

Expert Panel Public Presentation Session
Review of Environmental Assessment Processes

December 8, 2016

Highliner Plaza Hotel and Conference Centre
Prince Rupert, BC

Expert Panel:

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Doug Horswill;

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Renée Pelletier.

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**TRANSCRIPTION/TRANSCRIPTION
EVENT/ÉVÉNEMENT**

Transcription prepared by StenoTran Services Inc. exclusively for Canadian Environmental Assessment Agency

Transcription préparée par les Services StenoTran inc. exclusivement pour Agence canadienne d'évaluation environnementale

DATE/DATE (of transcription): December 28, 2016

LOCATION/ENDROIT: Client Supplied Audio

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SUBJECT/SUJET: Review of Environmental Assessment Processes, Prince Rupert Public Presentations.

OPENING REMARKS

Johanne Gélinas: Good afternoon. I think we're ready to start.

Welcome to all of you for joining us in our 12th week of a cross-Canada tour, so one last week to go and then we should think of Christmas, like many other people.

My name is Johanne Gélinas. I have the pleasure to chair this Panel with my colleague, Renée Pelletier, Doug Horswill, and Rod Northey. So this our first day in Prince Rupert.

The way that we work, we stay two days in a specific location. We have one day public event where, during the day, people are presenting and in the evening where we have a workshop. And the second day is dedicated to indigenous communities. It's open to all still, but during that day, we have again presentations. And in the evening, we have what we call an open dialogue session where the format of the room or the structure of the room is a little bit different to permit for this open dialogue session.

So let me say a few words about this afternoon's event. First, before I forget, if any of you in the room have planned to make a presentation this afternoon, make sure that you have registered at the front desk so that we know that you are in the room.

What about our mandate is concerned, we have a mandate that was given to us last August with three components to it. The first one is to make sure that we consider goals and purpose of what we have called our modern-day environmental assessment. Second is that we can have and communicate as much as we can with a broad section of individual or organization, NGO, industry and indigenous community, and so it has to be really based, this panel, on a deep consultation process, which we think we have so far achieved. And the third element is to report back to the Minister with recommendations.

Until today, I used to say the report will be issued some time early next year. Now I can tell you that the report will be issue on March 31st because we finally got the extension that we were asking for. So this is the kind of news of the day, and we are very happy with that.

We are also — and you will understand as I will go through what we have to do why it's such a good news for us. As you may know, we don't only look at the CEAA environmental assessment process, but we are also mandated to look at the two others, which are the National Energy Board process and also the CNSC process, so the Canadian Nuclear Safety Commission. So don't be shy if you want to look at the three. You are absolutely allowed to do that.

You don't have to be an expert to join us. You just have to have an interest in the subject and a view and, even better, solutions to share with us. This is desperately looking for solutions because this is a forward-looking exercise, and we keep saying that we want to think outside the box. We have a blank sheet, and we have to write the story. So the story will be what we think is the best story to come with and the model that will fit Canadians' need.

One last word to mention, that if you go on our web site, you will have the opportunity to read what has been said elsewhere. For each location where we went, we have a summary of those presentations and — not presentation

because you have the list of submissions, but you also have a summary of what was said. You can also access the submission. I mentioned that.

There has been two events in Ottawa, one with federal authorities and the other one with the EA provincial specialists with whom we have had different exchanges, so you can have access to the summary of that, too.

Two quick other things. We — you have until December 23rd to present to us or table to us your written submissions, so you may see today that we may ask you for what I call now homeworks or things that you may want to precise or elaborate a little bit more on so you can table your submission today and bring to our attention other aspect that you want to cover later on, but no later than December 23rd.

And we also have something on the web that we call the Choice Book, so for friends and colleagues who are not able to join us here today or tomorrow, it's a little bit the equivalent of the event that we will have tonight, which is the workshop where we have more informal discussion, but it's more in the structure of a questionnaire, so with open questions so you have a chance also to respond to that. And we will analyze and assess what will have been said in those questionnaire. And I think we are beyond 1,000 of those so far that we have received from across the country.

So with respect to what we have to mention, I don't think that there's anything else.

Oh, the most important thing. We have to be very disciplined over the next coming days, and it starts today. So we as a Panel, we have to be disciplined and you have to be disciplined, too, because we have a full list of participant today. So you have 15 minutes. And consider that if you come tonight to the workshop, you will have a chance to elaborate on some of the elements that you want to bring to our attention.

And we haven't had a lot of written submissions so far, so usually we have a chance to go through that and then ask you question. Now we have to listen to what you have to say, but I will say focus on the essential because if you take the full 15 minutes, we won't have a chance to enter into a dialogue. And this is the most precious thing to us to understand better different things.

So I know that some of you won't be able to do it, so if you do — I just saw a couple of faces struggling with this. Do your best, and keep in mind that we may have less option to ask question, but if you're with us tonight, we'll catch up. Is that okay?

So we'll start with our first presenter, Nikki Skuce. I hope I pronounced it well. I'm very bad at pronouncing names if it's not in French.

NIKKI SKUCE, NORTHERN CONFLUENCE INITIATIVE

Nikki Skuce: No problem. It's Nikki Skuce.

Johanne Gélinas: Like excuse.

Nikki Skuce: Yeah.

Johanne Gélinas: Good.

Nikki Skuce: All right. Thank you so much for the opportunity to present to you today, but I'd like to acknowledge that we're on Tsimshian traditional territory.

Madam Gélinas, I don't know if we met at the World Summit on Sustainable Development in Johannesburg in 2012 or if I just lobbied you after, petitioned you for something. But anyway, thank you for leading this Panel and —

Johanne Gélinas: I was young.

Nikki Skuce: So was I. So was I. It's a long time ago.

And yeah, thank you guys all for coming out here to the beautiful northwest coast.

I work at an organization called Northern Confluence. It's based out of Smithers, and we focus on land use decisions in northern B.C. And our goal is to — for greater conservation and protection of wild salmon watersheds.

So I'm going to focus today on sort of three aspects. One is around free, prior and informed consent. The other is around EA triggers. And lastly, some elements that I think might help improve public confidence in the system.

So I'm not going to go into too much detail. I know that First Nations are presenting tomorrow, and you've had a chance to hear them and their voices. But I'd like to emphasize that this renewed federal environmental assessment is a great opportunity to align with Court decisions and international law to seek the consent of indigenous peoples.

In this province where most First Nations have unceded territory, Court cases have repeatedly emphasized this need from the *Delgamuukw* Court case to *Haida* and then the *Tsilhqot'in* decisions and the recent federal commitment to adopt the United Nations Declaration means that, you know, it should be part and parcel of all legislation affecting land use and watershed decisions.

So we recommend some kind of collaborative decision-making or joint assessments with indigenous governments. I think precedents

exist such as there's an MOU for the Voisey Bay project with the Innu and the Inuit of Labrador. There's collaborative consent models in the Northwest Territories, and there's others. I know the Mackenzie Valley one as well.

I think all nations are unique, with their own laws and governance structures and capacities to engage in assessments, but it's imperative that government-to-government decision-making be the new norm on land use and watershed-based decisions.

In its absence, I think we'll see less investor certainty and more conflict, and what we have right now is also a number of First Nations doing their own environmental assessments anyway. We see this with the Secwepemc in Kamloops for the Ajax Mine. We saw it with the Tsleil-Waututh for the Kinder Morgan process.

I think when the system's broken and they're not able to engage and help determine the scope and be considered decision-makers, then that's — you know, that's sort of the consequence and then how those align isn't clear. So I think any new CEAA legislation has to adopt the principles of the United Nations Declaration and free, prior and informed consent in particular and really ensure collaborative decision-making.

The next couple things that I'll focus on is triggers. For the past year, Northern Confluence has been working with organizations and some scientists and First Nations across the country in trying to strengthen the *Fisheries Act*, which you know is another process currently under way through a Parliamentary Review Committee.

There's incredible consensus among the majority that habitat protection provisions needs — which were removed by Harper in 2012 when the Act was gutted need to be returned as well as a need for greater monitoring and enforcement. And the linkage with Environment Canada is both with the administration of section 36 when it comes to prohibiting the dumping of a deleterious substance into fish-bearing waters, but also in the potential to have authorizations required under the *Fisheries Act* require a federal EA. And that used to be in the Act.

So we would like to see something to that effect come back so that environmental assessment legislation has triggers for an EA when an authorization is required under certain sections of the — of a strengthened *Fisheries Act*. So we know that these things are sort of happening together, but.

But I also know that, you know, one of the motivations or set of motivations for making the change was that it was overburdening municipalities and farmers and that sort of thing, and I think that there's a solution there both in terms of on the *Fisheries Act* side and on the triggering side. I mean, we don't want to see death by

1,000 cuts, but I think that there's sort of thresholds that could happen in terms of, you know, low-risk projects, you know, not necessarily meeting a federal EA, but we definitely would like to see those triggers back.

And then the other kind of triggers that we would like to see for a federal EA is around trans-boundary. At the moment, with CEAA 2012, there's no automatic requirement that a project that may cause trans-boundary impacts has to undergo an EA. There used to be, in the "Purposes" section of the former CEAA Act, you know, something to do — which I have stated here on the PowerPoint, that we should not cause significant adverse effects outside of jurisdiction where they are to be carried out. And I think that this is particularly relevant in this part of the world.

We have in northwest British Columbia a large number of mining proposals, and the provincial government is still approving large wet tailing surge facilities that have the potential, like with Mount Polley, to breach into some of our watersheds.

So both, we think, for this kind of — and these kinds of scales, it would be great to have a watershed or a strategic assessment done for those kinds of areas, but also, if there is the potential for trans-boundary impacts, that a federal review happen that, you know, engages with the — across the border with the people potentially impacted across the border. And we think that that's in line with a number of declarations that we've signed as well as some bilateral agreements, including the Boundary Waters Treaty and the Canada-U.S. Air Quality Agreement.

And lastly, just a note on some of the recommendations in terms of building some sort of public confidence back into the system. As some — I mean, I participated in the Joint Review Panel for the Enbridge-Northern Gateway Pipeline. We've applied for funding for the — for a refinery project here. I've loosely followed Pacific Northwest LNG and Kinder Morgan, and engaged a little bit in the B.C. environmental assessment process. And these are — these are just some things that I pulled out that seem to be broken and why there's a loss of confidence in the system.

One is the fact that, you know, an environmental assessment really should be — have impartial science, and right now, it's proponent driven. The governments can only react, and indigenous governments and intervenors are commissioning their own science. And so it seems to be a broken system, so I think that there's a need for independent science advisory panels to be established.

For the Northern Gateway project, Enbridge first stated that there would be 52 long-term jobs for the pipeline and tanker project and then, all of a sudden, they did this input/output economic model and they were flaunting over 3,000 jobs which were direct and, all of a sudden, a job that — you know, one job that might last 30 years was then considered to be 30 jobs because it was per person-year. And then there was the indirect jobs, and these were sort of very exaggerated with their

multiplier effect. And then they also had induced jobs, which included even a choreographer for a theatre company.

And so I just think, you know, economics is a social science and I think it can help guide decisions, but I think these input/output models are sort of deceitful and manipulative. And as we've seen in Australia, they've limited the ability to use these in their environmental assessments.

I think the other point — I'm not sure how much control the CEAA would have, but this is — you know, the Auditor-General of B.C. made this clear recommendation in terms of mining in the province of not having the government agency both promote and regulate the industry, so we would like — I mean, I think that would help gain public confidence.

And then lastly, you know, when — the day before — the day the Enbridge Northern Gateway hearings were starting, Joe Oliver released a letter that called people, you know, radicals and enemies of Canada for being opposed. And I think that that kind of political interference and — you know, into the environmental assessment process and also, I think, just in terms of right now what's happening with electoral reform of having these comments from the Minister when this committee — the committee that they had did a bunch of public engagement, I think we need to see this public participation reflected somehow. It's not to say that all of my points are going to be in the new legislation, but I just think, you know, if we're not seeing the public participation reflected into it and also decisions which I think is key in terms of the framing of the new Canadian environmental assessment, that's not how to get to yes, but it's, you know, based on a sustainability framework, then I think that those things will help build confidence.

Johanne Gélinas: Thank you very much for your presentation.

I'll go with the first question. When you're talking about independent science advisory panel, how do you see them different from the one we have at the moment with CEAA or other bodies?

Nikki Skuce: I'm going to potentially defer to my colleagues from Skeena Wild on that, but what we've seen like with — what seems to have happened is that the majority of the science — well, I think industry should pay for it if they're putting their project forward — is that what we're seeing is that they — they conduct the science, and right now it's often consultants who are paid who want other contracts, and so they seem to sort of give — you know, I mean, this is very general, but at times are giving, you know, the proponent what they want to hear. Sometimes the scientists do really good work, but through the managerial structure or whatever, and then governments are just seemingly being able to react and it's not — and not able to sometimes conduct their own science or ask the right questions.

And when we have indigenous governance and other intervenors doing some science as well, and so it seems like maybe part of the solution is to have an — you know, like a — you know, kind of like a panel for a federal review, but have, you know, a body of scientists who could cull through.

Rod Northey: Yes, a couple things.

So dealing with the DFO problem and this whole reduction, the change in 2012, so we've got a Parliamentary committee looking at strengthening and modernizing that Act. Is your main focus — and I really want to distinguish two things. One thing that CEAA '92, the old Act, did was it used *Fisheries Act* to trigger environmental assessments, generally screenings, but it could be comprehensive studies on that terminology.

And the other question is, once you trigger an assessment, do you — how do you look at the Fisheries questions?

You're really talking about having the trigger back in so that fisheries becomes the starting point for an EA and not a — and so I want to contrast. So project list even expanded, not enough. You want — I'm going to use this term; maybe others — an effect-based trigger.

Nikki Skuce: Yeah. Interesting. I never thought of it that way, but —

Rod Northey: Well, you can think about it. As the Chair said, we have homework, which is we pose questions, you give us stuff. If you think you want to think about it some more —

Nikki Skuce: Yeah. No, I think that's a good question —

Rod Northey: — you're welcome —

Nikki Skuce: — because I think, you know — I mean, we are trying with the *Fisheries Act* review, too. I mean, what happened is that, all of a sudden, like so many things aren't even being recorded, so we don't even know what the cumulative effects are. We don't even really know what's going on in the watersheds. And so like if you don't know what's going on, you know, and all of these projects are just — are happening regardless, whether it's a — you know, that death by a — like a bunch of culverts and whatever. And so no, I don't think a screening or a review needs to happen for a municipality putting in a culvert, but there needs to be, on the *Fisheries Act* side, on the DFO side, recordings of that and ensuring it's not an essential fish habitat, but then yeah, in terms of effects, I think because — the provinces, too, I don't think, have the capacity to do a meaningful EA when it comes to fisheries, to be frank.

Like you know, there's not the — I mean, also, DFO lost a lot of staffing capacity as well, but in terms of the — provincially, I don't think they have the same capacity to deal with that and look at it at the same —

Rod Northey: I appreciate you've got all kinds of things you're raising in administration, but I think what I'm — my specific homework is, if you could think about — so some of the other models we've heard are, well, don't require a full EA just because it affects the fish. I'm not saying that's what we're accepting. It's just that use what termed under the old Act a "class screening" for certain projects, the culvert, you say, to do something.

So there's a range of, I'll call it, EAs that follow from if you have an effect on fish habitat, full EA down to a class screening. How do we deal with that range? If you'd like to give us some input, recognizing that your expertise and what you're focused on, we would like to get input as to how you think we should do that.

Nikki Skuce: Okay. Thanks.

Rod Northey: Okay. Now, the other big one — so we go from small to big.

Nikki Skuce: Yeah.

Rod Northey: Trans-boundary. Again, it seemed if you did it unconsciously, you've done it twice because that's an effects-based trigger. And the old Act, section 46, had that and it was never used. And so you can go look at what's in there. Anybody can go look at what's in there and see why it was never used, but the question, again, is, is are you advocating any time a project is expected to have an effect or could have a trans-boundary effect that triggers it? I don't know. And the problem is, who knows and when do they know. But I — that's our problem. But I'd like to just hear — if you've got an idea what you mean specifically on project base, we would be very happy to receive it.

And last, but not least — shorter preambles, the Chair says. Okay, I'll speed it up.

Regional assessments, watershed-based. Very interesting idea. We're hearing a great deal about doing that instead of projects. Fill it in for us. Is there a watershed in particular or are there a couple that you would recommend we use as a test case? If there are, tell us. And that's it. Bye.

Nikki Skuce: Great. Well, given that you're in this beautiful part of the country, I think that here in the northwest we have a couple of watersheds that that would be really beneficial in terms of — and where some sort of cumulative effects testing has been done in terms of the Skeena watershed and that sort of thing, so it could be a great place to start.

Rod Northey: I can't say anything more. I have to turn the mic off.

Johanne Gélinas: Doug?

Doug Horswill: When you were thinking about that discussion that you just had with my colleague, what I'd like to understand, if the trigger was above the threshold that you — whatever threshold you think, what projects would be covered that are not now through assessment? Because I think you said one you want a list somewhere, somebody knows everything, but then only certain ones would get assessed. How much more would it be than it is today?

Nikki Skuce: Well, and I think this is where we get into this like I know that the province has — I'm not saying that we need to go back to multiple environmental assessments, but I think in some cases where there is — there's the potential for major impacts, for instance, on fish and fish habitat that the — that we're not seeing — with some large mining projects, we're only seeing a B.C. environmental assessment and we're not seeing enough done from that federal level and that kind of level of engagement and assessment.

Doug Horswill: Okay. Thanks.

Johanne Gélinas: Thank you very much for your presentation.

Our next presenter will be Pat Moss.

And if we look outside sometime, just keep in mind that it's the first time in 12 weeks that we have a room with a view, and what a view.

PAT MOSS, NORTHWEST INSTITUTE

Pat Moss: Yes, and what a view. And you've got magnificent weather here for this time of year because it's often cloudy and rainy. I just drove over from Smithers this morning, and it was just a magnificent drive the whole day.

Well, thank you for coming here and speaking to people in the region that have experienced a lot of projects that have gone through environmental assessment. I'm part of a national caucus that had certainly advocated having the Panel come to some communities like this as well as the major cities so you have a chance to hear from people about their direct experiences.

My name is Pat Moss, and I've lived in the northwest near Smithers since 1978. And for the last 20 years, I've worked as Executive Director of Northwest Institute, which is an organization that does work on resource issues in the northwest from an ecological and community sustainability perspective.

I have a long history of involvement with the environmental assessment caucus of the Canadian Environmental Network, and I endorse the recommendations that our caucus will be shortly submitted to your Panel. I also participated in the EA reform summit organized by West Coast Environmental Law, and I support the 12 pillars of next generation environmental assessment that came out of that.

However, I don't intend to repeat the analysis presented by my academic and legal colleagues, but, rather, offer a community perspective from my experience here in the northwest. And my comments are really going to be focused around two recommendations, one being that major energy projects should be assessed by CEAA rather than the National Energy Board, and secondly, that regional strategic environmental assessment be encouraged in any new legislation.

So my first experience with environmental assessment was in 1989 when I began attending meetings of the Canadian Environmental Network's EA caucus. And at that time, there was no EA legislation in Canada, and our caucus was working to get an Act established. And my interest in this came from having worked on a proposed hydroelectric project, the Camano project, for 16 years. And the first 14 of those years, we worked just to get an environmental assessment and public hearings. And I wanted to ensure that others would not need to go through such a lengthy process.

After the Canadian *Environmental Assessment Act* came into force in 1992, I sponsored a number of workshops in the northwest to educate people about the Act and help them understand how best to use its provisions, but after the Camano project, I wasn't directly involved in a major environmental assessment until the proposed Northern Gateway project.

I'm sure you know, but just for the record, this project was for an 1,170 kilometre twin pipeline that would transport oil sands petroleum between Alberta and Kitimat, B.C. and, if approved, open B.C.'s north coast to crude oil tankers. Needless to say, there was huge public concern about the potential impacts of such a major project.

