at 6:51 AM<sup>40</sup>:**
  - In his email dated April 18, 2013, Rick Garber (NEB) asks Timothy O’Neil (RCMP) whether a recent YouTube item wherein threats to energy CI (pumping stations) and possibly to government officials (“targeting” the NEB panel members) represents a credible threat to the NEB panel members from the RCMP’s perspective.
  - Timothy O’Neil (RCMP) responds that the CIIT (Critical Infrastructure Intelligence Team) has no intelligence indicating a criminal threat to the NEB or its members and states that CITT will continue to monitor all aspects of the anti-petroleum industry movement to identify criminal activity and will ensure NEB is apprised accordingly. O’Neil’s email further states that CSIS officials were included to his response (cc’d) and that if Mr. Garber is planning on attending the NRCan May 23<sup>rd</sup> classified briefing, he may wish to discuss his concerns with the security officials who will be present.
- 2) **Response 1 from Rick Garber (NEB) to an email of Sheila Leggett (NEB Member) titled “Prince Rupert security assessment” dated January 31, 2013 at 8:55 AM<sup>41</sup>:**
  - This email is a response to an email from Sheila Leggett (NEB Member) to Rick Garber (NEB) dated January 31, 2013 at 8:54 AM. Ms. Leggett’s email message is redacted.<sup>42</sup>
  - In a follow-up e-mail, Rick Garber (NEB) writes to Victor Steinhammer (RCMP) “per note below, I have just had the requirement for what is essentially a comprehensive intelligence summary dropped on me for the end of the day. Sigh. Is there any way that I could impose on you to produce a short, high level analyses of the likelihood/potential for

<sup>38</sup> Exhibit C-1, tab 9, The Vancouver Observer. *Harper government’s extensive spying on anti-oilsands groups revealed in FOIs*, Matthew Millar, November 19<sup>th</sup>, 2013.

<sup>39</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*.

<sup>40</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_14-000014 - A0008929\_14-000015.

<sup>41</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, p. A0008929\_42-000042.

<sup>42</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_43-000043 - A0008929\_44-000044.



aggressive activities in Prince Rupert BC, associated with the Northern Gateway Joint Review Panel hearings.”<sup>43</sup>

- In his response, Victor Steinhammer (RCMP) states: “We have received no intel on the hearings. I have been advised of a Idle no more rally on Feb 9 and on Feb 11, nothing on the hearings.”<sup>44</sup>
- Mr. Garber (NEB) responds to Victor Steinhammer (RCMP): “I have calls into CSIS and RCMP Critical infrastructure.”<sup>45</sup>

**3) Response 2 from Rick Garber (NEB) to an email of Sheila Leggett (NEB Member) titled “Prince Rupert security assessment”, dated January 31, 2013 at 5:05 PM<sup>46</sup>:**

- This email is a response to the same email from Sheila Leggett (NEB Member) detailed above.
- In his response to Ms. Leggett, Mr. Garber writes to the NEB members that “the Security Team has consulted today [January 31, 2013] with CSIS at national and regional levels; RCMP at national, regional and local (Prince Rupert Detachment) level and conducted a thorough review of open source intelligence, including social media feeds.” Mr. Garber ends his email by stating that the “[NEB] Security Team, together with our police and intelligence partners, will continue to monitor all sources of information and intelligence and promptly advise the Panel of any changes to the current threat assessment.”

**4) Enbridge Northern Gateway Project Integrated Security, Logistics and Communications plan dated January 24, 2013 regarding the January 28, 2013 Kelowna hearing<sup>47</sup>:**

- In an 18-page partially redacted NEB document, the threat assessment section states that the “NEB has consulted the Canadian Security Intelligence Service, both National Headquarters and Regional offices. [REDACTED]”<sup>48</sup>
- Under the “Open Source Information Reporting” heading it states: the “Kelowna RCMP as well as NEB Communications and Security

<sup>43</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, p. A0008929\_43-000043.

<sup>44</sup> *Ibid.*

<sup>45</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, p. A0008929\_42-000042.

<sup>46</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_37-000037 – A0008929\_38-000038.

<sup>47</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_50-000050 – A0008929\_67-000067.

<sup>48</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_61-000061.

continue to monitor open source information.”<sup>49</sup> There is no indication of CSIS being involved in these monitoring activities.