Northwest Institute, along with many other organizations around the province, called for a full and public inquiry, but it was announced that there would be a joint panel review by the National Energy Board and CEAA. And after that announcement, there were a lot of people that really felt there wasn't much point in participating in that process because they believed that the NEB automatically approved projects. And this really comes from a sense that the National Energy Board has become a captured regulator more responsive to the needs of the energy industry than the general public.

While we share these concerns, we thought it was important for northwest residents to use this process to share their views about the impacts of the proposed project. And Northwest Institute worked with groups and individuals across the region, encouraging them to register, to make presentations at the community hearings as well as to become intervenors. And there was enormous response, with over 200 registered intervenors in total, many of them from the north, and almost half of the 1,180 community hearing presentations came from northern communities.

Hundreds of people put in huge amounts of time into researching and preparing presentations as well as commissioning expert reports to be submitted as evidence in the hearings. People travelled long distances and often terrible winter conditions to participate in the hearings that went on over a 10 and a half year period.

This was the first review to be held on a major energy project after CEAA 2012 was passed, and these hearings were to be jointly conducted by CEAA and the NEB. And while initially there was some involvement of CEAA staff, it soon became clear that it was really the NEB who was taking the lead and who would be making most of the decisions.

And while there were some NEB staff who tried to accommodate the huge public interest in the hearings, it was apparent that this was a whole new experience for them. The corporate culture at the NEB has developed over many years working with energy companies on regulatory hearings. Making the process easily accessible to the general public has just not been their priority in the past, and it was something they struggled with.

In retrospect, I see that we actually have the Cadillac version compared to the hearings that were later held on other major energy projects such as Kinder Morgan and Energy East. The Northern Gateway hearings did not try to limit who could participate in the hearings, and they allowed evidence to be tested under cross-examination. However, participants generally felt alienated by the process and believed their concerns and evidence were not being taken seriously. This turned out to be the case when the report from the Joint Panel — Joint Review Panel was released recommending the project proceed and not commenting on much of the evidence that had been presented.

In the case of my organization, Northwest Institute, we presented expert evidence of potential fisheries impacts on the — from the Morice River, and that evidence was entirely ignored. There was a general sense that this report could have been written by the Panel without bothering to conduct hearings.

I believe the authority to conduct hearings on major energy projects and make recommendations to government should be returned to CEAA and let the NEB continue to function in its original role as regulator.

Now, turning to strategic environmental assessment, in recent years, the northwest has experienced a gold rush of LNG proposals. More than a dozen new LNG projects are now proposed with liquefaction plants on the north coast, and tens of thousands of new gas wells required in northeast B.C. The proposals are to take natural gas from the northeast, pipe it across the province to either Kitimat or Prince Rupert area terminals, and liquefy it for tanker shipment to Asian customers. These more than a dozen proposals are at various stages of promotion, review or permitting under the federal and provincial environmental assessment processes, and proposed pipelines present a spaghetti dish of routes across the region. The public has been faced with a rapid and confusing array of open houses, review deadlines and hearing sessions.

Northwest Institute and other organizations have called for strategic environmental assessment of all northwest LNG projects. Such an assessment can look at questions such as if LNG development does proceed, what would be the most appropriate pipeline corridor and where would LNG shipping facilities best be located on the coast. It could also examine cumulative impacts on local communities' health, safety and environmental values.

This would not be a substitute for individual project assessments that would still be needed to address unique issues to the project, but could provide some guidance for both project proponents and residents of the region. For example, if such a study had been undertaken, it would have identified that the Lulu Island site in the Skeena estuary was not appropriate for development of an LNG facility. Instead, the proponent, Pacific Northwest LNG, has continued to promote its project on this site and it has become a hugely controversial issue throughout the region. While the project has now received government approval, it is likely to be mired in legal and community conflict for years to come.

In 2013, the UVic Environmental Law Centre prepared a legal analysis for us and filed an official request of the Northwest Institute with both the provincial and federal governments asking for a strategic environmental assessment of LNG projects. Since then, support for the concept has built and the Union of B.C. Municipalities passed a resolution also calling for such an assessment.

While not explicitly rejecting the idea, neither government has initiated such an approach, and we continue to experience the chaos of multiple proposals, each going through a separate EA without consideration of the cumulative impacts of other proposals. I recommend that any new environmental assessment legislation include provisions to encourage and expedite strategic environmental assessments.

Johanne Gélinas: Thank you very much.

I will let my colleague ask you question about SEA and your other recommendation, but just before we move on, would it be possible to have a copy of that letter you address in 2013 —

Pat Moss: Yes.

Johanne Gélinas: — the request for an SEA?

Pat Moss: It's actually — well, I can send you the letter and the study, which is actually —

Johanne Gélinas: Good. And any responses that you have received will be welcome, too, if you have any.

Pat Moss: Okay. Basically, the responses, as I said, didn't refuse it; just told us what a great job they were already doing on their individual assessments.

Johanne Gélinas: So at the end, when you're leaving, if you want to give the detail and we'll make sure that we get copy of the letter and the study.

Doug?

Doug Horswill: Could you describe the community hearings? You'd mentioned cross-examination happened, so just tell us how those — how those were set up. Were they informal? Were they all lawyers? How did those meetings work, and how did the cross-examine work?

Pat Moss: There wasn't cross-examination at the community hearings. The panel had an opportunity to ask questions of any of the presenters. The cross-examination was at the more formal technical hearings.

Doug Horswill: And the community hearings, they were open — they were open to anyone who wanted to come in.

Pat Moss: They were open to anyone who wanted to make a presentation. People were — well, people were requested to register quite a significant period ahead of time. That was one thing we worked with people in the region because it was, I don't know, maybe as much as eight months before the community hearing was actually going to be held, so we put a lot of effort into letting communities know, gee, if you want to speak at these hearings, you actually have to register now before the end of October even though the hearing isn't coming to your town till next July.

Doug Horswill: And the technical hearings were held where? Were they held here in Prince Rupert?

Pat Moss: There were some in Prince Rupert, some in Prince George and some in Edmonton, I believe.

Doug Horswill: Okay. Thank you.

Renée Pelletier: Yeah. So I just wanted to ask you about this — your ask for the strategic environmental assessment, just maybe just a question of terminology. Sometimes we hear about strategic environmental assessments as being assessments that are about policy decisions and then you'll have a regional environmental assessment, which is environmental assessment of an area that would look at cumulative impacts and thresholds for development and that kind of thing. So I just want to make sure I understand that — kind of what it is specifically that you were looking for. It sounds like maybe it was a bit more of a regional environmental assessment that you're looking for.

Pat Moss: Well, we've tended to use the term regional strategic environmental —

Renée Pelletier: Right. Okay.

Pat Moss: — and part of that is because the provincial and federal legislation use it differently.

Renée Pelletier: Okay. Okay.

Pat Moss: So we've tended to use both to indicate that we're looking at this particular area, so we're not — if we say we're asking for regional strategic environmental assessment of LNG projects, it's the LNG projects in this region, not including — there are some proposals in this other part of the province, so it wouldn't include that. But we're not necessarily asking for every kind of development in the region to be included in that process.

Renée Pelletier: Okay. So it would not necessarily looking at existing projects and the potential cumulative impacts of those with —

Pat Moss: LNG projects.

Renée Pelletier: Just LNG specifically. Okay.

Pat Moss: I mean, I think there's a whole case for a much broader regional assessment as well, but in this instance, we were talking about LNG in particular because there were so many projects coming all at once, crisscrossing each other. All the terminals were in, you know, fairly similar areas.

Renée Pelletier: Right.

Pat Moss: And each one was going through a separate EA, not considering the others.

Renée Pelletier: Okay. So now, if you — so imagine having that kind of a process, the strategic regional environmental assessment process for the LNG. How would you see your organization participating in that kind of a project?

Pat Moss: Well, I'm sure we would want to participate. I don't know exactly at this point, which is — depend on how it was structured, but I — it is something we would want to participate in and we would probably want to commission some studies that could be then —

Renée Pelletier: Okay.

Pat Moss: — presented.

Renée Pelletier: Okay. Thank you.

Johanne Gélinas: I was going to ask you if you have a map with all the projects in the region that you can share with us.

Pat Moss: Yes. I will get that to you. I'm sorry. I meant to bring that, but I got up so early this morning to leave. I was also going to show you my chart because for the last three years, we've been tracking all the projects. And the chart has got — it's now four pages to —

Johanne Gélinas: So we're not going to hurry, but we're looking forward to get it.

Pat Moss: Yes.

Rod Northey: Yes. I'm just going to follow — start with a question about the regional EAs.

So was it a request of a joint fed-prov regional EA, or did you, in a sense, ask them individually to assess different parts of it and they could each have done something and they — neither has done anything?

Pat Moss: We asked for a joint, but we would have been happy to have either of them take some initiative.

Rod Northey: Did you — does the thing we're about to see specify which part of it's federal and which part's provincial, or just say generally? Meaning, you know, Fisheries, federal, let's say. Navigation, federal, blah, blah, blah. You can sort of chop up the —

Pat Moss: Yeah, I don't — yeah. It didn't go into that level of detail.

Rod Northey: Okay. Well, we'll be interested to see it.

So I want to get back to this NEB idea of these community hearings and the preparation that you went into. It would be helpful — again, homework; sorry —

Pat Moss: That's okay.

Rod Northey: — to understand — and you went through quite a good story, I heard, of here is what I encouraged communities to do. Here's the process, how long it took, what funds they got, et cetera, et cetera, to get to the hearing date and how much time they had in front of the Panel and their thoughts of it just to give us a sense of — and I wanted — put it this way. Because we've heard is — and I'm sorry. It's a preamble.

What we've heard is there were thousands of form letters and the NEB just didn't want to hear about form letters. Your position's quite different. Yours is no, in fact, people had something to say and it was individually tailored to what was said.

The more you could help us understand that, that would be very helpful. And I think the way you describe it, Ms. Moss, would likely be you that could give us a good overview of that.

Pat Moss: You want me to just go now or you want me to send you something?

Rod Northey: You could.

Pat Moss: I can also send you something.

Rod Northey: I think it's really the paper record that would be great, but —

Pat Moss: But — and certainly that happened. There were form letters that went in. There were some provincial and national organizations that mounted campaigns and urged people to send in their responses, but here in the region, we worked with people in each community. And — well, in my own home community of Smithers, I must say it was the proudest time I've ever had in all the years I've lived there. We had something like 110 people, individuals, come and make personal presentations. And it was very hard for a lot of people. They had never spoken publicly before. And they talked about the things that they really cared about and what their fears were of the potential impacts from the project.

And that was really mirrored throughout — throughout the region. I mean, the hearings in the north actually started in Smithers, but I went to all of them through the region over to Haida Gwaii and then to Prince George and up to Fort St. James. And everywhere we went, that was the same story, that you had people coming out and talking about their history and what they understood about their region.

And personally, I felt a bit burnt by the whole experience, having put a lot of energy into encouraging people to come out and do that and then, in the end, feeling that the Panel had really ignored their views and their — not just their views, but their knowledge about their community and their region.

Rod Northey: All right. Well, thank you very much. We'd be interested to hear more. Thank you.

Johanne Gélinas: So really, what we're looking for is a one-pager illustrating — yeah, but really because I don't want you to put a lot of effort in that that will not — might not be used properly on our side. We need something that illustrates the level of effort by communities, and the outcome of those efforts.

So I think you have a good case to share with us. We need just a couple of factual things to help us illustrating the purpose.

Doug Horswill: In the last statement you made, the community did not — you know, they felt they were ignored, what would have been — what would have changed their mind on that? What would need to have been done so that they didn't feel that way?

Pat Moss: Well, one thing is that the — if the panel had — report had addressed different issues that people raised and said, you know, this was brought to our attention but we looked into it and we found that, really, it — you know, it wasn't a serious concern. But they just weren't mentioned.

Doug Horswill: So just an acknowledgement and something about it, that would have — that would have satisfied people, or at least they would have —

Pat Moss: Well, it would have —

Doug Horswill: — felt more confident.

Pat Moss: They might not have been entirely satisfied, but they would have at least felt that their input was respected.

Doug Horswill: Thank you.

Johanne Gélinas: Thank you very much.

Our next presenter is by phone. And as Martin will organize the call, may I ask my colleague in the back if we can have a little bit more heat in the room. I think I'm not the only one asking for that. Thank you.

(PAUSE)

Johanne Gélina: Mr. Knox, good afternoon. My name is Johanne Gélina. I'm Chair of the Panel. Can you hear me?

Greg Knox: Yes, I can.

Johanne Gélina: Okay. So you have 15 minutes to go through your presentation, and we'll suggest that you take maybe seven minutes so that we can have another seven minutes to enter into a discussion with you.

Greg Knox: Okay. That sounds good. I'll try to be short here. Can I go now?

Johanne Gélina: Yeah.

GREG KNOX, SKEENAWILD

Greg Knox: So I apologize for not being there in person. Originally I think I was booked for tomorrow, but the date changed, so I couldn't make it there. But thank you for allowing me to phone in. I think this is a very important process.

I just want to speak to a couple of things I think are really important in terms of considering new legislation. I know that Dan Mesec is also there, and he'll be expanding on some of these things. But we recently went through a very lengthy environmental assessment or review process with the Petronas, the Pacific Northwest LNG facility right there near Prince Rupert, and that really brought out a couple key issues for me, and I think for a lot of people.

One is that there's no real up-front consultation around these major development projects. We, the public, and I think a lot of Aboriginal communities are only consulted once the EA process starts, which is often — it can be a year or even two after the initial development, concept or idea comes forward and is presented to provincial or federal governments, et cetera and, by that time, some of the most important decisions have already been made. And the key one is around the siting of these facilities.

And so that's a key issue. Like we — the public has no ability to actually have any input into siting of pipelines and LNG examples in this particular issue I'm talking about. And so I think that the CEAA process really needs some sort of up-front consultation process to check in with communities who could be

impacted from these projects so that they can have input, especially around where the proposed projects might be located. So that's the first one.

And I think in my example with Pacific Northwest LNG, we saw — because of the siting issue, we saw the environmental assessment delayed by over two years because of concerns. I think if they would have come to the public and Aboriginal communities first early on, they would have realized that that site was particularly problematic and they likely would have chosen another site, and they could have been building their facility already. So I think that's a key issue.

And we've seen that around a lot of pipelines in the region as well. A number of us expressed the need to discuss where those pipelines should go and talking about a corridor, yet we had, I think, five pipe — natural gas pipelines at the time proposed, and they were all in — all over the map. And there's no way to influence the decision around where those pipelines shall be sited. So that's the first piece.

The second issue that I see that's really critical is that the science that most of the information that goes into the process that the Environmental Assessment Agency bases their decisions on is driven by the proponent. It's also controlled by the proponent. So we have a company going out and hiring consultants to do work, that information flows back to the proponent and the proponent has total control whether that information actually gets released to the agency and to the public or whether it doesn't, whether they send it back for further reviews or whether they keep — or whether they try to manipulate the science and the technical information that's coming out so it'll be in their best interests, it'll favour them in terms of its conclusions.

That is a huge issue. We saw that with the Pacific Northwest LNG proposal where we had consultants going out and doing field work at a time of year when, for example, fish — salmon weren't even present in the estuary. And we saw a lot — data being kept from the public, and that's a real problem. I think that the proponents definitely need to be funding the information that's necessary for EA processes, but it should be at arm's length, so what I believe should be set up as an arm's length body that actually then goes out and hires the contractors and the information flows through that arm's length body and that the information is transparent to the public because right now, the public really has no faith in the information that the proponents are providing because they believe, and there's legitimate examples to show, that the proponent is only releasing information that's in their best interests and not information that's required to make an informed decision on the projects.

So those are the two things that I wanted to present on. I know there's a lot of people there that have a lot more.

Johanne G  linas: Well, thank you very much. You will have a chance, maybe, to introduce — are you still there?

Greg Knox: Yes, I am.

Johanne G  linas: Good. Sorry for that.

You will have a chance maybe to introduce other aspect of your points as my colleagues will ask you questions. So Rod, do you want to go first?

Rod Northey: Sure. Thank you.

So can you hear me?

Greg Knox: Yes, I can.

Rod Northey: Good. So just dealing with the second point of science, I'd just like to understand a little bit better what role government scientific agencies had in the EA you're talking about. And I really want to understand the role of provincial experts and the role of federal experts.

So were you satisfied — were then any Ministries or departments that struck you as providing independent review of this, or were you concerned you weren't getting independent review? What's the range of experience you saw, good and bad, with government agencies that had expertise relevant to this EA?

Greg Knox: Well, I think that there was some good feedback from departments like the Department of Fisheries and Oceans and Natural Resources Canada. However, that wasn't really happening in a public realm and they were only looking at the data that was collected and provided from the proponent. And I think just the data collection itself is a key issue. When you only have that raw data coming from the proponent and if that data has been selectively chosen or only certain amounts of data are going forward to those government agencies like DFO or NRCan to review, then they're not going to be able to do a very good job of reviewing that data and providing expert advice on it.

Another piece is I think that the departments, although they have a lot of good experts, they also, you know, are lacking some capacity to understand some of these issues, so we're dealing with a model in the Pacific Northwest LNG case. And they — you know, there was — I think there was some challenges in putting too much faith in that model. And a lot of these models don't actually work very well, and they fail at the end of the day.

So there's a concern about putting too much faith in the models to provide the answer at the end of the day whether there would be serious harm or not.

We also saw the Canadian Environmental Assessment Agency and DFO and NRCan asking for current data that's to be collected on top of Four Bank on this issue, but the proponent didn't go out and do that extra data collection. And that was some of the key information that was going into their model.

And what we found out later is, actually, that they had — the proponent had data that they — that showed them higher current speeds than what they were inputting into the model, yet that was kept secret until — until the end. And apparently the departments — the federal departments knew about the data but they didn't say anything, either.

So that — those are just some of the concerns that I saw with this particular environmental assessment that I was referencing.

Rod Northey: So I'm just going to ask a follow-up on that. I think you've answered it, but — so you would have had some role to input into the process, I gather. Is that right?

Greg Knox: Yes.

Rod Northey: And so you provided some written input with the assistance of experts, so is it expert input, was it community-based input, or both?

Greg Knox: Both. So we did a lot — extensive work on supporting scientific work and also reviewing the reports and providing feedback to the Environmental Assessment Agency —

Rod Northey: Right.

Greg Knox: — (indiscernible - cross talk).

Rod Northey: And do you have a sense — we just heard from another speaker that participants, community participants, have been finding EAs not really illustrating much the response of government or proponents or decision-makers. Do you have the sense that your concerns were addressed well or not addressed? What's your overall impression on that front?

Greg Knox: No. Our concerns weren't very well addressed at all because, essentially, all of the other — the science, the data that was going in the environmental assessment process that wasn't proponents derived or driven didn't seem to be given much weight. And so there was — there was other information which was showing essentially the opposite of what the proponent's conclusions were around

some of the impacts, and yet, you know, the agency went with the proponent's conclusions and their data. And so it was really frustrating that there wasn't more weight given to information that was put in by, say, Simon Fraser University scientists or some of the Aboriginal groups who did extensive scientific work. So that was really frustrating to see.

Rod Northey: Thank you very much. I'll let some of my colleagues take over.

Renée Pelletier: I just want to follow up on that last point. Oh, sorry. This is Renée Pelletier. I'm one of the Panel members. Thank you for joining us by phone, and for your presentation.

I just want to follow up on your last point about there being, you know, additional science that was contradicting what the proponent science was saying and it being, in your words, kind of ignored by CEAA. Do you know why that is, or was there — is there anything more you can tell us about that?

Greg Knox: Well, I don't know why that is. And what we saw, though, was some of the departments like DFO and NRCan who were really concerned about a lot of the same issues we were early in the process. They really shifted their opinion towards the end of it. And we weren't sure why there was, all of a sudden, this major shift in opinion. It didn't appear to be driven by the data and information that a lot of the community, academic and Aboriginal groups were inputting into the process.

So I don't know — I don't know why that was. I — yeah. I don't know. But it goes back to the issue that if this information was collected without the proponent having control over it, then I think people like me and people in the public, Aboriginal communities would have a lot more faith in it and it would be — if there's transparency around it, then we wouldn't have ran into so many issues.

Renée Pelletier: Right. Okay. Thank you.

Greg Knox: If there was a difference in the conclusions, then we would have more faith that the difference wasn't done in a manipulative way or that, you know, it wasn't due to the proponent driving information to get the conclusion they wanted out of it.

Renée Pelletier: Okay. Thank you.

Doug Horswill: Hi there. It's Doug Horswill here.

I'd like to go to your first point. Do you know when and how PNW acquired the rights to the site that they picked?

Greg Knox: I'm not totally sure. I know that they approached the Prince Edward Port Authority, I think, back in around 2012, and the Prince Edward Port Authority guided them to go with that site. And this was really frustrating because there were proposals for that particular site, Lelu Islands, going back to the seventies. And all the science that came out of Department of Fisheries and Oceans at that time and into the 1980s said that this was a terrible site due to the incredibly high value salmon habitat. It was just too sensitive a spot for a major industrial facility, and they recommended against placing the site there. And yet, here we are, 40 years later, and we still have the Prince Edward Port Authority going out and courting a company like Petronas to put their LNG facility on this exact same place.

So I know — I know that they were the ones that were really pushing for it to be on that location.

Doug Horswill: Okay. So it was Port Authority land, then.

Greg Knox: Yes.

Doug Horswill: Okay. Because —

Greg Knox: It was on Port Authority land.

Doug Horswill: The — it's an interesting concept, and we have heard it before, the notion of early engagement to try and define some of the questions like the ones you put forward. And I'm just trying to understand whether there may have been any commercially sensitive issues that might have dissuaded the proponent from entering into early consultation, but it sounds like that may not be the case here.

Greg Knox: Not that I'm aware of. I know in other countries that, with these sorts of major development projects, companies are told to, you know, choose two or three different sites and then discuss that with the public and the agencies so that the best site can be chosen. But you know, in this case, there was literally tens of millions of dollars spent by the proponent in engineering, environmental work, and all this investment, so they were very unwilling at that point, and we can't blame them, for them to be interested in moving their site. And I think that's just a fundamental problem.

And it doesn't work for anybody because it — you know, it forces groups like mine to do all this work and raise concerns and kind of fight it, and then — and it also — it just doesn't get them to a place where they have, really, the social licence to move forward. It created all these issues in the environmental assessment process with delays and such, and it wasn't really their fault because the Port Authority told them to — you know, that it was a good place for an LNG facility.

So I think if there was some sort of up-front consultation, especially around the sitings initially, before that decision is made, that would go a long ways.

- Doug Horswill:** Okay. Thank you.
- Johanne Gélinas:** Mr. Knox, thank you very much.
Tell me, are you planning to send us a written submission?
- Greg Knox:** Yes, we are.
- Johanne Gélinas:** Okay.
- Greg Knox:** We're going to send a written submission.
- Johanne Gélinas:** So thank you very much, and you were presenting in front of a full room, so that you know now.
- Greg Knox:** Okay. Thank you so much for the opportunity.
- Johanne Gélinas:** Thank you. Bye-bye.
So our next presenter is Jack Smith.

JACK SMITH, PRINCE RUPERT PORT AUTHORITY

- Jack Smith:** I was thinking your timing was auspicious.
- Johanne Gélinas:** Good afternoon.
- Jack Smith:** Good afternoon. I have a presentation. I don't know if we —
- Johanne Gélinas:** Yes.
- Unidentified Speaker:** We have it. We're waiting for it to come up on our screens, so yes, we have it.
- Jack Smith:** Well, I'll introduce myself. My name is Jack Smith. I'm with the Prince Rupert Port Authority.

Welcome to Prince Rupert. I believe this is the environmental assessment capital of Canada at present.

So I've been practising environmental assessment now for approximately 20 years. I've been doing it with National Defence, Environment Canada, Fisheries and Oceans Canada, Canadian Environmental Assessment Agency and now with the Prince Rupert Port Authority. So what I'd like to do today is share with you a federal land manager's perspective on environmental assessment.

So a bit about the Prince Rupert Port Authority. We are a Canadian port authority established under the federal *Canada Marine Act*. We're federal land managers, approximately 2,500 acres of land, 14,000 acres of sea bed, and we are also a federal authority under CEAA 2012. And our mission is to grow and develop the Port of Prince Rupert in an economical, safe and environmentally sound manner.

So first I'll talk about what's working with the current framework for environmental assessment and take it away from the big projects we were discussing earlier, or you heard about earlier, and the section 67 process for non-designated projects is something that seems to be working quite well from a federal land manager's perspective. It's a scaleable process that's based on the complexity of the project. It enables opportunities for meaningful community consultation and public engagement, and it has proven to be an effective planning tool for incorporating environmental factors into decision-making, so as a planning tool, it's quite effective.

And with that said, it's important to note that all port projects are still subject to all existing federal environmental requirements and permitting and approvals that would be required.

Another example of what's working well is the recognition of federal land manager's role in overall environmental planning. There's specific reference to port land use planning efforts that are recognized for marine terminals within the designated project list regulations. And there's also, I think, an opportunity for us as federal land managers to expand the utility of the land use planning exercise that we undertake.

It is subject to public consultation and public input, and I think there is reference from your earlier speakers who spoke to the value of such an exercise.

Another thing that's working well, I believe, is the CEAA 2012 definitions of environmental effects. In the past, there's always been a jurisdictional issue with respect to provincial and federal jurisdiction, and the current definition of environmental effects have a clear federal focus to federal land, federal components of the environment and effects resulting from federal decisions.

Also, the effects as they're currently presented are science-based and measurable. This is very important. If we're doing a fact-based, evidence-based assessment decision process, it needs to be able to be quantified and measured to effectively make decisions.

Now for what can be improved. Again, from a federal land manager's perspective, I think one of the key things is what's needed is a common understanding on the overall end objective for designated project reviews.

Information requests to proponents and the environmental assessment conditions are not always clearly related to the actual reaching a decision on the likelihood of significant adverse environmental effects, and there's also a lot of regulatory overlap that I've observed where, you know, are we forming a qualitative prediction or are we doing quantitative permitting level assessment.

Another one aimed at some — been recurring, and this has been going on since I've been practising environmental assessment, and that's the timeliness and predictability of the environmental assessment process. It's evident here in British Columbia we undertake a lot of substituted environmental reviews, and the differences between coordinated and substituted processes, there is an inconsistency between the two.

The clock that has been implemented through CEAA 2012 does not seem to be transparent, clear or with appropriate accountabilities and, in addition, the 30-day and 15-day supplemental review periods established by operational policy statements, how they relate to the regulated 365-day timeline that's defined in the Act is also unclear.

So I'm already on my summary slide, and I know it's only been a few minutes, but —

Doug Horswill: That is great. I have a lot of questions.

Jack Smith: I'm keeping it concise.

So in summary, as a federal land manager, ports are subject to all existing federal environmental regulatory requirements and approval processes. The section 67 process is an effective means of incorporating environmental factors into decision-making for federal land managers. Responsible authorities under CEAA 2012 should be accountable for ensuring timely and predictable environmental assessments that focus on reaching a commonly understood objective.

And also, my closing point is that reliance on port land use plans, which are subject to public consultation, could be enhanced.

And that concludes my presentation. Thank you.

Johanne Gélinas: Thank you very much.

I guess the first question that comes to mind, especially when I was looking at your map and the growth or expected growth of the port activities merged with all the projects that may materialize, let's say it that way, how can you, yourself, the Port Authority, will cope with all these projects coming in that, how that will influence the growth of the port and how big are you — will you become, and can you do all the assessment yourself?

Jack Smith: Well, when we speak of assessment, it's important to differentiate there's two types of assessment. There's the section 67 for non-designated projects and then, for designated projects, that is not handled by the Port Authority. We are a participant in that process, but it's administered through, generally, the Canadian Environmental Assessment Agency.

And within the process for designated projects, as I'm sure you're aware, there's very large working groups composed of many different participants, government representatives and more.

Johanne Gélinas: But you will do the environmental impact study still.

Jack Smith: Only for projects that the Port Authority may be proposing. However, we're more of a landlord scenario in this. We're the federal land manager. And the projects that are being proposed are by proponents, and they have the obligation to ensure that the environmental assessment is undertaken.

So for instance, a very large mega project that could be proposed here, it is the proponent who's proposing it, and they are required to undertake that environmental assessment.

Johanne Gélinas: I understand that. But you will still have an important role to play.

Jack Smith: Yes, we do. And we are participants in all of those environmental assessments.

Johanne Gélinas: So this is more my question. How can you manage all these things that are coming and your tenants that would like to come with major projects and you, yourself, going through the smaller project and be also subject to CEEA assessment if you have, by yourself, a big project?

Jack Smith: Yes.

Johanne Gélinas: All that together, how you going to manage that?

Jack Smith: It's a lot of work, I'll admit. It keeps us very busy. My position, actually, with the Port Authority is a new position. It was only established three years ago because of the growth of the Port Authority. And even in my time, the three years I have been here, our staff has gone up probably 35 percent with respect to all of the proposed growth that's being tabled now.

It's a significant amount of effort and work involved, and we've been — we've been moving through it. And — but yeah, acknowledged, it is a substantial amount of effort.

Johanne Gélinas: And just to understand, if, for example — we will have the CN later on. If CN wants to increase the land and the number of land and rails on your property, they will go through their process under CEAA, and you will have probably a word to say, being the — not the owner, but the landlord.

Jack Smith: The land manager.

Johanne Gélinas: Yeah.

Jack Smith: Yes, that's right. So whenever there is a project that involves CN Rail expansion or any project component, we have a recent example for a terminal expansion which did include rail expansion which was assessed under the CEAA 92 as a comprehensive study, environmental assessment. And the Port Authority, again, was a participant within that project and would be participants in any other major developments that are assessed. If it's a non-designated project that's occurring on port land, we also have that obligation to ensure a section 67 evaluation is also undertaken.

Johanne Gélinas: And when you say with this specific project you are a participant, what is, exactly, the role that you play?

Jack Smith: Well, there's different roles that we can play. For large scale proponent-driven projects that are on Port Authority lands that are being administered by the port, we participate as an expert authority. We're a federal authority under the — under CEAA 2012, so we are members of a very large working group, and we bring expertise to that environmental assessment. And we also bring our responsibilities as custodian of federal lands to that working group as well.

A lot of our expert advice relates to navigational safety within the harbour boundaries, and our interests are also with use of federal lands.

Doug Horswill: You heard from the previous speaker the notion of early consultation, particularly as it pertained to PNW. What's your perspective on that?

Jack Smith: Early consultation?

Doug Horswill: Yeah, as an element or — of a program.

Jack Smith: I think it's important, and this is one of my points that I raised. The issue — or the undertaking of land use planning and the fact that it's subject to public consultation I think is an important aspect that it seems a lot of — there's a lot of interest from many stakeholders in broad planning. Looking at things from a project-by-project basis does have its challenges and limitations, and the efforts that the port undertakes with respect to land use planning, I think, is an excellent opportunity for that community engagement for obtaining input from the public on our

overall land use plan. And it is published. It's on our web site. It underwent public consultation and we're looking at renewing it and going through that process again.

However, it's a land use plan and it does have limitations where we don't know every project that's going to be proposed for every piece of property. We can have general ideas for marine terminals where they'd be placed, so there is limitations when you're doing forward-looking exercises.

Doug Horswill: And does that plan identify areas that are sensitive and either should be avoided or specially protected?

Jack Smith: It does identify areas that are proposed for development, and it does reflect limitations of different sites for certain development activities.

Sorry. So yes, it does — it does recognize different land uses and features.

Doug Horswill: You mentioned coordination versus substitution and the differences. Could you just elaborate what you're thinking about relative to that that was a federal versus provincial in the —

Jack Smith: That's right. So —

Doug Horswill: If you could just fill in the blanks of the difference between those two in your mind and which —

Jack Smith: Okay.

Doug Horswill: — one would work better.

Jack Smith: Projects of certain size or threshold are designated as such for an environmental assessment under CEAA 2012. In British Columbia, there's a process that the — that is administered by the British Columbia Environmental Assessment Office which is considered of equivalent value for — or rigour to perform that assessment. And the process is substituted to the provincial process; however, the obligation for decisions still remains with the federal Minister.

I'm not saying one process is better than the other. I'm saying they're inconsistent. There's differences between the two of how they're conducted as it relates to timeliness and predictability, and it's an observable difference when you compare a substituted process and one that's been a coordinated process, meaning both of them participate, but there's the two processes happening concurrently.

Johanne Gélinas: Doug, if I may just a clarification. With ports, we are on federal land.

Jack Smith: Correct.

Johanne Gélinas: How substitution will apply to your projects?

Jack Smith: Well, if we take, for instance, one particular project, it's half on federal port land and half on provincial Crown land. And there's two mega projects in the harbour vicinity that are like that.

Doug Horswill: I think I — I think that you've answered it. Just the coordinated — the coordinated process, is it less effective because of timelines or — I'm still trying to get at which one you think works better and —

Jack Smith: I'm not going to answer.

Doug Horswill: You're not going to answer.

Jack Smith: They're different. That's where I'll leave it. And there's inconsistencies with timeliness and predictability.

I work too closely with too many people to say one's better than the other.

Doug Horswill: Okay. Thank you.

Johanne Gélinas: But together, they don't work well. That's what we understand.

No, I'm not —

Jack Smith: Together — we all work very well together, but when one —

Johanne Gélinas: No, no, the two projects together. The processes.

Jack Smith: The processes. When you compare one process which was substituted — and I'm not just talking within Prince Rupert; I'm talking broadly British Columbia. If you compare a substituted project review and a coordinated review, they're different.

Rod Northey: Let's start with the smaller stuff, the section 67.

So we have heard a lot about that, and most people don't think they're very transparent so nobody knows, other than those doing them, whether they're working. So how do we know and how does anyone in Prince Rupert know that section 67 assessments are working well? Is there a registry where you post them?

Jack Smith: Well, we're a young Port Authority and growing, and unlike my colleagues in Vancouver Fraser Port Authority who are able to post every

assessment that they undertake for non-designated projects, we're not there yet. However, for projects that have been identified for having a potential public interest and concern, we've required public engagement processes be undertaken and we have posted documents to elicit or solicit concerns from the public.

Rod Northey: Okay. So this — the first point I think you've started to answer, which is even though it's your land, you're delegating the person that's going to lease your land the obligation to do the section 67 and you review it?

Jack Smith: No. Well, we have the obligation to ensure that it's been done.

Rod Northey: Right.

Jack Smith: But for us to complete that obligation, we require a certain amount of information from the proponent.

Rod Northey: The proponent being the person that's going to lease your land.

Jack Smith: The person that's going to do the project and build the project, yes. So we need to find out or to ensure that what's being proposed will not result in a significant effect, and we request information from them to ensure that that information's provided to us.

Rod Northey: And what happens if the proposal or the project does not comply with your land use plan? Do they amend the plan or do you — what happens?

Jack Smith: Well, the land use plan is an overarching plan for how projects would be developed, so before a project would even be going forward, there would be that evaluation of how this proposed project fits with the overall land use plan and is it inappropriate. We can't just have proponents come up and propose something that's not in line with our larger vision for building the Port Authority.

Rod Northey: Okay. So how many projects do you think, a year, are section 67s?

Jack Smith: Right now, I'm doing probably two to three. And these can range from a — you know, a very small project — probably from where you're sitting right now, you can see the — an accommodation barge across the —

Rod Northey: Right.

Jack Smith: — inlet next to an island there. That was the placement of several piles, marine piles in a barge to be moored alongside there, is an example of a recent section 67 evaluation.

Rod Northey: Okay. And if somebody's proposing something within your lands under the land use plan, how many projects get land permits that don't trigger section 67? In other words, if you're only triggering three section 67s, how many land use approvals are you granting a year?

Jack Smith: Well, commercially, it's leases that are granted.

Rod Northey: Right.

Jack Smith: And leading up to a lease, you know, there's different investigations and approval processes that have to be undertaken, including the environmental evaluation. And it's not a lot of the leases.

Rod Northey: But it's more —

Jack Smith: No.

Rod Northey: — more than section 67s?

Jack Smith: No. If there's a project that's going to be constructed, it would require section 67 before a lease is granted.

Rod Northey: Okay.

Jack Smith: So there would be more section 67s than there are leases because even if the port is undertaking a construction project, let's say, on our project on lands we administer, we still have to undertake a section 67 of that whether there's a proponent or not.

Rod Northey: Okay. So final question on this part of just the interaction between. You heard the earlier comments about land use planning and regional assessments. Some people are suggesting that we should suggest there be an environmental assessment of all regional assessments, including things like a port plan.

What does — your port plan has public consultation. Does it assess environmental effects in a way consistent with CEAA or does it do something different?

Jack Smith: CEAA environmental effects are geared toward project assessment, and you really need to have a project to look at the environmental effects from it. Land use planning is a much earlier step than that where not even the concept of the project is evaluated. It's what could fit as a potential land use here. And so you can't do a CEAA 2012 environmental effects evaluation for a land use planning. It's — it's — you can get information for what the existing environmental features are of the site and consider that, but to assess for environmental effects, you generally need a project.

Rod Northey: Okay. And on the last question, but leaving that topic, you said the CEAA '12 approach to effects was science based, and I just want to understand what you meant by that. Why is it science based?

Jack Smith: Well, the science — the effects aren't science based, but they are components of the environment that can be evaluated on a science-based process. So for instance, there's some things that are of very high interest to, you know, different stakeholders or participants in the EA process, but they're very difficult to measure and quantify. The way that the CEAA 2012 environmental effects are framed, they can be most often translated into measurable and quantifiable effects to the environment.

Rod Northey: And so is that what the Port Authority does for section 67, then?

Jack Smith: We follow the federal guidance for section 67 implementation which is developed by the Canadian Environmental Assessment Agency, and within that, they make reference to the environmental effects as defined by CEAA 2012.

Rod Northey: Okay. Thank you.

Johanne Gélinas: Just to clarify one thing, if there's a project on your property or the federal land, you will act as a mini-CEAA, kind of.

Jack Smith: For non-designated projects.

Johanne Gélinas: Okay. And based on your answer to my colleague's question, you're using the guideline of CEAA to do those assessment.

Jack Smith: The section 67 processes, we use the section 67 guide.

Johanne Gélinas: I heard about a year ago, maybe a little longer than that, that all the port authorities together were working to design a process to assess projects which are not designated projects. Have you gone through that, or this is what — the guidelines that you are referring to?

Jack Smith: We, as members of the Association of Canadian Port Authorities, did review and look at that guide. I think what's being referenced — I'm not sure — I don't know all the answers for other port authorities. I'm not aware of one that's been developed specifically for port authorities. It could be the case. I don't know. But I do know that we did, as the group, look at the guidance that has been developed by the Canadian Environmental Assessment Agency, and that's been distributed to all federal land managers.

Johanne Gélinas: And that's the one you applied.

Jack Smith: That's the one that the Port of Prince Rupert uses, yes.

Johanne Gélinas: Okay. Any other question?

Thank you very much for your presentation.

Jack Smith: Thank you.

Johanne Gélinas: One last presenter before the break, and it's Luanne Peterson (sic) and Janet Drysdale.

You are the CN people, in short.

LUANNE PATTERSON, NORMAND PELLERIN AND JANET DRYSDALE, CN RAIL

Janet Drysdale: All right. Good afternoon. My name is Janet Drysdale. I serve as CN's Vice-President of Corporate Development. With me today are Normand Pellerin, Assistant Vice-President of Environment, and Luanne Patterson, our Senior System Manager for Environmental Assessment.

We, too, would like to acknowledge the traditional territory of the Tsimshian Nation on which we are meeting today. I would also like to thank the Expert Panel. We appreciate the opportunity to feed into this process.

CN is engaged in the rail and related transportation business. We serve all major Canadian markets, moving a wide array of goods, including Canadian resources like lumber and grain products, manufactured goods and the entire range of consumer goods from the groceries Canadians buy every week to the furniture in Canadian homes. We play a critical role in ensuring the country's economic success by connecting Canadian shippers and receivers within Canada and to and from international markets.