- 5) Enbridge Northern Gateway Project Security Plan dated January 23, 2013 regarding the Prince Rupert hearings taking place between February 4 to May 17, 2013<sup>50</sup>:

- In a 12-page partially redacted NEB document, the threat assessment section states that the “NEB has consulted the Canadian Security Intelligence Service, both National Headquarters and Regional offices, [REDACTED]”.<sup>51</sup>

37. The five documents detailed above establish that the NEB reached out to CSIS on four occasions; it appears CSIS’s input was requested with respect to three threat-assessments prepared by the NEB. The ATIP release also establishes that CSIS was copied in relation to an exchange in anticipation of the NRCan Classified Briefing of May 23, 2014.

38. These documents do not substantiate the allegation that CSIS collected information on the activities of the groups mentioned in the Complaint letter.

39. In fact, several of the Complainant’s witnesses have testified that they were making assumptions based on the redacted information that CSIS had in fact collected and disseminated information about them to the NEB.<sup>52</sup>

40. To support its allegation that CSIS collected information on the groups, the Complainant has filed two Memorandums to the Director prepared in the context of meetings of the Deputy Ministers’ Committee on Resources and Energy also

<sup>49</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_62-000062.

<sup>50</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_68-000068 - A0008929\_79-000079.

<sup>51</sup> Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929\_77-000077.

<sup>52</sup> Testimony of Josh Paterson, Transcript of *In Camera* Proceedings, vol. 1, pp. 85-88, 92, 109-110, 116-117; Testimony of Terry Dance-Bennink, Transcript of *In Camera* Proceedings, vol. 2, pp. 88, 89, 92, 95-96, 98; Complainant’s final submissions, para. 72.

obtained under the Access to Information regime.<sup>53</sup> The Complainant submits that these documents “confirm that the Service was indeed collecting information about opponents to the Northern Gateway pipeline project”.<sup>54</sup> According to the documents, the meeting of June 9, 2014 was called to discuss the federal response associated with resource and energy development in anticipation of possible events in summer 2014. The memorandum to the Director states that Public Safety will present on the Government Operations Center report at the meeting. The only mention relevant to this complaint in the CSIS document is the statement that “[d]iscontent related to national resource development across Canada is largely an extension of traditional concerns. In British Columbia, it is primarily related to pipeline projects (such as Northern Gateway).”<sup>55</sup> The Memorandum prepared for the following meeting of June 19, 2014, shows that at the time of writing, Public Safety had not provided

---

information in support of the discussion, as such the writer included information that represents issues that may be raised. One of those issues was the Northern Gateway Pipeline Decision, the document contains a number of assessments for different scenarios canvassed in the Memorandum, those assessments are redacted.

41. The briefing of a government executive in preparation for an inter-departmental/agency meeting is a usual and appropriate practice. The mention of the Northern Gateway Pipeline project does not establish that CSIS collected information concerning the groups, the “act or thing” alleged by the Complainant.

42. With respect to the NRCan briefings, the Complainant’s counsel states that the timing of these briefings, the reference to “sharing information about Environmental Groups” and the participation of various actors create a reasonable

---

<sup>53</sup> Exhibit C-1, tab 5, *Letter of CSIS to J. Bronskill, with enclosures*.

<sup>54</sup> Complainant’s final submissions, para. 66.

<sup>55</sup> Exhibit C-1, tab 5, *Letter of CSIS to J. Bronskill, with enclosures*, Memorandum to the Director for Meeting of the Deputy Ministers’ Committee on Resources and Energy, p. 2.

inference that info about the groups had been shared by CSIS.<sup>56</sup> This again falls below the balance of probabilities standard. The particulars of information disseminated by CSIS at the NRCan briefings have been subject to evidence in the *ex parte* hearings and will be addressed in the Respondent's classified submissions.

43. The ATIP release does not substantiate the allegations that CSIS has collected or disseminated information concerning the groups with the NEB or private members of the oil sector. The only "acts or things" advanced by the Complainant based on some evidence (as opposed to assumptions and inferences) is that CSIS participated in the NRCan briefings and that CSIS was consulted by the NEB in relation to three threat-assessments that were being prepared by the NEB.

---

c) Chilling effect and violation of Charter rights

44. The Complainant alleges that the allegations against CSIS led to what it describes as a "chilling effect". Witnesses suggest a chain of events<sup>57</sup> resulted in this chilling effect, starting with the letter of the Minister of National Resources (the Honourable Joe Oliver) to the *Globe and Mail*<sup>58</sup>, followed by the Vancouver Observer article, and subsequently followed by Bill C-51<sup>59</sup>.