Maintaining the rail infrastructure that supports that system is a very capital-intensive undertaking. CN reinvests approximately 20 percent of our revenues into the network every year. In 2016, that amounts to approximately 2.75 billion, with approximately 1.5 billion allocated to track infrastructure to support the safety and the fluidity of the network.

You've already heard from my colleagues, Michael Gullo of the Railway Association of Canada, and Joe Van Humbeck from CP who respectively presented to the Expert Panels in Ottawa and in Calgary. In their presentations, they have already highlighted the important, yet unique, regulatory situation for railways due to our common carrier obligation, which imposes on us the legislated responsibility to react to the demands of our customers and the Canadian economy. CN, therefore, has

a responsibility to serve a diverse group of Canadian business in a variety of markets in a safe, sustainable and efficient manner.

As Canada strives to be an environmental leader, we strongly believe that railways are a part of the solution. Rail transportation is inherently more fuel efficient than trucking, which translates into 75 percent lower greenhouse gas emissions for an equivalent volume of freight. Continuing to assess projects at the federal level ensures efficiency in fuel use and emissions due to modal shift are considered on a national scale and in conformity with Canada's climate change agenda. We believe that any discussions surrounding potential projects needs to be founded in facts obtained from valid, defensible scientific studies.

I'll turn it over now to my colleague, Normand.

Normand Pellerin: We do — in CN, we do have a lot of responsibility in terms of managing the amount of assessment, and we have, over the years, developed a lot of respect on the process of the Environmental Agency and the process that they have in terms of collecting science-based analysis of the projects where we are looking at.

In terms of permitting, however, there is always, in the back of the environmental assessment, the possibility for the other agencies to refine their requirements that is going to be required by the review of the Panel or the review of the Agency in terms of specific permits for DFO or specific permits for other development in terms of drainage systems, so on and so forth. So for us, it allows the CEAA Agency to keep an independence in terms of reviewing the environmental assessment generally and globally and not go into the specific of what is the requirements for specific permits required.

For us, it is very important, however, to be nimble and to keep track of what is going on, so we have always been focusing on the fact that, within Canada, we have to have a strict guideline in terms of the timeline that is required for that. And in the review process that was established before, there are specific projects that are similar to the Port Authority's that are not designated to be receiving a full review process and environmental assessment process, but are covered by the CTA in terms of environmental assessment for smaller projects. And we believe that this is a good balance between a full environmental review for larger projects and the designation for a smaller project as well.

The CEAA 2012, as for us, has been basically improving a lot of our timelines in looking at how the environmental assessment are done. To give you an example, we had a project in Fairview that was linked also with the port development as well, and it took — in the previous system, it took seven years to get approvals and to complete the environmental reviews. It was all kinds of delays. It was all kinds of requirements that were not clear from the beginning and that we had to go through to get to the final approval. With the new system, the CEAA '12, at least we

have a better understanding of what the timelines are and it is easier for us, then, to work on that.

We do also have — in the consultation process, we have a lot of impact or a lot of ability to consult with other people that are involved. We do have an extensive process where we do consultation with the neighbours, we do consultation with the indigenous people as well. And that has helped a lot into the existing system to build a better understanding as to what are going to be the impact and, at the same time, give us a chance to respect and have a meaningful participation in the process as well.

We do, however, see that it is important for the CEAA Agency to have an independent approach to that, and the public consultation give them the obligation or at least the ability to measure that every aspect of the environmental impact are looked at and they are considered very specifically as well.

Next one. We do, however, see that there are some aspect that needs to be clarified and that would need to be certainly improved. The one that is the most critical for us is making sure, however, that the review is science based, it is not looking at other factor that are more of a — I would say a global development for the Canadian government, for example. Is it applicable to exploit, to mine coal and ship it to other countries? You know, that is not necessarily something that is related to an environmental impact assessment, but the guideline sometimes are not clear about what is required on these aspect and where the socioeconomic aspect of the project should stop and where a science-based review should be focused on. And that, in some example that we have — we've seen over the years is that any — if the guidelines are not clear, then you can end up into some significant delays because the guidelines are changed through the process and then you have to go back and answer all of these questions, and that can take six to nine months of further studies to do that, which is obviously not something that we have forecasted in the beginning of the project, but is then, obviously, moved on and added to the project as well.

So for us, the proponent — a stricter timeline and a review of the process is very important and it should be clarified or at least know making sure that the guidelines and the specification of the projects are clear from the beginning, there's sufficient consultation that is with the public and the natives involved in the project and then, after that, that should not be changed.

One aspect that we — that we see that is — that was also brought up by other people is the economic consideration of a project. It is important to look at the economic aspect of the project and not only the environment in itself, but will that project have an impact on the economy of the region or the employment base or the development of a similar industry around the project that will be generating also some economic development as well, which is not something that is included in the EA right now, and we think that it would be very meaningful to add into the system.

Overall, we believe that the projects are — the EA process is working well. The timeline and the schedule are the things that we believe are the most critical because of all of the business development that is always related to a certain timeline of the completion of a project, and we believe that it is — if it is — the environmental assessment are kept on the science base and are not open to, let's say, political pressure, then it would probably be a much more efficient process into that system.

So overall, that's all we have.

Johanne Gélinas: Thank you very much.

A question of clarity. When you talk about the guidelines, are you talking, really, about the scope of the environmental impact assessment?

Normand Pellerin: That's correct.

Johanne Gélinas: Okay. A more general question. When we look at all these potential projects and pipeline and terminal and all these things coming up in this area, what does it mean for CN in terms of expansion?

Janet Drysdale: For us, you know, with railways generally, if you think back to the map we showed you, most of our infrastructure is already existing, so when we look at expansions to accommodate that growth or where businesses are moving or how the economy is evolving, very typically, it ends up being increasing our track capacity, meaning instead of having a single track, we might add a double track, we might add a siding to a certain location. So typically, those construction projects really occur within the existing right-of-way of the existing railway track.

Normand Pellerin: What we have to — I might add, however, that if a project comes on, we have the common carrier obligation, so if a mine or if a steel industry, whatever, gives us a rail car to transport, we do have the obligation to carry it to the final destination.

Johanne Gélinas: It's an obligation according to what?

Normand Pellerin: To *Transportation Act*.

Johanne Gélinas: Okay. So if we look here, there is petroleum and chemical which represent almost 20 percent of your market. You have coal, five percent, if I'm right, metals and minerals from mining industry. With the projects that are there in — may happen in the future, you are saying that you have the capacity which will increase is the traffic —

Janet Drysdale: Yes.

Johanne Gélinas: — so to speak, on, and you won't need any kind of inter-modal stations or things like that?

Janet Drysdale: For sure as growth continues. You know, when we look at an inter-modal example, our existing terminals will reach capacity. And so as those terminals reach capacity, then we would be obliged to find a way to expand that capacity or invest in a new terminal, so that does happen from time to time. But I would say most of — you know, most of what we're talking certainly up here and what's relevant to Prince Rupert when we're looking at the main line to Prince Rupert, there is plenty of existing capacity on the existing rail network.

Johanne Gélinas: So when we look at, for example, a 30-year project — this is the number that we often hear — you have capacity looking forward for the next 30 years?

Janet Drysdale: Yeah. We would have — you know, it's going to be very geographic specific. We would have to evaluate, you know, what type of volumes are coming online and then, if there are — typically what there are capacity pinch points in a rail network, so we had a double track — or we had a single track section of our network, for example, that was, you know, just coming into the U.S. from Canada where we didn't have enough capacity if there was an incident. So if a train got stuck coming up this hill, you know, we lost capacity and we saw it a little bit in the winter of 2013-2014 when we had issues moving grain to the coast. So what we do there is we — you know, in that case, we effectively doubled the track, so we put a second track next to the existing track which basically doubled the capacity.

So we do that on a regular basis. We tend to look out three years when we're doing our basic capital planning work, but obviously, we're — you know, we move the economy, so we're demand derived. And so there can be large swings, obviously, in commodities. If we look at what happens to the coal business, for example, coal — this is on a revenue basis. On a volume basis, coal is now maybe only two percent of our volumes. We don't expect it to ever come back. So those fluctuations will occur, and when we think about long term, the existing rail infrastructure that you see there, aside from maybe needing, you know, a double track or a siding, a lot of the capacity is already there.

Terminals are a little bit different because those are, you know, kind of facilities where we're building trains or, you know, shifting freight from a different mode and, you know, those can reach capacity and then you need to build a new facility.

Renée Pelletier: Yes, thank you. So a few questions.

The first is, your colleagues from CP Rail — I think it was when we were in Calgary — on the topic of the types of projects that require a sort of

full CEAA review — I don't want to be putting words into CP's mouths, but the comment was something along the lines of the presenter thought that sometimes that was a bit arbitrary and acknowledged that communities seem to care about projects, even the smaller ones, and would have supported more full reviews for even the smaller projects.

I don't know if you have a reaction to that, whether you share that view, disagree with that view, but I would love to hear your views.

Normand Pellerin: If you refer to adding a full-blown EA or — in consultation with the public, we do probably agree with them because sometimes it's a very localized project that are covered sometimes by the CTA. For example, if you have — and I would be sure it was referring to vibration noise and diesel rumbling from idling locomotive in the area that would not happen there before. But we know that those are not a trigger for an environmental assessment, but they are covered — for example, if we have to go to CTA for an approval, they are going to be covered by their process where they have to ensure that the impact to the community is mitigated or is managed in the proper way. So that's where we would agree with them as well.

Renée Pelletier: But would you agree for those projects to also have to undergo a CEAA review?

Normand Pellerin: No, I would not agree with that because (indiscernible) like what the Prince Rupert Authority have identified as well, so when you have a small project, it's very localized, you have the possibility of having permits requirement as well which are covered by other agencies and you have also the ability to have that interaction with the CTA, which sometimes the public in general probably don't know about that and that's where some of the integration or the better understanding of that process should be — should be made aware of.

Renée Pelletier: Sorry. I'm just trying to follow. Your last point is that — can you repeat your last point about — so you're —

Normand Pellerin: It's because the —

Renée Pelletier: — looking to the regulatory —

Normand Pellerin: Yes, CTA process is —

Renée Pelletier: — authority process?

Normand Pellerin: — not known, basically. So it's very — it's not a consultation with the general public in itself, and they have been working hard to make sure that they are asking the views and opinion of people, but it's not an EA process in itself.

Renée Pelletier: Right. Okay.

Janet Drysdale: And I think very often, you know, we have existing infrastructure, so a lot of those community concerns can actually come up despite the fact the rail line's been there for 100 years. We're working very closely with the Federation of Canadian Municipalities, for example, to try and, at the municipal level, to get — you know, to get their regulations to consider more about proximity and what they should be issuing as building permits in relation to where the existing rail network already is.

Renée Pelletier: Right. Okay. I'll switch topics for a minute to talk about your — the consultation. And I'd like to hear a bit more about how you're conducting, in a federal EA process, your consultation with indigenous communities and groups.

Luanne Patterson: In terms of the current CEEA process, the indigenous consultation starts very early on in our process. We already — the one thing with CN is we are not forming a project in a new area that we've never existed before. Obviously, CN does developments where we have a very long-standing development going back over 100 years, so our relationships with our First Nations neighbours have been well developed over many years of consultations. So we have an ongoing dialogue from the very beginning.

The types of issues and concerns we often hear from the indigenous communities located near our sites and near our lines is something that we're hearing all the time, so when we have a new project come on, we have already developed quite a relationship with them. A lot of the issues and concerns they have are topics we've already discussed for many, many years and been working with them to incorporate into, you know, resolve any issues or concerns they have.

So when it comes to a project, those connections have already been usually well made and well developed, and then you're just dealing with the specifics of that individual site as it may come up across the country.

Renée Pelletier: So can you give me an example of where, in the course of consultation in a federal EA process, you are hearing from an indigenous community about an issue and concern and you are resolving it?

Luanne Patterson: Archaeology is one of our biggest things. So every environmental assessment that, obviously, is done under CEEA 2012 must consider the archaeological component, and so we work very closely in developing our studies to incorporate First Nations communities in the actual investigations that are done. A lot of the times it involves intensive ground digging and study, and so we invite and encourage the First Nations communities that have an interest in the territorial area where the project is to participate as actual participants in the physical, you know, excavation and removal of artefacts.

Renée Pelletier: So —

Normand Pellerin: We would be going as far as having the Elders come to a site, for example, and either go through the release process or the recommendation process that it will be disturbed according to their belief or principles, so therefore, we do involve them quite a bit. Here in Rupert when we did the Fairview Extension, we even hired the natives of the area to make sure that the excavation was done according to their principle and if there was any artefacts that were found, they were protected and, after that, placed into the museum that they have opened up here for that.

And we've — we even have went as far as supporting financially the opening of the museum to make sure that it was protected.

Renée Pelletier: Do you have any examples of where you have not excavated a site, where you're re-routed a project?

Luanne Patterson: We don't always need to do excavation work for archaeology. It's a process that we follow. Since the — there's not a real federal process for archaeological investigations, generally we follow the provincial processes in terms of what is done. So in the case of the project located in Prince Rupert, we followed the Stage 1, Stage 2, Stage 3 studies under the provincial process.

And the first level is doing a desktop analysis to determine what the potential is for archaeological remains to be found. And if it's determined that there is a higher level, then you move on to the next stages. If it's determined that the likely risk is very low, then it may stop there. It depends on the risk.

Renée Pelletier: Sorry. I guess — and maybe I'll rephrase the question. It sounds to me like, based on my earlier question, that you are actually, in doing your archaeological assessments, finding stuff, right. And so what I'm wondering is the examples you've given where you've been addressing First Nations' concerns or indigenous communities' concerns is you've been — you've been involving them in the excavation. I'm wondering whether there have been examples where part of addressing impacts to archaeology has been maybe to not excavate but to go as far as to maybe re-route a line —

Luanne Patterson: Yes.

Renée Pelletier: — or something like that.

Normand Pellerin: Yes. We have done — in some cases, we have done that not only on the archaeology aspect, but also on some environmental issue that were required, for example, a snake pit or a sensitive salamander area where we would be moving, let's say, working with our engineering folks, moving one mile further down or one — two kilometres further down the track to build the same thing that we would build because we know that we are going to be encountering either artefacts significant or that we are going to be having a full environmental impact on the area.

Renée Pelletier: Okay. Thank you.

Rod Northey: In terms of your experience with CEAA 2012, how much experience has CN had? How many projects have you had through CEAA 2012?

Janet Drysdale: CEAA 2012, we have one project in it right now. The previous Act — the most recent one under the previous Act was the joint project with the Port of Prince Rupert in Prince Rupert.

Rod Northey: Okay. And that was Fairview?

Janet Drysdale: Fairview, yes.

Rod Northey: The — so your comments on timelines, are they based, then, on that one project, your experience there, or is that — was that a sort of more general comment?

Janet Drysdale: Certainly the concern we raised regarding timelines under the previous Act relate specifically to the Fairview example where it took seven years to complete the EA process and receive a decision. We have done many, many other EAs, but they were screening level EAs in the previous Act, and those were primarily triggered through *Fisheries Act* authorizations. And that's where we saw most of our triggers originally.

Rod Northey: And timeline issues around that, or no?

Janet Drysdale: Generally not. Screening level EAs are much smaller, so they don't take as long.

Rod Northey: So what's your assessment of why Fairview took seven years?

Janet Drysdale: Complex. One was that there's no prescribed timeline for when the regulatory agencies have to complete their reviews. We saw a lot of staff changeovers in the course of seven years which required time being allotted the new people coming in to get familiar with the project and reviewing all the documents. It happened many, many times. I don't think we had one individual that made it through the entire seven years, so it was very difficult to try and continually move the process along when there weren't those timelines. And because of that, we had staff turnovers.

Rod Northey: Was there issues by then of the adequacy of your application's information? Was there a lot of back and forth?

Janet Drysdale: The one thing that was very beneficial about the previous Act was the access and ability to have that ongoing communication with the regulatory agencies. Under the Act, we would have open communication specifically with the

DFO, with Environment Canada, with Fish and Wildlife, with Canadian Wildlife Service, and you were able to have that communication and discuss items of concern or if they felt that there was information missing, you could get that better idea of what it was they were looking for, so you could turn around your response much faster which is lacking under the current Act.

Normand Pellerin: So basically, in this review, for example, we would gather all the agency into the same room and all of them would have the same information being given to them as well. So it would not only give us a chance to explain it only once that making sure that everybody has the same understanding but, at the same time, it allowed the other agency to see what are the concerns or the curiosity of the project and what it might have been impact on them as well in terms of permitting, in terms of approval as well.

Johanne Gélinas: So thank you very much for your presentation, and I understand that you have chosen Prince Rupert for a very specific reason to make your presentation.

Janet Drysdale: The beautiful weather, and the view.

Johanne Gélinas: Thank you very much.

So let's take a 10-minute break, and we will start over at almost 3:30.

(BREAK)

Johanne Gélinas: We will move with Joy Thorkelson. Where is Joy?

Okay. Take your time and join us in the front.

(PAUSE)

Johanne Gélinas: I will just ask people in the room to listen to the presentation. Thank you.

The floor is yours.

JOY THORKELSON, UNITED FISHERMEN AND ALLIED WORKERS' UNION

Joy Thorkelson: Thank you. I'm the — my name is Joy Thorkelson. I'm the northern representative for the United Fishermen and Allied Workers' Union. I'm a union representative. I am not a lawyer. And my duties are eclectic. They go from collective bargaining, dealing with Workers' Compensation Board issues all the way through to trying to deal with issues of habitat and development. So — but I

am not an expert in any field, and what I — but the union, because it's in the commercial fishing industry, is very involved in many CEAA processes, right.

So the process that I was involved in most intimately was the Northern Gateway or Enbridge process. And I just want to quickly say some of the positive — if I can ever be quick — positive and negative things I thought about the Enbridge process.

So I thought the fact that we had a scoping hearing and the scoping hearing actually changed the — I don't know who made the recommendations, if it was a governmental decision. I don't really know. But the scoping process enlarged the scope of the first — of the Enbridge panel hearing, so they increased the broadness of the scope of the hearings. And that was extremely important because it included tanker traffic, right, which was not — was not included to begin with, and other things. And so I think that CEAA needs to have a scoping process so that the people that are — that are involved and whose lives will be impacted will be able to talk about what they think should be included in the hearings, and I think that's a very important thing. I think that's a — gives people the ability to speak to the issues and it also alerts the Panel, I believe, as to what issues are going to be important issues to the community ahead of time.

Secondly, I'd like to say that the — we received — the union received CEAA funding, and that permits it two things. It allowed us to hire experts, and also to coordinate our experts with other intervenors, so we shared experts with some of the other intervenors. And it also allowed the union to participate fully.

So I took, I think, about two months off of my time off of my normal jobs to be able to write our evidence, put our evidence together and to submit our evidence and also to participate in the hearings which were — as you know, were — I didn't go to Edmonton, but I was able to go to Prince George and to talk about the pipeline issues and Prince Rupert, of course, the marine issues.

So it allowed us to participate fully, and I think that was really important because we are — somebody else was able to take over my duties and I was able to concentrate on the Enbridge inquiry.

And then I would also like to give kudos to the — to the staff assistant — assistance that was given by CEAA, and they had great help and great advice on technical issues. They held a couple of webinars so that we would understand part of the process such as what's questioning, what's cross-examination, et cetera.

The other thing, though, is West Coast Environmental Law held a number of webinars. And it would have been helpful if CEAA had actually held those webinars as well. I don't know if it would be beyond your mandate or not, but they

also talked about legal intricacies that many of us not in the legal field were not aware of. And so again, it was technical, not talking about political or representing your point of view. Anybody could have gone on those, and many people did go on those. And we could ask questions both when CEAA held them and when West Coast Environmental Law held the technical webinars. And those were very helpful, especially to people who weren't lawyers. I don't think a whole lot of lawyers attended them, but they were well attended by people who were not lawyers.