45. With respect to SIRC's jurisdiction into this matter, we reiterate that SIRC may only investigate an act or thing done by CSIS, an open letter by a Member of

---

<sup>56</sup> Complainant's opening remarks, Transcript of *In Camera* Proceedings, vol. 1, p. 25.

<sup>57</sup> Testimony of Celine Trojan, Transcript of *In Camera* Proceedings, vol. 2, pp. 50-51; Testimony of Terry Dance-Bennink, Transcript of *In Camera* Proceedings, vol. 2, pp. 78-83; Testimony of Jaime Biggar, Transcript of *In Camera* Proceedings, vol. 2, pp. 134, 137; Testimony of Caitlyn Vernon, Transcript of *In Camera* Proceedings, vol. 2, p. 171.

<sup>58</sup> Exhibit C-3, tab 7, *An open letter from the Honorable Joe Oliver, Minister of Natural Resources, on Canada's commitment to diversify our energy markets and the need to further streamline the regulatory process in order to advance Canada's national economic interest.*

<sup>59</sup> *Anti-terrorism Act, 2015*, SC 2014 c 20.

Parliament and legislation enacted by Parliament does not fall under SIRC's purview and should not be considered as relevant for the purpose of this complaint.

46. The burden of proof that there has been a violation of section 2 of the Charter rests on the applicant.<sup>60</sup> The applicant must establish a "direct link"<sup>61</sup> or a "causal connection between [the impugned practice] and the chilling of expression"<sup>62</sup>. The Complainant has failed to establish that link by not distinguishing the acts of CSIS from those of the NEB, RCMP, the Minister of National Resources and Parliament.

47. Minister Oliver's letter and Bill C-51 were recurrent themes when the witnesses were asked to describe the "chilling effect". For instance, when queried on the impact of the newspaper stories suggesting that the RCMP and CSIS might be monitoring the group's activities in relation to the NEB, the witnesses stated the following:

Ms. Terry Dance-Bennink: I actually surveyed my Volunteers to find out what they were feeling in the light of those allegations and subsequent to the passage of Bills C-51 and Bill C-24 and got a whole lot of comments back. There were about ten different major concerns, ranging from the fact that we are finding it, sometimes, more difficult to encourage people to sign our Petitions --- You know, people want to sign, but occasionally, when I'm out canvassing, they'll say to me: Is my name going to end up on a Government Security List? The same concern has sometimes been raised by Donors, and sometimes in terms of potential Volunteers being concerned about how Dogwood is viewed and whether, if they become a Volunteer, that means that they are viewed as a "radical extremist", and my answer, always, is: We are the exact opposite of that. We are committed to peaceful, non-violent, following the democratic process, particularly Electoral processes. We are very clear on that. But anyway, that has been an effect.<sup>63</sup>

<sup>60</sup> *Moysa v Alberta (Labour Relations Board)*, [1989] 1 SCR 1572, p. 1581.

<sup>61</sup> *Ibid.*

<sup>62</sup> *R v Khawaja*, 2012 SCC 69, para. 81.

<sup>63</sup> Testimony of Terry Dance-Bennink, Transcript of *In Camera* Proceedings, vol. 2, pp. 78-79.

Mr. Jamie Biggar: Well, we found it very concerning. We found it very concerning particularly in the context of Minister Oliver's comments. I think there was a perception amongst our Staff Team and amongst Volunteers and folks in our Community who we were speaking with that we were part of a community of people that was being targeted. There was a feeling of being targeted and kind of put on an "Enemy List". With the rhetoric from Mr. Oliver and with the follow-up revelations about the surveillance of this Workshop, it created a sense for us that we --- We simply couldn't even know the size and the scope of surveillance or intelligence gathering that was being conducted on the LeadNow Community Members or on our Staff or our Organization. We were alarmed by that. And with that situated then within the further context of --- So, first there was Minister Oliver's comments, followed by the revelations that we were being surveilled, and then, finally, in this year, Bill C-51 and the expansion of the definition of the kinds of activities that could be considered threats, particularly including economic threats. In the context of all of that, we have really seen kind of a growing concern on the part of our Community that it may be that they are being targeted or watched by the Government in different ways, and we are very concerned about that.<sup>64</sup>

48. In response to a question about the *Email from Fiana to Arie Ross*<sup>65</sup>, Ms.

Celine Trojand responded:

Ms. Celine Trojand: When information about Bill C-51 came out, our Supporters got really scared --- I mean, there was a level of discomfort before. We coped with the knowledge that there may be surveillance on our work by kind of making light of the issue. But when Bill C-51 came out, I think people got to be a little bit more alarmed. They felt as if there might be real consequences to engaging with Dogwood for simple things such as knocking on doors and making phone calls to residents and voters and talking to their neighbours about issues that we work on.<sup>66</sup>

<sup>64</sup> Testimony of Jaime Biggar, Transcript of *In Camera* Proceedings, vol. 2, pp. 133-134.

<sup>65</sup> Exhibit C-2, tab 30, *Email from Fiana to Arie Ross*.

<sup>66</sup> Testimony of Celine Trojan, Transcript of *In Camera* Proceedings, vol. 2, p. 49.

49. A further guiding principle in determining whether an impugned practice violates the Charter is that "a chilling effect that results from a patently incorrect understanding of a provision cannot ground a finding of unconstitutionality."<sup>67</sup>

50. In this case, the alleged chilling effect is based on an incorrect understanding of the ATIP release. The author of the Vancouver Observer article and the Complainant's witnesses fail to differentiate the actions of the NEB and of the RCMP from those of CSIS. Witnesses have demonstrated through their testimonies that they were taking the allegations in the Vancouver Observer article at face value; in fact, only one of the Complainant's witnesses testified of having reviewed the ATIP release prior to the hearing.<sup>68</sup>

51. The Complainant discusses the historical background that led to CSIS's inception and draws from that history to set a climate of mistrust.<sup>69</sup> It also refers to a SIRC reports from the late 1980's where there had been adverse findings with respect to LAPD.<sup>70</sup>

52. In 2002, SIRC undertook a study on "Domestic Threats in Conjunction with Lawful Advocacy, Protest and Dissent"<sup>71</sup>. The report noted:

Historically, the Committee has taken special interest in Service investigations involving threat-related activities that occur at the same time or in the same location as legitimate political advocacy and dissent. It is here where the national security imperative to use intrusive investigative techniques must be weighed most carefully

<sup>67</sup> *R v Khawaja*, supra note 62, para. 82; *Canadian Broadcasting Corporation v Attorney General of Ontario*, 2005 ONSC 3131, para. 166.

<sup>68</sup> Testimony of Josh Paterson, Transcript of *In Camera* Proceedings, vol. 1, pp. 74-75; Testimony of Celine Trojan, Transcript of *In Camera* Proceedings, vol. 2, p. 53; Testimony of Terry Dance-Bennink, Transcript of *In Camera* Proceedings, vol. 2, p. 95;

<sup>69</sup> Complainant's final submissions, para. 172-175.

<sup>70</sup> *Ibid*, para. 173.

<sup>71</sup> SIRC Report 2002-2003, pages 14 to 18. Excerpt included as Appendix A to the Respondent's submissions. A full of copy of each SIRC report referred to in these submissions is available on SIRC's website and can be provided upon request.

against potential damage to individual rights and fundamental institutions. Invariably, such investigations are sensitive and complex, circumstances in which the Committee is especially concerned to ensure that the Service is complying fully with existing law and policy.

53. The purpose of the study was to examine the CSIS investigation of activities directed toward the threat of serious violence in the course of legitimate political advocacy or protest. The review was comprehensive and the Committee found that overall, "CSIS conducted this complex set of investigations in an appropriate, lawful and professional manner, taking considerable care in implementing policy measures designed to prevent intrusion into legitimate political activity"<sup>72</sup>

54. In addition, SIRC has conducted further review on this issue. For example, in 2012/2013 SIRC conducted a review of "CSIS Activities Related to Domestic Investigations and Emerging Issues"<sup>73</sup> upon the conclusion of such large scale events as the Vancouver Olympics/Paralympics and the G8 and G20 summits. In the context of this review, SIRC examined particular files in depth to ensure that investigations were handled in an appropriate and reasonable manner, i.e. that they adhered to internal policy and CSIS mandate. SIRC found that activities related only to legitimate protest and dissent were not investigated.

55. In the 2012/2013 Report, SIRC acknowledged the difficulty in remaining abreast of triggers that may involve a threat to national security from domestic extremism and cautioned CSIS to remain aware that they do not intrude on legitimate forms of protest. SIRC noted that CSIS was quick to terminate the investigation of

---

<sup>72</sup> *Ibid*, page 16. For another example, in the SIRC Report 2001-2002 in response to an allegation that CSIS had improperly investigated a group of persons involved in LSPD, SIRC found "no evidence that the Service was involved in the activities alleged by the Complainant. Excerpt included as Appendix B to the Respondent's submissions.