So what I think needs improvement. I think there needs to be an index. There has to be an index of subjects, not just a list of topics or a list of — or a list of who is — the submissions or a list of the participants. There — none of the Enbridge information was indexed, and so it was very hard to find. When Enbridge did their reports, there was different items scattered all through the report. So if you wanted to know one subject area, it was not indexed, so if you're interested in clean-up, it could be in five sections of the report, different sections of the report. So you could — you could not — you didn't know where to address when you were doing a cross-examination some of the questions. You would think the report was deficient, and then you would find out, oh, no, you're questioning at the wrong time because the report is — this part of the report is actually in a different volume and you're going to be questioning on these volumes later.

And also, especially after the information stage — somebody was sending an information request in, and it was called Information Request 5. Now, you tell me, if you're interested in something, how you can find Information Request 5. And it was — the site was excellent, but it took a long time to download and lots of times Enbridge would put up information that they would have six or 12 or 40 things in an answer to an information request, and all of those items were not always on the same topic so they would have reply to an information request, but they would also have replies in that heading that were replies to other information requests.

And so I can tell you that many people missed the maps that were — as Enbridge listened, they changed the route. And at — during the process when we were having the discussions, three times, I believe. And so as they changed that route, they included those new mapping pictures in the information request or just an additional information with no topic. So if you weren't, every day, going on to that site to see what was being downloaded, you had no idea.

And so we had — there were people who were, for example, fisheries experts with the Skeena Fish Commission who didn't know that the new line was now running across the Pinkut System, which is the second-biggest facility supported by DFO in — on the Skeena system that — it's not a hatchery. It's a spawning channel. But the — but the river was going to cross tributaries that were running into the river on that spawning channel. And because the — because the — Enbridge had changed its route and nobody knew it until somebody decided to look into the answer to that question, nobody knew that that's what they had changed. And so

the Skeena Fish Commission is telling me it's not and I'm finally showing them a map that shows that it is.

That was in the middle of the Gitksan territory and — Lake Babine territory, probably a cross-over there, and yet that was not — they were not aware that that new thing had gone on because it wasn't listed as a — as a map and nobody was notified of a change.

So with those information requests or — it needs to be indexed. You need to be able to click on maps of projects or something like that and have that — have a list of maps come up so you know what they are. So — and I'm quite sure today's technology that you could do that kind of indexing.

And then also, when our report was presented or somebody else's report was included in the submissions, that those be indexed as well. And if there was some service that the government wanted everybody to use or something or CEAA wanted everybody to use, I'm sure that we could all do that if that was downloadable, right — downloadable software that you wanted us to put it through or something.

But I just found — I just found that the information was so scattered, and I believe it was scattered for — sometimes on purpose by Enbridge. And if you had a whole legal staff, you might be able to track that, but if you were just UFAWU and you had one person who was just being paid — you know, the process was a year, you know, but my wages that CEAA paid for were probably two months. And that was only when I was at the hearings or whatever.

Then what happened is that I couldn't keep track. I couldn't keep track of all the new information. I'll bet you I didn't see half that new information came up and I didn't read it until I heard about it, and then I would go look for it because it was too much, too fast. And our — our internet connection is just not fast enough. Like you spend all day, every day, downloading new information. But if I knew what it was about, then I could have accessed it, the parts of information that I was interested in.

So that's why I'm saying that, you know, the proponent's submissions and the info requests and answers need to be — because they were just — had an Info Request No. 5. Well, that doesn't help you. You have no idea what's in the info request and you have no idea where the answer to that information request is. It would be answer to undertaking 25, 24 or something like that.

And the other thing is, during the hearings, I would have said is that a clear list of topics that the hearing was going to deal with, so if we're going to deal with subject matter, we need to have a clear list of topics and maybe a webinar at the very beginning on how that's going to work.

Both the Wet'suwet'en and ourselves wanted to talk about the socioeconomic impacts of a spill, and we thought that would be in the spill section. And there was socioeconomic impacts in the — in the section on spills, pipeline spills. There was mention of socioeconomic impacts. But it was actually the previous volume which was titled "Socioeconomic Impacts" but didn't talk about the impacts of spills, and so we — both the Wet'suwet'en and ourselves who were not hiring lawyers had made very — had a set of really great questions that we both believed that were great questions, anyway, on — but we were late. We were not included in the one set of questioning because we believed we should have been in the next set of questioning. And when the next set of questioning, we were ruled out of order, both the Wet'suwet'en and ourselves, and — because we had not understood.

Now, everybody else understood, but most of the other — most other participants were — had hired law firms who have been to many of these, I guess, that know what they're doing or maybe they're just smarter, but whatever the case was, I can only say that the two people that were being impacted by — could be impacted by a spill of pipeline, ourselves in the commercial fishery and the Wet'suwet'en, whose pipeline was going right through their fishing territories, were not allowed to ask questions on the impacts of spill because we were not discussing that in that section and Enbridge didn't have the experts there to — that were supposed to be there to discuss that.

So I just want to say it needs — if I — I was very — I was furious at that, actually.

Then — and then the other thing that really — that I was really surprised at and I can only express my great disappointment was that there was no federal agency that — and you can look in the testimony. And I was just looking to print it and bring it down but, I'm sorry, I've been — I've had five days of Fisheries meetings and I just haven't had time to — I don't know why Fisheries leaves discussions on salmon till Christmas, but they always do. And it's — every year, it's closer to Christmas.

So anyway, I've just come out of those meetings and I was just looking for it quickly, and I don't have it. But there — we are permitted to ask government because — because fisheries is what we're about, we are permitted to question the Department of Fisheries on their submission. And the Department of Fisheries put in a submission that said the Department of Fisheries sees no problem in the Enbridge project going ahead.

So the Department of Fisheries gave the green light to the Enbridge project. So when you read the report and finally got all the way through it, you realized that the Department of Fisheries hadn't even talked about the — about the impacts on fish and hadn't talked about the impacts to fisheries if there were deleterious impacts on fish, what would the impacts on fisheries be.

So I finally got — and Tara — because they only wrote one report, and I finally got, in Prince George, and then again in Prince Rupert because I got to question them on the pipeline aspects and then again on the marine aspects, they admitted that, in fact, they had only sent their habitat team — DFO had only mandated its habitat team to look at the impacts on immediate habitat, not the impacts of a spill. So they only looked at impacts, for example, on the riparian zone.

So when the pipeline went under a river or over a river, they'd looked at the impacts on the riparian zone, on animals. If there was a roadway going up to a pump station, they would look at the — they agreed to look at the impacts of the road construction on — and whether that would impact. And I couldn't believe it, so I said so — so nobody here has looked at the impacts of oil on fish, and they said no.

And then CEAA was there, and all of the other federal agencies. I can't remember all their names who were at the table. And I asked each federal agency if any of them had looked at the impacts of oil on fish, and this is in the pipeline environment. And every agency said no.

So here we have Enbridge going through with a pipeline and tanker traffic, and not one Canadian government agency had submitted a report or had talk — or had even investigated the impacts of oil on fish. And so I was horrified with the Department of Fisheries that the department was giving a green light — so it sounded like DFO had examined everything, right. That DFO had given a green light to Enbridge, but they had not looked at that. They had only looked at the smaller environmental impacts that they were going to have to give certificates on later.

And when you got to the marine environment, they looked at what the impact of construction would be, so what the impact of bubble curtains were. They looked at habitat mitigation, so knowing that loss policy where if they — if they interfered with some habitat where they're building that they could rebuild some rocky habitat in a different spot. But again, if there was a tanker spill, they never discussed what the impacts of that were, and nobody else — I again asked, just for the record, everybody on the government side if anybody had, and nobody had, although by that time there was a cross-departmental team being set up in the future which was being rapidly depopulated by scientists who were saying they didn't want to sit on that panel, so a new panel was being created to have a look at the impact of dilbit on the toxicity — dilbit and the impact of dilbit on fish and other habitat, right.

So finally, that was happening whether it sunk or it didn't sink, right, and all of those kinds of problems. But it hadn't happened, so we couldn't question them. And this was right at the end. This was like the last four days of cross-examination that the announcement of that panel was there and that there was going to be some examination.

So the examination actually came out after the hearings were closed, so we couldn't — we couldn't ask about that. But the other thing is that the Department of Fisheries' mandate is also to protect fisheries. And at that time, with the fisheries changes, the department's mandate had changed from looking after fish to looking after those fish that have — and that's what's in the present Act — that have commercial or other value, but mainly commercial value, right. So that's what it is.

So they're looking after fisheries to have — that have commercial value. That's your mandate. So you might want to know what the impact on fisheries would be if there was a spill. That was not even looked at. And that was when the Wet'suwet'en and ourselves tried to question. That was on the wrong — that was the thing that we couldn't talk about in the wrong section.

But there was — DFO never looked at that. And so here they were trying to talk about the wild salmon policy, which is — which is the policy that basically governs habitat and fisheries and the relationship of habitat and fish to — habitat and fisheries to fish health. And so nobody even talked about the wild salmon policy. DFO didn't even talk about it.

It's the major west coast policy, and they never talked about it. They never talked about what would happen, the impact on our fisheries, and I just want to give you an example because — on this, and then that's the last thing.

Johanne Gélinas: I will give you two more minutes because we would like to ask questions.

Joy Thorkelson: Yes. This the last thing that I — and it's not well understood, I believe, by many government agencies, is the impact — if you — if there's a stock that's in trouble, okay, we — our fisheries are cut back to protect that stock that's in trouble. If that stock is co-migrating with a bunch of other fish, are we — we not only are cut back on that fish, we're also cut back — our harvests are also cut back on the co-migrating fish. It's like the branches of the tree, right.

So we're also cut back on the co-migrating fish, and that happens everywhere. But on the Skeena, it — the pipeline was running right down the — right down the Morice, which we can't fish. There's four weeks the Morice fish run through our fishery. For three of those weeks, we don't fish any more. The fourth week is a week when there's lots of fish. They're actually going to that Pinkut spawning channel I was telling you about. So we're allowed to fish on that fourth week that the Wet'suwet'en — the Morice fish are in our — (indiscernible) Morice fish are in our fishing area.

That fourth week is a huge fishery week for us because it is on the Pinkut spawning channel fish, which are created as a production fish for people

to catch in the commercial fishery. So the DFO permits us to fish on that last week that those fish — other fish that we're saving are in our area.

If those fish had been impacted, that fishery would have been shut down. We know that's what would have happened. They would have said those fish are now impacted, and further impacted, you must now cut back your fishing. So now the impacts on us will not just be the half a dozen Wet'suwet'en or the fish going to Wet'suwet'en territory which are the Morice-Nanika fish. Our fishery would now not be able to take any of those Pinkut salmon, which would — could, in some years, have cost up to a quarter of a million fish. That's — you know, that's like quite a few million dollars that our — that comes into our community.

And so the impacts of a spill on a fish could be way more when you come to the actual commercial fishery because we're fishing — we can only fish to the weakest stock — level of the weakest stock. And if that stock gets weaker, our fisheries get cut back more so even if the other stock are not impacted, our fisheries are cut back on those other stocks.

So the impact on fisheries needed to be talked about, and that wasn't talked about by the Department of Fisheries. And so my recommendation is that if there — the federal departments need to come to the table with a proper review in all aspects of their mandate, not just in the aspects that they pick and choose.

Johanne Gélinas: Thank you very much.

The — you mentioned at the beginning that one of the positive thing was the scoping.

Joy Thorkelson: Yes.

Johanne Gélinas: So that was not part of the scoping, clearly established?

Joy Thorkelson: It was the impact on communities. I'm not sure if they accepted the impact as fisheries on the scoping. That was so long ago, I can't remember. But that was never included. It wasn't — we weren't called — the commercial fisheries was not the — the VER, very —

Unidentified Speaker: VEC.

Joy Thorkelson: VEC, thank you. Whatever they're calling. We weren't, so we weren't examined. So they put us with trapping and they just looked, okay, how many fish are we going to hurt and how many mink are we going to impact. And that was the impact on the commercial fishery. It was never looked at what the impact on the fisheries were.

And they said — basically, what Enbridge said was, we admit that fish will be impacted if there's a spill. And that was —

Johanne Gélinas: Full stop.

Joy Thorkelson: — their admission. And so what could you say? You couldn't — there was nothing to question them on, right.

Johanne Gélinas: I think you have a very good illustration. I don't know if my colleagues — it speaks for itself. I don't know if my colleagues have question.

Unidentified Speaker: Just a very brief one. In terms of analysis of spills, was there — was it scoped in at all? You've mentioned the fisheries, but was there any consideration of what some have called in front of us in their presentations a worst-case scenario?

Joy Thorkelson: Well, I think that there was certainly worst-case scenario information that was put forward by the provincial government and by other proponents. I — did Enbridge give us a worst-case scenario and what they would do?

I think when we did spill clean-ups, they tried to do worst-case scenario, but I think we all disagreed with — I think there was no agreement except the JRP in the end said they could clean it up. I don't think anybody else agreed that they could clean them up, yes.

But yes, I believe through the process, in those information — in those information requests, that that occurred.

Renée Pelletier: The webinars that you talked about at the beginning, you said there was one by CEAA that was helpful, another from West Coast Law that you thought was very helpful and that CEAA should have hosted.

What was the content of the West Coast Law webinar?

Joy Thorkelson: I was trying to remember that, you know, before I came here, and I won't remember that because it wasn't — there could have been more put on by CEAA, but I think CEAA put on one every time we changed from a questioning, a cross-examination to an examination where they were going to examine us, so — and then other parts of the — of the process. And I can't remember exactly what West Coast Environmental Law put on, and I looked on the computer. And because they're webinars, I never really saved that material, too, because you could just go and look, and they've disappeared now.

So — but they were on process. And the other thing I did want to mention I thought about when I was coming here is the other thing I did want to mention, it was really helpful that it was — that it was on the internet so you could

actually go and listen on the internet so you didn't have to come down to the actual proceedings to hear them. So many times, I was busy typing away because I've got — found some new information on information requests and I would want to include it in my questioning, so I was reading and typing, working at home, and listening on the internet to the — to the hearings as well. I found that very, very helpful.

Renée Pelletier: Okay. Thank you.

Unidentified Speaker: Couple of questions. One is, just going back to your intervention and the participant funding, so you were getting participant funding. I understood how it affected you and it assisted the union.

What were the areas of expert involvement that you wanted, what did you seek and what did you get? And what I mean by that when I say seek, get, you might have applied for five experts and got three.

What did your union seek to do and how did it intervene?

Joy Thorkelson: Well, when we first thought about doing it, we — what we were, of course, concerned about was two. One was socioeconomic impacts on our members and, you know, what would happen if there was a spill.

And there is a whole body of literature out there that, for the — and I don't know what it's really called, but I call it disaster impact study, so what happens when there's a disaster and how do — how do communities respond to a disaster. And part of that — one of the things I was interested in was this — was disaster literature by this guy who had looked at Alaska because I thought the Exxon Valdez spill had been there and these scientists looked at what the impacts on those communities were. And I — what I wanted to do was to get that looked at, what would the — what would the — you know, using that as lessons learned, what do you think are going to be the impacts on our community and on our First Nation communities where many of our members live and on the members of the commercial fishing industry.

And so we were able to share that expert with another one of the First Nations who also had — also had — who also had engaged that person, so we — so he helped us and we did a lot of the work. He helped us do a study, put it together. We were the ones who just got our membership to phone and ask the questions over the phone so that we had a survey. So that was one area.

The other area was the impact of oil on fish. And I can't remember. Originally, we wanted to do some research that was original research. I can't remember what it was right now. But what we ended up with is we ended up with a — basically a literature review, which was all Enbridge was doing, too — a literature review by a toxicologist, a marine toxicologist from SFU. So we were able to hire him. And he gave us a long — a report that we submitted on that.

I do want to say a couple of things about that. You just reminded me, just is that when Enbridge didn't want to discuss something, one of the things I learned, and it was just interesting to me — I don't know how the process could — how the process could be changed to account for it. But if they didn't want to emphasize somebody, they didn't cross-examine the expert. So they never cross-examined our experts on — we actually had three. We had employed a local expert on plankton because we were concerned about the impacts of plankton if that happened because plankton are small fish. That's how many fish start off their life stage as plankton. And so we got her to do one (indiscernible) plankton and stuff like that.

So they never, ever cross-examined those witnesses, and that's because we think that they didn't want to talk about the impacts on our communities and they didn't want to talk about impacts on fish. So they didn't cross-examine those witnesses. And I think that's because they were afraid that it would raise the issue to a higher profile in the panel's mind.

Johanne Gélina: Thank you very much for your presentation.

Joy Thorkelson: Thank you.

Johanne Gélina: Very helpful.

Our next presenter is Shannon McPhail.

Good afternoon.

SHANNON McPHAIL, SKEENA WATERSHED CONSERVATION COALITION

Shannon McPhail: Good afternoon. Welcome to the west. Thanks for making the journey out here. I presented on the Joint Review Panel — or to the Joint Review Panel in Smithers. And I just want to thank you for the way that you have approached this. You all seem very approachable, which was not the case with the JRP in Smithers.

So my name's Shannon McPhail. I'm a fourth-generation resident of the Skeena. My family is six generations here, which is a drop in the bucket compared to the First Nations. But I grew up on unceded Gitxsan territory, and I make up 15 percent of the non-indigenous population there.

We heard from somebody talking today about practising environmental assessments for 20 years. My family and my community have lived with the consequences of environmental assessments for a lot longer than that. And so I'm coming to you today from that perspective.

I happen to be the Executive Director of Skeena Watershed Conservation Coalition, which is a regional group of local yokels. We're farmers and rednecks and hippies and doctors and miners and drillers. My husband happens to be a welder in oil sands, and I'm a welder by trade.

So I want to talk about some of the different things. You talked about thinking outside of the box. And I heard the members of the CN crew talk about not including socio-cultural impacts, but to include economic impacts of major industrial development proposals. To exclude socio-cultural impacts would not only be irresponsible, immoral and all those things, it would be not very cost effective.

We are about to release a study on what it costs taxpayers to not engage early with communities, to not adequately and dutifully consult with indigenous people. We know right now from the preliminary numbers it's in the hundreds of millions just over the last 10 years.

So when communities aren't adequately consulted or informed about a project, it costs us money. But there's also the impacts that it has on communities. In my community, 67 percent of the population has foetal alcohol syndrome. We have the highest teen suicide rate in all of Canada. If you're an indigenous woman, there's an 82 percent chance you've been raped or abused in your lifetime.

When big industrial projects come to town, despite those statistics, those numbers increase. And you know, sexual abuse, assault, addictions, disturbances to the peace, those things need to be assessed in the environmental assessment.

I'm raising my family. I have an eight year old daughter and an 11 year old son. And I am looking to you to help build an environmental assessment process that will keep Canadians and my family safe for multiple generations, that will outlast the current government of the day and the issues of the day.

EAs are incredibly expensive and exclusive. The language, the participation is quite exclusive. People need to have consultants and experts. Since we formed our group, several hereditary leaders, house Chiefs, matriarchs come to our office to try to understand what this letter says and that they have 30 days to respond. And it's going to impact their traditional territories. And it might be something as simple as a recreation permit. It might be something as simple as putting an outhouse for a rafting company. And it might be a pipeline. But to decipher and understand what's being asked of them to comment, to provide comprehensive thoughtful comment, one of the things we reviewed for hereditary Chief was 34,000 pages.

If we were to read one page per minute eight hours a day, it would have taken us 34 days just to read it, let alone provide thoughtful comment on behalf of that Chief. So it needs to be made more accessible, is one of the potential solutions.

When you look at projects like, for example, Patronus Northwest LNG, it is actually a combination of three projects, but they were assessed separately, the fracking, the pipeline and the terminal. The reason it's important to assess them together is irreparable damage can be done in one of those aspects while the other hasn't received a permit, approval or final investment decision. So a pipeline can be approved, right-of-way can be cut, pipeline storage yards can be built, thousand-man camps can move into communities where there's 180 residents, have massive impacts, but the project never goes forward because maybe the terminal isn't approved or the fracking wasn't approved or there was no final investment decision. So irreparable damage gets done.

Kitimat LNG, Shell Canada, they — in their permit — in Kitimat, they have the largest HAD permit in Canada, but they're separated into three separate HADs. And that's an issue for a project that doesn't yet have final investment decision, so irreparable damage has been done for a project that might not ever happen.

We did a report called B.C.'s Mining Promise, and it was about the impacts of the exploration industry in mining and what gets left behind and what isn't cleaned up, and that's due from — that's from companies trying to fulfil the requirements of an environmental assessment. So acknowledging that an environmental assessment is development, development has impacts to the land. There's construction that's done, temporary camps, helicopters.

If you were in my community a few years ago when EA, OGC, FLNRO, MAR, the proponent, they were falling all over themselves to have community meetings. You could pick any night of the week and you would have to choose which project meeting you're going to go to. People have process apathy at this point. They're exhausted. And for people to come here and fill a room is a really big deal because we've been doing this for a really long time.

One of the other things that isn't talked about, the new — the new legislation around climate change, like a climate change filter and impacts. What I would like to see added to that is how will a project impact ecosystem integrity when you consider climate change adaptation.

So regardless of what's causing climate change, nobody is debating that it's happening, and we aren't planning for adaptation. How will a project in 20 to 30 years inhibit or alter ecosystem integrity in the face of climate change? I think that's a really important concept that we're missing, and we're not planning for

adaptation in an innovative — or with any foresight. And we're certainly not executing the cautionary principle when planning for development in the region.

I think that's it. I don't know what else I can say except for the economic part. If you're going to assess the economics of a project, then you need to — you need to assess the impacts it's going to have on existing economies. Wild salmon contribute \$110 million in the Skeena watershed. Wild mushrooms just in the Lower Skeena, 21 million. Guide outfitting in the Upper Skeena, \$28 million.

All of those things need a healthy watershed. They need ecosystem integrity to function. We only have 65-ish thousand people that live in this watershed. \$110 million for wild salmon which doesn't include very much for sustenance — homelessness is different here. People in my community, they couch surf. They might not have a home, but they have family and they have relationships. And we're really wealthy that way. They have a dry, safe, warm place to sleep. They're not hungry because our freezers are full of salmon and moose meat and berries and, you know, our wood piles are full.

How do projects impact that? And those things aren't assessed. What is it going to cost us to have those people be hungry and homeless?

That's all I got.

Johanne Gélinas: I know a guy who has a question for you. That is not a preamble, but he's good at questioning, so why don't you start?

Rod Northey: Yes, thank you. Okay.

What did you do with the various projects — I just want to get a sense. You've talked of two studies, so let's get the two.

One of them was a study on mining exploration. Can you make that available to us?

Shannon McPhail: Absolutely.

Rod Northey: All right. And then the one, of course, you led off with which you knew would hold us in suspense, which is we are about to release a study, and is that about to be released before December 23rd?

Shannon McPhail: No. End of January.

Rod Northey: That's what I figured you were —

Shannon McPhail: Yeah.

Rod Northey: Okay. Well, if you have any ability to do something before December 23rd on that study, we're all ears.

Shannon McPhail: Great.

Rod Northey: Okay. Now, how do you — in terms of this, how does your organization get involved in these kinds of projects? I'm just trying to get a sense on the ground.

You haven't mentioned participant funding. What gets you the ability to bring this kind of perspective to us?

Shannon McPhail: Well, we have received participant funding in a number of projects, Patronus Northwest LNG, Shack Creek, Red Chris, (indiscernible) Metals, Fortune Minerals, Shell fracking in the headwater. So there — we've participated in CEAA processes.

Rod Northey: Are you a coordinator? I'm just trying to get a sense. We heard from a union organizer, we've heard from a community organizer. How does your role play in this?

Shannon McPhail: We do a little bit of everything.

Rod Northey: You, personally.

Shannon McPhail: Our organization, we're small. We're local.

Rod Northey: You are not going to tell me what you do, then.

Shannon McPhail: No, I — no, I fully mean to. It's kind of hard to narrow it down.

Rod Northey: Okay.

Shannon McPhail: So we work with the very man who wrote the book on Skeena salmon in their habitat, so that's somebody that would help us. We worked with a number of experts. Dr. Otto Langer, who's the former head of Habitat for DFO, we — Dr. Marvin Roseneau, who used to be with Ministry of Environment. Alan Gottesfeld, who also wrote the book on Skeena salmon in their habitat.

So we are called by our community. We go where we're asked to go. We focus our attention where we're asked to focus. And you know that if our organization is focusing on something, it's either really, really good or it's really, really bad.

Rod Northey: Okay. So now — sorry, but you're going to — about to go into a very interesting spot, I hope, which is this. You've got a bunch of scientists. I'll call it the western science tradition. And you're sitting in the middle of an indigenous community you're very familiar with. How do you go about and which of these studies that you've mentioned integrate the traditional knowledge and the western approach?

I am sure you've got an answer to this.

Shannon McPhail: I love that question. Thank you.

Rod Northey: Okay.

Shannon McPhail: So we engage in — we're a member of the community, number one, so we are — it's the relationships, number one, that allow us to function and also allow us to translate. So we act as a translator to those that this information is inaccessible. We often do that with government. We help them understand why they need to consult in a different way with indigenous communities.

So we engage in things like cultural heritage exploration. We've done arch digs. We have found ancient village sites, fish pits, petroglyphs, and were led there by the community. And we do those studies.

We show through reporting and through cultural heritage exploration historical use and occupation on the land so that First Nations can better assert their ab rights and title. We also build cabins and trails so they can have continued use and occupation of the land.

We're members of the community, first and foremost. We know how to engage our community, and we can have face-to-face relationships. And we do that with, you know, 1,000 cups of coffee campaign. So we take processes like this which are really intimidating and tend to be sort of an elite group of society that understand how to use words like biodiversity and ecosystem integrity, but our community, that's not where they're at. All they know is their perspective and what the land means to them.

If you're an indigenous person or in my family, who has six generations in that country, we don't get another place to live. You can't impact that land and tell a Gitxsan or Tsimshian or Wet'suwet'en, "Sorry we screwed up. There was an oil spill. Maybe you can go over here and make that your traditional territory or make that where you're going to have the next six generations". That doesn't work.

We have one place, and traditional law says you've received a full basket and it is your duty to pass a full basket on. And if you don't do that, we don't have the ability to live there any more and to have something that has always been there for 10,000 years as an indigenous person.

You aren't just impacting people and economy and cultures. You're impacting their very ability — their very ability to exist.

Rod Northey: Okay. You — that was quite an answer, but not quite the full answer just because the piece you really covered very well and introduced us to is how you integrate some traditional use and knowledge, but I really wanted to try and get at the point on fisheries just to take the thing around here.

How do you — when you do some work, do you have examples of studies where you have managed to integrate a vexing question for the rest of the country, traditional knowledge and western-based science — we are asked in our mandate to try and figure out how to do this. We have a may in the present CEEA, “may consider”. We are urged to say “shall consider” traditional knowledge.

Traditional knowledge is broader than not — it's not merely indigenous, but it's communal. But nevertheless, it sits over there as community knowledge in contrast to science. And we go to agencies like NEB or DFO, and that's the science. So can you help us?

Shannon McPhail: Absolutely. So you're asking about ways of knowing.

Rod Northey: Yes, and I'm asking for ways of you documenting an integrated approach so that we could see the style of the document.

Shannon McPhail: I can send you those documents, which would be much easier than me trying to verbally —

Rod Northey: That would be awesome.

Shannon McPhail: Okay.

Rod Northey: Okay. I'm done for the moment. Thank you.

Doug Horswill: The two points I wanted to explore with you a little bit, one of them is the — your notion of exclusive, EAs are exclusive. Give us your short form answer of how we would make them inclusive.

Shannon McPhail: I don't think there is a short form answer —

Doug Horswill: Okay.

Shannon McPhail: — to that.

Doug Horswill: Give us a long form answer, then.

Shannon McPhail: So one of the roles that we play in our community is to act as translators. Processes like this, something that Joy Thorkelson described which when meetings or forums are publicly broadcasted so that people can watch, when we get into an environmental assessment review process, for example, Petronas — the PNW LNG, there were 34,000 submissions.

You know, for a community member to want to understand what the concerns are, they're not going to root through 34,000 submissions. So something Joy Thorkelson talked about, which was indexing, and not — and cross-referencing those submissions by topic so, you know, impacts to fish in the estuary, et cetera. But the other thing is, in the case of a public forum where industry, CEAA, and, you know, different experts who have varying perspectives around the impacts, so scientists who are actually debating impacts, for example, Flora Bank, so you have Dr. Patrick McLaren, world leading sedimentologist, saying that you're going to erode Flora Bank and it's not going to exist if this gets built this way. You have Petronas' paid science who says our modeling says otherwise. We did some other science, but we're not going to plug it in to the model 'cause we're kind of worried about the outcome seems really fraudulent. So to have those scientists in a public forum setting actually debating their science and really rooting through what is — what is the legitimate science, what is peer reviewed, what makes sense rather than what has been bought and paid for.

So we're talking about building integrity into the EA process. Right now, people have a very cynical approach in this watershed because we live with the consequences of decisions made by EA processes. And Petronas was just another example of yet a process resulting in a political decision instead of a science-based decision.

Allowing scientists that opportunity to be in a public setting that people can listen and hear because they don't have the — they're not Dr. Patrick McLaren. They can't look at Petronas' science and say this is why that doesn't work.

I inherently know that this is — you don't put a mega project smack dab in the one place that every single salmon from our entire watershed need to survive. I know that. But I don't have a PhD. So when I hear Dr. Patrick McLaren talk and I hear the sedimentologist who's paid for by Petronas speak and they're debating this, you know, we're learning and we're understanding rather than just asking, you know, Joe Blow Citizen who really, really cares about this place and whose economic well-being is dependent on a healthy watershed to read the submission made by Petronas and to understand it and to be able to dissect it in a way that makes sense. That's not possible.

So I think the public forum broadcast would be a potential solution for that, but it's just one, and there are many others that —

Doug Horswill: Did you, in your role in your community, play any — in this particular issue around PNW, play any intermediary role with the Aboriginal local communities that your organization — to translate some of the stuff as it was going on? Did you have any kind of a system within your community by which you reported back, that kind of thing?

Shannon McPhail: Yeah. With some, those who needed. Others have their own access to experts. But we do provide it to some, those who come and ask for it. And we sit down with them and then we understand what their valued ecosystem components are, which are — which tend to be very different than what the EA process says.

So we'll sit down with them and we'll map it all out and we'll ask them how they would like to engage and what are they most concerned about and then we'll write it, essentially, in a jargon that works for the EA process.

Doug Horswill: Okay. And the last question I have, an interesting term. You used "process apathy". And that, I guess, must have been at a time when there were a number of mining projects in your area or was it the pipeline, or...?

Shannon McPhail: Well, mining, LNG. I mean, we just come off this huge JRP tour with Enbridge. And our organization doesn't engage in all this because we can't. I mean, we're a small crew. But we're mighty.

And First Nations and small communities in the north, we sort of consider ourselves a sacrifice zone for the rest of the country. You know, there's all — the mining projects are happening here. The pipelines are — you know, there's 12 or 14 projects proposed for this region. And we've — we have — we have seen the gold rush, the logging industry collapse, trapping. You know, there's all these different resources that different companies have come to take, and they make really great promises that always sound really good, and then we are — end up living with the legacy of after those booms become busts. And the busts always last longer than the booms.

Doug Horswill: Thank you.

Shannon McPhail: Thank you.

Renée Pelletier: Oh, I had one.

Johanne Gélinas: Girls are last, but they have questions.

Renée Pelletier: And good ones, at that.

We've been hearing in other parts of British Columbia about — to your comment before about your community not necessarily — like they're

excluded from the process where the response of some communities has been to say, you know what, we're doing our own environmental assessment. Has — is that something that your community has considered doing?

Shannon McPhail: We've done versions of that, but again, we're small. Like we depend on people basically donating to us to exist. And in our case, often it's the community who helps us do this work. And people donate their time as consultants, people who bill out at, you know, two, three hundred, \$400 an hour are giving us their time to write this stuff because it's so important or because they're a member of the community. And so the — I wouldn't say that they're full-scale assessments. They are assessments of the — of their valued components. And when we consider the word "ecosystem" or "environment", that is culture, community, economy and the land base itself.

Renée Pelletier: Thank you.

Johanne Gélinas: Looking forward, knowing all these projects — potential projects coming, what are your most pressing needs?

Shannon McPhail: I would reframe that question, and I would reframe it from the perspective of what vision does the watershed hold. And we see in the history with Enbridge, with Shell trying to frack in the headwaters, with the Camano completion, the Enbridge pipeline, people have a vision for this region and it revolves around a healthy watershed. And there are so many community economic development — or so many economic development opportunities here. And if we had a fraction of the money that's being poured into LNG to promote it, we could do so much here.

So our vision is to have the world's first wild salmon climate change refuge in Canada. And that is based on the scientists arguing that this place will be the most resilient place on the planet in the face of climate change.

So I come from a background of guide outfitters and trappers, and my dad was a rodeo stock contractor, so for me to even use the word climate change adaptation is a stretch, but this is — but there are people who do resource extraction. We're a resource extraction region, and we do it really well. And we also care about the land.

We want to hunt, we want to fish. And so we talk about it from the perspective of vision, what is the economic future that we want.

So today I just had a coffee with the very woman who organized pro-LNG rallies in Terrace. So her name's Lucy. And she really cares, and she's supporting LNG because she wants a future for her family. And I find that those who are pro and those who are against, they come from the same perspective. And we just want a future for our family.

And so we've decided — I have a lot of support behind me and she has a lot of support behind her. And we have decided that we are going to disagree on LNG, but we want to see economic development in our region and we're going to work together to make that happen. And today, we hashed out a few potential projects that we could do that on. And I want to see more of that, less of the conflict and division that some of these projects contribute to and more people working together from that perspective.

So to answer your question, we're working more towards a vision in something that we want to achieve for the watershed.

Allie Howard, in 2009, swam from the sacred headwaters to here, to the North Pacific Cannery, in the mouth of the Skeena, 610 kilometres. It took her 26 days. And I was in the raft eating chocolates every day while she swam for eight hours. She swam from Caribou to Killer Whale, and the whole purpose of that was to collect stories and to listen to what communities wanted all throughout the watershed, throughout the entire journey. And from that — and we listened to people that we didn't necessarily agree with, but they said their piece and they got their — their vision for the future of this watershed in there. That's what we work towards.

And there's just too much conflict around processes like this, and it gets ugly. And when you're in a small community like ours, you have — we have to learn how to disagree and still be good neighbours, and recently, we've seen that deteriorating big time. So part of the EA definitely needs to include socio-cultural impacts.

Johanne Gélinas: And are you joining us tonight?

Shannon McPhail: I wish. I have to get back. It's a three-hour drive one way. People from Smithers came four hours. This is important.

Johanne Gélinas: So thank you so much for having taken the time. Have a safe drive home.

Carol Brown is next.

Good afternoon, Ms Brown.

CAROL BROWN

Carol Brown: Hi. I'm from Dodge Cove, which is a small community just across the harbour from Prince Rupert. I belong to two environmental groups, but I'm just representing myself and my family from a small community that's impacted by a lot of large projects.

I'm a better writer than I am a speaker, so I probably have a tendency to read most of this.

I have some experience with both federal environmental assessment and provincial environmental assessment. I hope my comments will be helpful to the needs of this federal Panel.

Because of the failure to meet the needs of communities in both federal and provincial environmental reviews, much pressure and hardship has been forced on small communities, whether Aboriginal or non-Aboriginal. I've categorized my comments into four categories.

Number 1, build up regulations around habitat and quality of life for citizens. I believe many federal laws and regulations have been stripped from the *Fisheries* and the *Navigable Waters Act*. This is just one example.

During the Harper government years and since, these laws have not been reinstated. Sustainable food and fishing for commercial purposes are being undermined due to the low threshold of protection. For example, it seems that there is no requirement on proximity of a project to important or endangered habitats. If there were, you would think it would be entirely impossible for a project such as Pacific Northwest on Lelo Island in the heart of one of the richest salmon habitats of this coast to have been okay'd for construction and, for that matter, Nexen CNOOC's LNG on Digby Island. How is it that they can even begin another environmental review there? I will talk a little bit more about that.

Transparency from the ground up, number 2, and the water up. Foreign-owned companies have behind — have been behind closed doors. They've carried on meetings with governments, government agencies and other favoured companies such as pipeline producers and have made decisions entirely without the knowledge of the human inhabitants that will be affected most.

The multi-million dollar corporations are on our doorsteps like old time door-to-door salesmen trying to convince us that they can give us jobs. Our local government such as improvement districts, municipalities and regional districts find out they have become targets as well. No amount of consideration is given to the community's strongest objections. If they continue with their proposed project, the proponent is often taking our jobs away while replacing them with others not compatible to us and also taking our local government's protection of its people.

Why is it that these companies are allowed to negotiate with the most vulnerable government entities representing the people and the roots of democracy and which have the most to lose and are critically dependent upon the sustainability of their resource environment?

My friends that I've worked with on a provincial environmental review said I should talk about legacy or history, but priority for life all comes down to sustainable food and a healthy environment. Without them, our community will dissolve and our small footprint will be stamped out by the fossils — a fossil fuel giant, in our case, Aurora LNG project, expected to emit more GHG per year than the tar sands. It will produce 20 to 40 million tonnes per annum liquid natural gas, and it's only half a kilometre away from our official community plan.

Next door, approximately five kilometres away, the Pacific Northwest LNG is slated to produce six million tonnes per annum and emit 13.9 MT of CO₂ per year. And that comes from the (indiscernible) Institute. They did not have the CO₂ emissions for Aurora projected.

Why is that one LNG terminal can undergo a federal review and another one adjacent, with even larger climate change emissions, be signed off to the province? All environmental assessments need outside watchdogs.

Peer-reviewed science is number 3. The one positive outcome of the heavy concentration of fossil fuel banditry in this region is that excellent peer-reviewed scientific studies have been conducted on the Skeena River salmon and the specific — it's been done on the salmon and on sediment properties of Flora Bay. These scientific studies should form the backbone of any environmental assessment. The hired scientists that work for the proponents should be the ones trying to argue the facts or work within them. Shoddy or biased science is not what the environmental review should be based on.

The Canadian government should have the highest regulations and standards put in place before the salesmen come to their door, or to our door. Studies such as Prince Rupert's watershed study should have been done before any proponent got a permit for export, let alone 14 permits. The first step should be social licence and meeting all regulations in the affected communities. If the company wants social licence, then you just start with the smallest common denominator, and there has to be room for the word "no".

Number 4, equal opportunity, equal protection. As far as I know, there are no grants available for small communities being faced with large environmentally destructive projects under provincial assessment such as Nexen's Aurora LNG on Digby Island. We are told many times that specific issues will be addressed in the application and there will be additional opportunities for public participation.

What we see on paper for draft purposes for comments for the whole process does not stop the proponent. We are told that the issues will be addressed again in the application. And Joy made quite a few very good references to that kind of problem like scattered info and people who are not possibly educated in that

kind of science and written work and how we have to really search and — to find information.

When we say the destruction of this habitat cannot be mitigated, they will continue to mitigate. It does not erase the destruction. We are told human health is a VC, a valued component, but the actions of the corporations prove that we are not, or they would not continue the destruction of our habitat. We are told environments, social and human effects will be identified and assessed in the application, but assessment does not help my community as I see it struggle with scientific language.

Understanding of environmental review processes, differences of opinion on how to handle what seems to be steamrolling over our livelihood of one project after another hell bent, it seems, on destroying the ecosystems we have relied on to create our small, unique culture, our sacred places, our sustainable lifestyle.

Our particular quirky muskeg water is precious to us as industry threatens our watershed. Water, fish and clean air represents to us what we need so we do not become a liability to the government. There must be a way that all governments can share the responsibility of protection of our resources in a way that does not compromise the very livelihood of others. Transparency is in every step and equal important — transparency in every step and equal importance in the process may be an answer to the very simple question that my seven year old granddaughter asked, “Why did they have to choose our home?”

Thank you.

Johanne Gélinas: Thank you very much. Would you like to pause a little bit before questions?

Doug Horswill: How were you and your community actually involved in the EA process? What role did you play? What did you do?

Carol Brown: I was part of the — I spoke at the Enbridge panel review in Prince Rupert. That was the first review or environmental assessment that I really felt could do a lot of damage to our life and our resources that I relied on. So again, I just spoke for, you know — independently.