<sup>73</sup> SIRC Annual Report 2012-2013, page 24. Excerpt included as Appendix C to the Respondent's submissions. Note that SIRC conducted further studies on this issue, for example a "Review of an Investigation Into Domestic Extremism" (SIRC Study 2008-02), excerpt included as Appendix D.



certain individuals after major events such as the Olympics/Paralympics and instead relied upon its law enforcement partners as a source of information regarding persons whose ongoing criminal activity could become related to national security. SIRC was encouraged by the direction CSIS was taking.<sup>74</sup>

56. The Complainant argues that the Service's history with respect to lawful advocacy, protest or dissent is to be characterized as it was in 1989 - being of "profoundly damaging suspicion"<sup>75</sup> - and that this is the context in which the complaint should be investigated and considered by SIRC.<sup>76</sup> The Respondent submits, as the above examples have shown, that the more recent SIRC reviews have considered this issue in the proper context, i.e. whether such investigations have been conducted within the CSIS mandate and in accordance with appropriate policy. If ~~SIRC's concern regarding the issues outlined in the 1989 drove the need to conduct~~ further study in 2002-2003 and 2012-2013, the concern appears to have been alleviated, albeit with the important reminder that vigilance and caution in such investigations needs to continue.

57. CSIS witnesses answered questions with respect to Minister Oliver's letter, Robert testified that he was not previously aware of that letter. Robert also commented that the issues discussed in Minister Oliver's letter would not fall under the CSIS mandate or that it would "be a real stretch for the Service to have an interest"<sup>77</sup>. Witness 4, also from British Columbia regional office testified that he did not recall having seen the letter of Minister Oliver prior to the hearing.<sup>78</sup> Witness 2 testified that he has never briefed Minister Oliver on domestic extremism, and as far he was concerned, CSIS was unaware as to who briefed the Minister on the information related to his public statement in 2012.<sup>79</sup>

---

<sup>74</sup> *Ibid*, page 25.

<sup>75</sup> Complainant's final submissions, para. 172.

<sup>76</sup> *Ibid*, para. 175.

<sup>77</sup> Testimony of CSIS Witness, Transcript of *In Camera* Proceedings, vol. 2, p. 268.

<sup>78</sup> Summary of evidence, witness 4.

<sup>79</sup> Summary of evidence, witness 2.

58. While CSIS informs and advises the GoC on matters of national security, it reports to the Minister of Public Safety and Emergency Preparedness.<sup>80</sup> The Complainant characterization of the Respondent's witnesses as "blazé" is surprising considering Robert's testimony that the information in the letter does not fall under the CSIS mandate (or it "would be a stretch").

59. The chain of events described by the Complainant and CSIS's negligible involvement in the activities detailed in the ATIP release demonstrate that the Complainant has failed to establish a "causal effect" or "direct link" between CSIS's conduct and the "chilling effect".

60. Furthermore, the Respondent submits that any action by CSIS was conducted in accordance with the law and the principles of fundamental justice.

---

**d) Information sharing**

61. The NEB is an independent federal agency established under the *National Energy Board Act*<sup>81</sup> responsible for regulating the international and interprovincial aspects of the oil, gas and electric industries. The NEB is a court of record possessing the rights and privileges vested in a superior court.

62. The NEB, as independent federal agency, may receive advice from CSIS pursuant to section 12 of the *CSIS Act*. Excluding the NEB from the GoC would deprive the NEB from receiving threat assessments and information on threat-related issues that are at the core of its operations and mandate.

63. Without disclosing any classified information, we note for instance, in CSIS's annual report of 2013-2014, that the oil and gas sectors are listed as some of

---

<sup>80</sup> *CSIS Act*, s. 6.

<sup>81</sup> RSC 1985, c N-7.

the key industries having been of particular interest to foreign agencies.<sup>82</sup> These foreign states, with Russia and China cited in the press as examples, continue to gather political, economic and military information in Canada through clandestine means. These are examples of threat-related information that that may be relevant for the NEB in the course of the performance of NEB's duties and functions.

64. The NEB is a department of the GoC pursuant to s. 13 of the *CSIS Act* (see footnote 9). The NEB is also listed as a portion of the public service of Canada in the *Canadian Security Intelligence Service Act Deputy Heads of the Public Service of Canada Order*.<sup>83</sup> This Order gives SIRC jurisdiction to investigate the denial of a security clearance by the deputy head of the NEB<sup>84</sup>. To exclude the NEB of the GoC at section 12 but to include it in sections 13 and 42 would be an absurd interpretation of the *CSIS Act*.