I — when the town wanted to change the Lot 1044 to heavy industry so that they could have an LNG terminal or potentially explore an LNG terminal there, I spoke again — against it and about a lot of social issues, and especially about marine traffic in the harbour because the LNG carriers would come right through the main traffic into the harbour. It's a very narrow entrance.

Dodge Cove is — has a small cove right across from Prince Rupert, and the — the carriers would go right by us and they would go right into Tuft Inlet, and continuing on that way. My community and — was very concerned and there was a lot of research done to find out if — what were the hazard zones around marine traffic and LNG terminals. And since that time, with the help of Sea To Sky and the terminal near Squamish and the people down there, we've discovered that probably — that Port Ed would probably be in a hazard zone around Lelo Island and that Dodge Cove would be in a — is — would be in a hazard zone with the construction of an LNG terminal there.

And then, at the time, Enbridge was having — our community had no idea that we were targeted and then, all of a sudden, they didn't like the Grassy Point area and, all of a sudden, this — we were a secondary choice and anybody that lives there would not — you would not even imagine anybody wanting terminals at the south end of Digby Island in a rock pile and open to the southeast winds. I mean, nobody — no one ever thought that that second choice would ever come about, and yet it did. And you know, I — did I answer your question?

Doug Horswill: Yeah, I think so.

So did you feel you were listened to at those panels that you spoke to?

Carol Brown: Well, with Enbridge, no, because most of — everyone I heard was against the project and the — and transporting of oil and the oil pipeline, and yet it seemed that it was going to go ahead, I believe, until it was taken to Court by the various groups.

Right after I spoke at the — in front of the city, they had a meeting that night and decided they would change that to an industrial zone, Lot 1044. And then — so now I have a — I'm facing a provincial environmental review right now on Digby Island.

Doug Horswill: Would you like to see a regional strategic assessment done in this area? And by that I mean something that's not project specific, but sort of more broadly —

Carol Brown: I think that there really — as Shannon was saying, there really needs to be a really close look at the number of projects that have been coming through here and, yeah, a regional — I think a regional study of impacts to people who have to face this kind of thing, impacts to the community. It could be socioeconomic. I think it — I think the pressure and — from all of these projects has — I know it's taken a toll on my community, and it has — it has to be taking a toll on other small communities.

And I know that we've seen just in the — with the Petronas project, there's a lot of splitting up of families and a lot of conflict and people taking different sides.

Doug Horswill: Thank you.

Renée Pelletier: Just a question about the process of the environmental assessment process. We've been hearing some people who say that they like — they want a process that — where cross-examinations can take place and they kind of like the court-like feel of it, and then others who would like something more informal. And I'm wondering, you having participated, what your views are on that.

Carol Brown: Sorry. Could you repeat your question?

Renée Pelletier: What would your ideal process be? Like you've participated in the process that was probably on the more formal end. If you had to do it again, would you — would you choose that kind of a process or is there a different type of process that you think you would prefer in terms of engaging you and having you be able to participate?

Carol Brown: I just think it's — I mean, basically, it's — not only is it just — it's not just Canadian companies. It's foreign companies coming in and being dropped over top of us. And all of a sudden, we're in this process where it's, I mean, really, we're asking for help and if we thought we — you know, like Shannon says, there's lots of things, resources and economics that can be built in the community, in the region, but to drop these large projects on top of small communities, and it's more than likely a boom and bust cycle again. And I think — I mean, I just can't — like I cannot figure out why some of these are allowed to go through the process and the — all the tech work and the, you know, harassment from sight and sound, harassment to these communities, and yet they may not even be going ahead. But also, there — the amount — their emissions cannot come under — they cannot — we're being told they — these emissions have to come under a certain, you know, threshold and so why are they even allowed to go ahead or get these permits to do all this work if, under the promises that Canada has made — like it's just inconceivable why they're even going ahead and being able to pressure communities like this and do damage to the environment when they may be coming above certain emissions that are, you know, by 2020.

And I would think the Canadian government should be concerned enough, and I know that they're working on it, but to the provinces, why are they — why are the provinces doing this. Like I — it doesn't — it just doesn't make sense.

If they're going to emit that much carbon dioxide or greenhouse gases that wouldn't fall under the government regulations or the

government promises or the government commitments — the Canadian government commitments, why are they allowed to go ahead and cause so much stress? And I mean, I know now it's in provincial hands in my case, but it — I don't know. It's just very confusing to people who are in the process.

Johanne Gélinas: Thank you very much for your presentation, Ms Brown. Thank you.

Daniel Mesec will be next.

DANIEL MESEC

Daniel Mesec: Good afternoon. I'm Daniel Mesec, and I am a resident of Smithers. And I've been up here for about seven years. And I am by no means an expert, but I will give you my views on what I've seen.

I am, by trade, a journalist, and I also work with a number of organizations here in the north. You heard earlier from my colleague, Greg Knox. I'm starting to do some work with the SkeenaWild Conservation Trust. And my whole kind of premise is trying to bring understanding to confusion, and that's a lot of what we have witnessed over the course of the last number of years in terms of EA processes and NEB hearings and joint review panels.

And we've heard a lot today, and I'm kind of in a spot, you know, what else is there to say. You know, we've heard lots on the, you know, socioeconomic issues, the environmental issues, obviously of some of the divisions that this is causing and some of the issues in our communities here in the north, obviously, as well as with First Nations.

And one of the things that comes to mind right away is the issue of respect. You know, we're sitting here on unceded Tsimshian territory, and that is something that I've become to understand as a very, very important aspect of the culture here in the north.

And I just want to bring attention to a couple of things we heard earlier before I touch upon a couple of issues. But we — you know, we both heard from the Port of Prince Rupert as well as CN and CN's kind of take on, "Oh, there shouldn't be, you know, much of the cultural and, you know, social issue, but the economy — the economics of the process should be the main focus". And you know — and at the same time, with the Port of Prince Rupert claiming that, you know, where the site was selected for PNW LNG was on federal lands.

And it brings up — it raises a serious issue that we currently are dealing with, I'm sure you know, of First Nations right and title and the territories in which they inhabit. And that island, Lelo Island, is, in my view, not federal land. That is

unceded indigenous territory, and that needs to be recognized by these federal agencies.

As well as with CN, there was no mandate within the CEAA process to determine whether or not to allow hazardous materials to be transported along CN rails. And a lot of these communities, the one thing that connects all of them is the rail line. And most of them, as far as I understand it, do not have adequate safety and spill response, disaster response plans in place.

And I think before there is any sort of idea of shipping hazardous materials through these communities, which a lot of these rail lines are very close to residential areas, that definitely needs to be, I think, built into an EA process to make provisions that that will be allowed.

And so as we heard earlier, Greg touched upon a couple of issues that I just want to reiterate and maybe dive into a little bit deeper. So the first thing that, obviously, we've seen in my experience with the NEB Joint Review Panel over Enbridge as well as with the Pacific Northwest LNG CEAA process is, in both cases, a lack of meaningful consultation with both indigenous and non-indigenous communities. And I just want to reiterate the fact that there needs to be some sort of preliminary consultation before any proposal is submitted to CEAA or the government that looks through who's going to be affected and bring them into the room and get their knowledge, their traditional knowledge, their local knowledge.

You heard Greg talk about an issue of the site selection with PNW LNG, and that could have been dealt with early, early on if they just had spoken and listened to the local communities and local First Nations. And I think that is one of our biggest — one of our biggest concerns at the moment, the other, of course, being the independent science.

I've never seen such a convoluted debate on what is science, on who's got the best science. And in the case of Pacific Northwest LNG, it was tough to hear CEAA try to rational their report and why they left out a DFO report from the seventies that said Lelo Island Flora Bank is a no-go area. The salmon habitat there is just too critical. We've got to leave that alone.

What has changed in the last 40 years that would allow a project like PNW to go ahead on that — on that site? That site is still critical salmon habitat, especially at a time where we are facing some very difficult salmon issues. Our runs are not as predictable as they used to be. There is some very hard concerns that local indigenous and local non-indigenous communities have around that very particular issue. Those salmon connect through all the tributaries, through the Morice and the Bulkley, and these are — this is a — in terms of an economic argument, not even understood at this point.

Shannon said that there's a study coming out, an up-to-date study, that will be coming out so we can have some sort of data as to what that impact is going to be if we have these projects that come forward that will impact that in a negative way.

And then, of course, another point is somehow building in the free, prior and informed consent that we see in the UN DRIP. And of course, the reason for that, too, is, you know, I'm using Pacific Northwest LNG as an example here because it's the most fresh instance, but again, there is a lot of voices that weren't heard and battling between who has jurisdiction over a Band, a reservation or over the traditional territories and hereditary Chiefs.

And in that case, I just want to bring attention to the case of the Gitanyow. For three years, the Gitanyow sent letter after letter to the federal government, to CEAA, trying to get some sort of engagement going, some sort of dialogue going in terms of the upstream impacts that were going to be had from Pacific Northwest LNG. It took them three years and a change of government for them to finally receive a response and to be brought into the room. And that is grossly inadequate for something that has this big of an impact on our local areas and salmon habitat. And I think that that in particular needs to be addressed as we go forward.

And as — subsequently, as we've seen, legal case are going to ensue. And I think that as — you know, on another side of it as an investor outside of the country who's looking for somewhere to invest in energy projects, Canada would be the last place that I'd want to invest because of those issues because I don't know when my project is going to go forward.

And as — you know, we heard from our, you know, fellows at CN there. Having these hard timelines and clarified timelines, there can't be — in my opinion, there can't be a hard timeline put on any of these EA processes.

We saw with Petronas that there was a delay because more information needed to be gathered. They needed to be sent back. They were ordered to go back and get more data. And even that data that they collected after they were ordered to go back was inadequate. And so it brings attention to the point of the independent science and what that looks like.

And I just want to bring attention to maybe two examples that may be used. And you know, we feel that there should be a local hub, a public hub where this information, once it's collected, can be put up for the public to see. There are two examples. One is called the Skeena Knowledge Trust, which has been a project between the Bulkley Valley Research Centre, the Province of B.C. as well as SkeenaWild and a couple other organizations, and then another one is the Pacific Salmon Foundation. And they have a layout that tracks a number of salmon, bearing

river salmon, spawning rivers, and they have the data there on a public forum where it could be viewed.

And not to say that this is a silver bullet to this issue, but I think that they should be used as a model or as an example of something to build upon.

Obviously, a lot of this still needs to be paid for by the proponent, of course, but it definitely — there needs to be more transparency and the information needs to be public. And you know, there was mention just before about what do communities require. And as someone who's in the business of information gathering and communication, a lot of these communities are isolated and they don't get the real information. And there's been a lot of disinformation that have been put out there, and we hear rumours like crazy around this place. And I think that that also needs to be addressed, is that there needs to be a better attempt, a better — CEAA needs to do a better job at going into these communities and providing them the right information.

If we want people to feel confident and have trust in the integrity of this system, of this process, they need the information. And even if it's just an attempt and an offer, that still hasn't been addressed and it's inadequate at the present time.

And then the last thing I just want to touch upon, and it's probably something you've heard before in your travels, is the issue of a sustainability and a cumulative effects assessment. And there was one — there was one document that was provided about the recent Bay of Fundy turbine. And I thought out of any of the things that I've seen so far in terms of the sustainability assessment, that one knocked on a few nails that were very, very good. And I also would say those provisions need to be built in to a next generation CEAA process.

As well, I would like to endorse the 12 pillars of the West Coast Environmental Law's assessment of the EA process because there are a lot of things in there that we touched upon today, many of us.

And one other thing is — that I witnessed in some of these meetings with CEAA and First Nations and trying to figure out, you know, a solution is that this is very emotional, and for a lot of people, it's very spiritual. And that is not — there's no gauge for that in these processes. And it's tough to explain because it's — the emotion and the spirituality are connected to the land and to the fish and to the air and to the trees, and it's all connected. And if people don't feel that they're being heard because that idea of emotion and of spirituality doesn't fall within a scientific process, then those issues need to be addressed.

Definitely if we're going to enact and endorse the UN Declaration on Indigenous Rights, that — that is a part of it. And it needs to be, you know, one of the pillars of this process.

As a — you know, as a citizen of — you know, of Smithers and what I've witnessed and documented as a journalist, a lot of this stuff is very — you know, it's very concerning. It's very disheartening to see the divisions that have been built out of these processes.

As well, you know, we are brought up to believe that we live under, you know, law and order and good governance, and we expect that our governments will protect our interests in whichever fashion. And currently, obviously, that is not happening, which is why we're here speaking with you guys.

And I've got to say, you know, you four have been a lot more fun than most of the other panels that we have seen, and so, you know, again, I —

Unidentified Speaker: (Indiscernible - off mic) Fun, okay.

Daniel Mesec: And again, it goes off in my mind is that this is, you know, clearly a genuine attempt to really dive into the issues that are at the heart of people's concerns for these environmental assessments.

But you know, forgive me for having some sort of — you know, a little bit of hesitation because what we have seen so far is that our voices aren't heard, you know. And what I heard in some of these meetings over Pacific Northwest LNG was the rationale, them trying, "Oh, it's going to be fine. We can mitigate. We can offset. We don't know what we're going to mitigate or what we're going to offset, but we know we can do it". And you've just got to shake your head at that. Like how is that accepted in this day and age that these proponents can go forward and say it's going to be fine? You know, just take the money and it'll be fine. We'll take care of it.

And that — you know, as someone who is very proud to live in the north here and, you know, I'm an import — I'm from back east — I take a lot of pride in the fact that we're very serious about a lot of these issues, and it goes to the core of who we are.

And just — just on one other note, we heard earlier about assessing these projects and all of their factors, the fracking, the pipeline and the facility, whereas we find ourself in this — for this project for the Pacific Northwest LNG in a particular situation where we have a pipeline that was originally submitted to CEAA by a federally-regulated company, TransCanada, and that pipeline was pulled out of that process and here's a transparency issue where, on CEAA's web site, there is no — there's no indication of why they suspended that or why they shut that down. It just says, oh, no more information was required. And it was resubmitted into the B.C. assessment agency, and they obviously subsequently approved it.

After a few years of going back and forth trying to receive a determination from the NEB on why it didn't go under and received under the CEAA process, a fellow in Smithers is now taking the National Energy Board to Court over the fact that they want a determination why it wasn't submitted and regulated under CEAA. And the fact of the matter is, now we have another Court case that is going against the pipeline for a project that also — for a facility that also is going to Court for the validity of where it's been and the consultation and on and on we go.

And so we have to rely on regular citizens to take that initiative and to go and look into these situations and take the — and take these, you know, organizations and corporations to Court. And there has to be a mechanism in place for these projects to be reviewed of their validity and whether or not they are — that there is a value within them being processed in a provincial EA system or a federal EA system when you have a company like TransCanada who has a federally-regulated network of pipelines that is going to spill over into B.C. and just because this one section of the pipeline doesn't cross a border, it can be put through the B.C. regulations.

And again, I think that that is — that is grossly inadequate and needs to be addressed in the CEAA process.

Johanne Gélinas: Thank you very much for your presentation.

And we may not look serious, but we are very serious, but we also want to be approachable so that people will feel free to come and share with us, so thanks again for your presentation.

Rod, would you like to start?

Rod Northey: Yes. So this idea of the early engagement which, again, is — we've heard that a few times and we're certainly looking into it. So journalist yourself, I'm just trying to get a sense of what's the starting point for you, what would that be? What would be the way to start that, the kind of notice?

What — you've seen what is out there. You've seen what you don't want. Can you just take me through the first couple of months or the process for which you would say, as a journalist, if that was done, I would feel the transparency, the respect shown? What would it be?

Daniel Mesec: I mean, you know, saying that — it's difficult to gauge that because already the system has just — has just, you know, worn us out or worn a lot of people out quite a bit.

Rod Northey: Let me give you some ideas. So if there was to be a notice in the newspaper, what kind of notice? Is it community newspaper, is it a community meeting? What is the way to start it that doesn't sell the project, but sells the idea we need to engage you? What do you do?

Daniel Mesec: I mean, yeah, putting it out there to, you know, social media. I mean, these — again, these companies, you know, they've done community engagements and they have the open forum, but this is after. This is when the proposal has already been submitted. If they could set those up and come into the community before any proposal and do the same way, yeah. They put the post in the newspaper or they put a post on social media, that would work. People do come out to those — to those meetings.

Perhaps they need to engage community organizations like ours. We are open to dialogue. And if they wanted to cooperate and collaborate to open up a forum on a particular project that they may be thinking about — of proposing, that may work. So the model that they have in terms of public engagement is not necessarily the worst because they do make an attempt. It's just on the timeline of things, it's after the fact.

Rod Northey: Okay.

Daniel Mesec: So we want to — we want to see that before the proposal goes in to the government or goes in to CEAA.

Rod Northey: Okay. Thank you.

Doug Horswill: The notion toward the end of your comments about conflict, that the process, I guess, from what you're saying is inducing conflict, what kind of process would avoid that?

Daniel Mesec: Yeah, that's —

Doug Horswill: What should be done?

Daniel Mesec: That's — yeah. That's the question I think everybody is asking.

I think at this point, a lot of it has to do with the trust in the process itself, and I think those issues would take time. This is a good first step in that way to, you know, try to minimize those divisions. But again, you know, we're — you know, Canada is doing business with a corporation, with a government that is very suspect. And so perhaps there needs to be another — a mechanism in place to vet some of these companies because they come in here and aren't looking at this project in our interests. Their number one goal is bottom line, which is the reason why they picked Lelo Island. It's the straightest route, you know. It'll cost the least to ship to that particular spot.

And so that is a — that's a difficult question, how to, you know, minimize those divisions. Obviously, we're never going to make everybody happy but, at the same time, there needs to be a concerted effort made to ensure that

everybody is heard. And so if — you know, if a timeline is 18 months, maybe the timeline needs to be 22 or 26 months to make sure that everybody who has an opinion gets an opportunity.

In terms of with the NEB Joint Review Panel, if you couldn't make those two or three days that they were in your community, you either had to drive somewhere long distances, obviously, in the north here, or you were out of luck and all you got was a written submission. And so a lot of the time, these submissions in person, an oral submission, is very emotional and you cannot convey emotion — even the best writers of us have a difficult time conveying that genuine human emotion within a few lines.

And so there — I think if we're going to do that, there needs to be more meetings, more engagement and the timelines need to be stretched out a little bit.

Doug Horswill: Thank you.

Johanne Gélinas: Thank you very much for your presentation.

Daniel Mesec: Thank you.

Johanne Gélinas: We still have three presentations to go. The next presenter is Modestus Nobels.

MODESTUS NOBELS, T. BUCK SUZUKI ENVIRONMENTAL FOUNDATION

Modestus Nobels: My name is Des Nobels. I'm with the T. Buck Suzuki Environmental Foundation. I've lived in the region here for 43 years. I spent most of my working life here as a commercial fisherman, and I've been involved in numerous CEAA processes in the region as well as the B.C. environmental assessment processes as well.

Johanne Gélinas: Can you just please repeat the foundation you're with?

Modestus Nobels: I'm with the T. Buck Suzuki Environmental Foundation.

Unidentified Speaker: Are we supposed to understand how that relates to the other Suzuki Foundation?

Modestus Nobels: We're the gumboot Suzukis.

Unidentified Speaker: (Indiscernible - off mic)

Modestus Nobels: All right. We were established in 1981 here to represent the interests of fish and fish habitat, and we pre-date the David Suzuki Foundation, so we

are the elder of the two and we are primarily representatives of commercial fishing individuals and their interests within the structure.

So that being said, once again, thank you very much for coming and providing us this opportunity. It's always nice to be able to actually speak directly to individuals who are having some influence on the very things that control and direct our lives. And so it's not often that we get to do this, but it is very pleasant and much appreciated when we do.

So I'm going to speak to you basically on my experiences, and I'm going to deal primarily with some of the process functions that I believe need to be addressed in terms of CEAA itself and then the relationship between CEAA and the B.C. EA as well and that new relationship that's been developed there.