65. The Complainant alleges that CSIS improperly shared information about the groups with private members of the oil industry. This issue will be fully addressed in the classified submissions.

66. While CSIS does not "report to" or "advise" outside government, it does engage with various communities, private and public organizations, for the purpose of fulfilling its mandate. For instance, CSIS's Liaison/Awareness Program provides for ongoing dialogue with private and public organizations on the threat posed to Canadian interests by foreign governments which engage in economic espionage. Another CSIS Program, the Public Liaison and Outreach Program, is aimed at informing the public about the role and activities of CSIS in supporting national security.<sup>85</sup>

<sup>82</sup> Exhibit CSIS-1, tab 13, *Public Report 2013-2014*, p. 202.

<sup>83</sup> SI/93-81.

<sup>84</sup> *CSIS Act*, s. 42.

<sup>85</sup> Exhibit CSIS-1, tab 8, *Sharing Information with the Public*.

67. Both programs were mentioned in SIRC's 2010-2011 Annual Report where it states that SIRC concluded that CSIS's interactions with the private sector were important and that they can be helpful when pursuing more specific investigative leads. SIRC looked at a few instances where CSIS was able to capitalize on private sector relationships. Overall, the Committee found that developing rapport within that milieu is key to CSIS capitalizing on private sector information. In fact, SIRC then recommended that CSIS expand on the efforts undertaken in regional offices by articulating a Service-wide strategy on managing its relations with the private sector.<sup>86</sup>

## VI. SECTION 48(1) OF THE CSIS ACT

68. The Complainant is seeking a formal ruling on an issue that arose during the Committee's *in camera* hearing into this complaint. The ruling relates to the private nature of SIRC's proceedings in the investigation of complaints.

69. Section 48 of the *CSIS Act*, provides that the investigation of a complaint by the Committee shall be conducted "in private" (*en secret*). It also provides that no one is entitled as of right to be present during, to have access or to comment on representations made to the Committee by any other person.

70. Provisions such as section 48 of the *CSIS Act* may serve different purposes. For example, a similar provision in the *Official Languages Act*<sup>87</sup> was included to facilitate access to the Commissioner and to recognize the very delicate nature of the use of an official language at work by a minority group.<sup>88</sup> In the case of section 48 of the *CSIS Act*, comments made at the time the *CSIS Act* was being drafted suggest that the inclusion of "the words "in private" [is] largely security related".<sup>89</sup> However, section 48 may also serve to facilitate access to SIRC, the denial of a

<sup>86</sup> SIRC Annual report, 2010-2011, pp. 14-15.

<sup>87</sup> *Official languages Act*, RSC c 31 (4<sup>th</sup> sup.), s. 60.

<sup>88</sup> *Lavigne v Canada*, [2002] 2 SCR 773, para. 42.

<sup>89</sup> CSIS Bill C-9 Minister's "Black Book", s. 48.

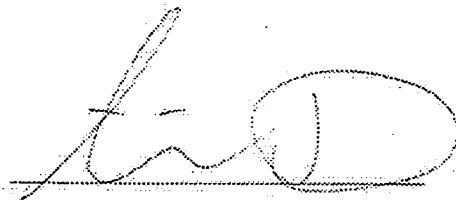
security clearance for example is certainly a delicate issue for which complainants may wish to maintain anonymity.

71. In the present case, the hearing portion of the investigation has concluded and CSIS has been provided the opportunity to protect any national security information which may have been inadvertently disclosed at the hearing. For those reasons, the Respondent does not object to the Complainant's request set out at paragraph 207 of the Complainant's final submissions.

### CONCLUSION

72. For the reasons outlined above and for the reasons outlined in the Respondent's classified submissions, we submit that the evidence has shown that CSIS's actions were lawful and in accordance with its mandate pursuant to the *CSIS Act*. Furthermore, the Complainant has failed to substantiate its allegations of the acts or things done by the Service. The Complainant has also not established a direct link between CSIS's conduct and the chilling effect, hereby failing to establish a violation of its Charter rights.

All of which is respectfully submitted this 14<sup>th</sup> day of October 2016.

A handwritten signature in black ink, appearing to read 'Stéphanie Dion', is written over a horizontal line.

Stéphanie Dion