So first off, I'd just like to state that in terms of the CEAA process and the substitution or deferment structure that was allowed for in the CEAA 2012 structure, we were asked to make comment at the time that that was being proposed, and we commented that we felt it was inappropriate for CEAA to defer its responsibilities to the provincial EA and we felt that it would be irresponsible to reverse that as well.

Each of those should stand as a separate and should be conducted independently of each other and should continue to be such. We should not be deferring one to the other. In many instances, you end up with a conflict of interest. I see the two as being oversight for each other and extremely important in ensuring that we capture every nuance within the discussion.

With the present B.C. EA, the process does not allow for what I would term easy engagement. It's a very laborious process. There is no capacity within that to provide for intervenors or those who wish to engage in the process. The CEAA process has funding that will allow you to engage both yourself and expertise so that you can actually begin to deal with the situation.

Many of these things are extremely complicated. Up until about the year 2000, very few people involved themselves in any of these processes. These were done primarily by government and proponents. There was the odd organization that may intervene or provide some comment, but the general public did not.

Since that time, the general public has become aware that their interests have not been represented within these discussions, and so the general public has become, shall we say, engaged and attempting to engage within the various processes, but they are not easy to engage in, as you've heard from many of the speakers here today. Very laborious, an immense amount of paperwork, and, in many

cases, in a language that is just not decipherable by the average human being, to be perfectly honest.

So it's extremely laborious and quite confusing. As many have pointed out, to find a section that you're looking for sometimes can take hours because it would be buried in another section. It would be referred to, you have to come to this, you have to come to this, you have to find it there. The indexing is not clear. There's a range of things there that need to be addressed.

In terms of, again, the substitution issue, from my perspective, and it's my belief, that in many cases, you're actually dealing with a conflict of interest by the individuals who are actually conducting the process. With the province around the LNG structures and some of the deferrals that have taken place there, the concern has been that the province is both a promoter and a regulator with regards to these, and that lends itself to the perception of just — it's not a good perception, all right.

There's the — there's a whole issue there. It's just perceived very poorly and, therefore, I believe the federal structure should remain as a portion of the overall.

In terms of the financing, again, as well as resourcing of individuals for their ability to engage within the process, both the provincial and the federal should maintain or have an opportunity to provide some financing for both expert testimony and investigative opportunity by the individuals that are participating.

And the projects need to be assessed for their full impacts, from extraction to transaction. In the past or as we presently do it, each one of these projects is a separate entity. You have your pipeline, you have your fracking and your drilling at one end and then you have your plant at this end that's exporting or doing whatever it's doing. And each one of these is dealt with as a separate silo when, in reality, it is one integral plan and one integral project and, as such, really should be looked at in that context. Otherwise, we are missing very significant components in terms of its impacts along the whole life of the project and the geographic regions. I think a number of people have made comments to that here as well.

And also, the whole issue around pre-screening. I think that's something extremely important.

I'm also an elected official with the regional district here, and in 2014, a resolution was passed at the Union of B.C. Municipalities AGM requesting that the province undertake economic and strategic environmental assessments of these projects prior to engaging in the actual environmental process itself. It was passed unanimously. The province, of course, did not act on that. The province acts on very little of what we put forward in terms of community advice. But nonetheless,

that is something that was passed unanimously and I think needs to be addressed in any future undertakings.

Many of these projects are left to the proponents to essentially structure, and they choose a site, they choose what they want to do on that site and then we are left to somehow argue that that is just inappropriate. I think the case needs to be made where the company has to come forward and actually prove to us that it should be in this region and should be functioning where and how it thinks as opposed to us trying to discredit them or find something that is of strategic importance to us.

As many people have pointed out here today, we as individuals choose to live where we do for various reasons, and most of us that live in these regions tend to live in them because of quality of life that we enjoy here. It's not necessarily a quality of life that those who live in larger urban sections might envy, but it's one that we have chosen and one that we feel has value and a place in the social structure that we are engaged in.

Much of what we deal with in terms of the environmental assessment process either negates or belittles that part that we feel is important. We are people of place, very much like our First Nations neighbours. We live on the land, we live with the land, and we live with the water around us. It's extremely important in terms of how we live our daily lives, how we provide for our families, and how we augment our incomes.

In many cases, we live here in a — you could say an economically challenged region, but for the most part, we live extremely fruitful and wealthy lives. Why? Because we benefit from the resources that exist on our doorstep. That is part of what makes our lives as worth living as they are. And much of what we have been handed over the last number of years by both federal and provincial governments have been extremely distasteful in terms of how we view our lives and how we would like to carry on in terms of our living structures.

So to have some sort of a pre-screening structure whereby the project would be looked at so that it would — would be gauged as to whether or not it would be applicable within the region, two, would it have impacts on the present economic structures that already exist within the region, and thirdly, is there an actual business case to be made for many of these projects because that's not actually taking place.

Again, these companies are showing up and basically calling all the shots. Here we are, this is what we'd like to do and this is how we're going to do it. And then, from there on out, it's up to government to accommodate and the company to mitigate for whatever impacts there might be.

This process does not allow for a “no”. This process allows for only a “yes” and how do we get to yes. Do we mitigate this, do we mitigate that, and what are we willing to live with?

First of all, who are the “we”? And I think that’s extremely important because for most of us that live in the areas who suffer from the impacts of these projects, very seldom are we the first people to come to and ask, “Are you okay with this?” And so again, the need for an environmental and economic strategic assessment, I think, is extremely important in terms of making the business case and in terms of moving the project forward if it does qualify under that structure.

One of the problems in coming last on a tour like this is that most of what you hoped to say has already been covered off by one or another individuals. I’d like at this time to basically just say that I would support much of what has been said here today in terms of how the process needs to be tweaked to allow for greater public participation.

And I think, in the end, the process has been — it’s been an interesting experience for those of us that have engaged. We have made some very good connections within the process. As many have pointed out, staff have been extremely good in terms of their attempts to help those of us, the neophytes, that are coming into this process, but then again, they are limited in terms of what capacity and resources they have available at their fingertips to provide us. Nonetheless, they have done their utmost to engage us and provide us what opportunity we can.

Previous — two speakers previous, Carol Brown. I live in the same community that Carol lives in, Dodge Cove. And although I’d hoped not to speak to a specific project, it’s very hard not to in this case.

Aurora LNG, which is a Nexen CNOOC project, was originally scheduled for an area outside of the harbour here. And I think one of the things that needs to be discussed and taken into context when reviewing what’s taking place in the region here is the role of the Port of Prince Rupert.

This is an entity that intends to draw in whatever opportunities it can within its precincts. It does to, one, bolster its own position within the whole economic structure, and two, to provide, I think, essentially just some backpacking — back patting rights on the parts of the individuals who run that — run that organization.

Many of these projects have looked at other areas to locate in, but I’m quite sure that the Port of Prince Rupert, along with the province, has been quite instrumental in drawing those projects into a highly habited area and highly congested one in terms of both shipping and other activities. And that leads to a lot of less than desirable outcomes, in my mind.

And I'd just like to say lastly, I guess, that this region has always been an extremely cohesive and unified region in terms of how we have responded to outside influences and impacts. Over the last decade, I've watched this region go from one of cohesion to one of disarray, and I would throw that clearly at the doorstep of both our provincial governments and industry whom have taken, shall I say, extraordinary measures in dividing communities and outlooks with regards to projects.

Much of what would be considered good business I believe to be nothing more than collusion and bribery, and this has literally forced our communities, both internally and externally, into a position of — God, I don't know how to put it. But it's — we're completely fractured. We are starting to look at this end very much like they do at the northeastern end of this project. We have a total fracked land mass here. We have a total fracked social structure based on what's being promised and what is being not promised, I guess.

It's hard to relate to it all. We've lived in an area where we've always had access to significant resources, the forest and the fish around us. They have provided for us, our families and our communities. These are sustainable resources. They do have their cycles. Government has, over the last number of years, come to us and said, "We're going to cure your boom and bust cycles with fishing and forestry. We're going to bring you oil and gas". Yay. There's stability for you.

It's very strange for many of us to try and grasp that concept in light of what's being taken away. And as I said, as people of place, we value very much what we have and are extremely leery of what we're promised.

Thank you.

Johanne Gélinas: Thank you very much.

Do you think that the process, if it would have been different, could have contribute to more cohesion than division?

Modestus Nobels: Yes, I do. And this is one of the things that was put both to industry and to the province when they first engaged in this large proposal for the region here around specifically LNG. And at the time, a number of us had spoken to Ministers and to others within government and within industry and outlined for them our concerns and outlined for them as well the obstacles that they would come into contact with.

We had advised them that it would have been better to come into the region and said, "Listen, we believe that LNG could be an economic generator for the region. That being said, we would like your input in terms of where best to place this industry and how best to build it". And had that taken place, there may have been one or two projects that may have actually come to fruition and be presently in operation, but they didn't. They threw up their hands, yelled "Gold rush", allowed industry to come in, choose where it wanted to, bullied its way in, found what allies it

could, created divisions where it could and left us fractured as we are, now fighting with each other when, in reality, we should be — we should be fighting together for a better economy, not for bread crumbs, essentially.

Johanne Gélinas: Thank you.

Modestus Nobels: Thank you.

Rod, Doug? One question each.

Rod Northey: I was very interested in your comment of you being part of the regional council. Can you fill us in a little bit — we've heard some very different views across the province, and I'll say in particular this province, about the role of municipalities. Could you just fill me in a little bit from the way you've seen it and been part of this what role is there for local government presently, what role do you think it — there should be?

I think you've indirectly answered that. The thing I want to pick up on is the word "community" sometimes meant in opposition to the local government and sometimes meant they're the same thing. And I would like to understand from what you — your other kinds of remarks what tilt we put on that. But I would like to understand better how local government could work better or whatever.

Modestus Nobels: Very good question, and one that's perplexed many of us in local government over the last decade here in terms of many of these projects.

As local governments, we are, as many would like to comment, children of the province. We attempt to do the work we do under the mandate of the provincial government. Our Letters of Patent outline specific areas that we are mandated to undertake and serve.

That being said, though, there's a significant advocacy role that we play as well, one that, more often than not, the province and the federal governments are not enamoured with. They would prefer that we were just the service providers and left the advocacy up to them.

That being said, we are, in my mind, the first level of government. We are that level of government that is responsible and accessible to our constituents. There's nothing between us and them, so we get it firsthand and we, in turn, then pass that on to the various other levels of government in terms of our advisory constructs that we operate through.

That being said, though, in many cases, we are ignored. The province continues to treat us as children of the province and, unfortunately — there are laws in this province against child abuse but, unfortunately, we've never been able to utilize those in terms of the local government's role as much as we would like to.

So to get to your question, we are very limited in terms of what we can do other than our advocacy role, but when your Ministers and those who are elected to represent the needs of your constituents are not willing to listen, there is very little opportunity that you have to actually raise the issue. The Union of B.C. Municipalities AGM is one of the very few opportunities where we have to actually engage with Ministers in a meaningful fashion to discuss these issues and try to resolve them to some degree, but we've never — in my 14 years at the regional district, I have never had what I would term satisfaction from any Minister in discussions with regards to resource benefits or development.

Rod Northey: I have a brief follow-up, which is this. Many municipal governments, particularly regional ones, have requirements to approve plans —

Modestus Nobels: Yes.

Rod Northey: — land use plans, for areas in their district. So what is going on or not going on here regarding land use planning that a municipal level can control?

Modestus Nobels: Well, this is where things, again, get complicated and somewhat shadowy.

As municipalities or as local governments, local communities, we develop official community plans. These plans outline a vision that the community has for itself, direction in terms of how it wants to develop, land use, greenbelts, a range of things that are implemented within that. These plans go to the provincial government and are then legislated through Letters of Patent, and that legislates those uses within that structure.

The unfortunate thing is, should the province choose to, it can ignore those. There's nothing that compels them to adhere to those, all right. They are just essentially, in the end, an outline that we put together that provides them some guidance, but should a developer come in that has the will of the province behind it, that's the end of our official community plan. There's no value whatsoever. You're now basically left with your fee simple lands, those that are privately held, and whatever recourse you may have with those boundaries, but our OCP is of no consequence.

Case in point, Aurora LNG, which applied for an investigative use — land use permit was granted the permit even though the permit intruded into the official community plan for Dodge Cove. We wrote to the Minister of Lands, Forests and Natural Resources and got a letter back saying so sad, too bad. So again, what value is there in these constructs that we put together with huge amounts of time and money that have, in the end, absolutely no teeth in them?

It's extremely disheartening for communities to try and engage when they're continuously overridden or seceded by their senior levels of government.

- Rod Northey:** All right. Thank you.
- Unidentified Speaker:** I just want to add to that. I (indiscernible - off mic) —
- Johanne Gélinas:** No, we cannot because we have to register everything that's said.
- Unidentified Speaker:** (Indiscernible) Prince Rupert.
- Johanne Gélinas:** Excuse me. We will just finish our discussion with this gentleman. Thank you.
- Doug Horswill:** Business cases (indiscernible) I think there's something like 14 different LNG projects in one place or another in this province, and I don't think there's many people in the expert world out there that think they're all going to go. How would — so the business case kind of makes some sense, which one do you concentrate on. Have you thought about how you would — how that should get incorporated before EA? How would that fit into that pre-screening process? Any thoughts on that?

Modestus Nobels: Again, I think if we undertook a comprehensive, strategic economic and environmental assessment of a project, within the context of that assessment you would arrive very quickly at which of those financially was the most, I guess, substantial or most able to actually conduct its operation. And many of these projects were based on investor capital, investor capital that was based on market. There was no market, there is no investor capital. It's very simple. So most of these projects will not move ahead.

Unfortunately, this does allow them, though, to access permitting, and this permitting, some of which is 25 years in length, can be sat on. So you've created essentially, like I say, a gold rush mentality that has allowed companies to stake claim without actually, in the end, having to commit when it comes down to it, yet holding permits that allow them access and opportunity at a later date.

This is rather troubling for many of us who live in the region because 25 years from now is a very different time, but if that permit is still valid 25 years from now, that company could still start up on the basis of a very different pretext, yet move ahead without the community or the region having any say any more.

So there's a lot of things there that need to be addressed.

As well, again, with the port structure in terms of how that plays in as well, you have — you have a current structure that controls all of the water to the high water mark, and that is outside of the province and that is even really outside of the federal government. You have essentially a port state that is a driving factor in what is taking place here regionally and I would suggest anywhere else where there is a

federal port structure as well. And that is something I think really needs to be looked at because it adds a whole level of complexity in terms of how these things are addressed and how the individual and the public can actually engage when there are entities that he has no access to or influence over.

Johanne Gélinas: Thank you very much for your presentation.

Modestus Nobels: Thank you very much. Good day.

Johanne Gélinas: It's now the turn of Jill Weitz, so you knew. You were coming.

(PAUSE)

Rod Northey: We have three more presentations that we're trying to deal with before the workshop starts. That's why we're not calling for a break and why you see panellists running out of the room on occasion and back in, so I appreciate very much, if you're ready to go, Ms Weitz, let's just get started, please, and welcome.

JILL WEITZ, SALMON BEYOND BORDERS

Jill Weitz: Thank you. And it's "whites" for the record, but she's already heard most of my presentation, so it's okay.

Hello again, and good evening, Madam Chair and Panel members. That actually works, Madam Chair. It's late.

As I mentioned last week, I commend the Canadian federal government for their effort to restore trust in the environmental assessment process through this opportunity for public comment. I thank the Panel for your time and expertise, and I also recognize the traditional Tsimshian territory where we hold these conversations.

I presented this information almost exactly, but now with a few more details, last week in Kamloops. Please forgive what may be a review for some of you, but perhaps new information for some in this room today.

My name, as I said, is Jill Weitz, and I'm here to offer perspective from a United States citizen and a downstream resident of Juneau, Alaska, which is yet, of course, 400 miles north of here by ferry. But my graduate work was in U.S. environmental policy and, prior to my current position, I served as a compliance and enforcement officer for the Alaska Department of Environmental Conservation for the better part of five years.

Within this position, I was charged with inspecting mines and enforcing their associated permits. I do not mention this to suggest that I am a technical expert but, rather, one that sometimes understands the mining industry.

Now and today, I wear my hat as a manager for Salmon Beyond Borders, a campaign that is driven by commercial and sport fishermen, southeast Alaska municipalities, conservation NGOs in Alaska and B.C., and business ownerships in partnership with members — with B.C. First Nations members and the United Tribal Transboundary Mining Work Group, which represents 15 of the federally recognized tribes in southeast Alaska.

Salmon Beyond Borders has been working for the last three years to defend and sustain the rivers, jobs and way of life in the transboundary region of southeast Alaska and northwest British Columbia. Our objective is to secure binding and enforceable international agreements and ensure those downstream of B.C. mining development aren't negatively impacted by these large-scale mines and associated development.

The opportunity for interested stakeholders to partake in this effort is greatly appreciated. However, it is key to recognize that Alaska and the United States represent the downstream riparian nation and are not just stakeholders in B.C.'s or Canada's licensing processes.

Salmon Beyond Borders, along with our Congressional delegation, submit that Alaska and the United States have not had meaningful — a meaningful seat at the table in determining how shared watersheds are developed and managed, and maintain that it is our right under the Boundary Waters Treaty of 1909 to be at this table, and also because our rivers not only define us, but they unite our region.

And I added more maps for you this time. You see here the transboundary watersheds of the Tulsequah starting in the north Stikine and Unuk Rivers. Highlighted in green is British Columbia, and on the other side, southeast Alaska.

Also highlighted are the handful of projects we are focusing on in different stages of development. As most of you may know, this does not capture all that is happening in the northwest region of B.C. It's also important to note that, on the B.C. side of the border on this particular area, there are only 2,000 residents, and on the Alaska side, nearly 75,000, again, these residents that are defined by and dependent upon clean water and fisheries for their livelihoods. Here now, more than ever, government must help support and protect the communities that live in these vast traditional landscapes.

So the transboundary region of southeast Alaska and northwest British Columbia specifically, again, the Taku and Stikine and Unuk Rivers north of the Skeena and Nass watersheds, originate in British Columbia and spill into southeast Alaska. These watersheds are collectively the size of France. These are wild, rugged and globally significant salmon strongholds that provide ecological corridors of biodiversity and connect us to each other.

On the U.S. side of the political border, virtually the highest level of federal protections in recognition of ecological, cultural and economic values exists for these rivers. For example, these watersheds drain into the Tongass National Forest, as you can see here, North America's largest temperate rainforest. It is home to all of these systems, including the Taku, just south of downtown Juneau where B.C.'s abandoned Tulsequah Chief mine leeches acid drainage as we speak.

The Red Chris mine now operates at the headwaters of the Stikine River, which then flows into the Stikine-LeConte Wilderness Area at the delta of the might river near Rainbow, which also boasts as one of the most productive crab fisheries in the world.

The Misty Fjords National Monument at the mouth of the Unuk River just north of Ketchikan is just 22 miles downstream from the highly-opposed proposed Kerr Sulphurets Mitchell project.

In addition to these U.S. federal protections, southeast Alaska relies on and is in some ways defined by its annual billion dollar commercial fishing industry and annual billion dollar tourism industry. Considering the aforementioned and the fact that the U.S. and Alaska benefit nothing from these projects and we shoulder all of the burden, the stakes are high for Alaska and the United States in this transboundary region. And because of this, more than 40 resolutions and letters from municipalities, 15 of the 19 federally-recognized tribes of Alaska, our Congressional delegation, Washington State's Senate delegation, the United States Environmental Protection Agency, AFN, BIA and many others, powerful commercial fishing groups, 8,000 Alaskan residents and more than 25,000 Americans have called on the United States Department of State to advance this issue with their Canadian counterparts and secure international agreements.

Certainly there's plenty for Canada to do to restore the public's trust following the deregulation that occurred under the Harper administration, and in this particular region, much of that, as I've mentioned, is addressing the problems within B.C.'s own environmental assessment process and the systemic problems within other related provincial Ministry offices.

However, without going too far into the weeds, what Salmon Beyond Borders identifies to be the biggest problem with CEAA 2012 is that it lacks an automatic requirement or trigger that projects with potential transboundary impacts

undergo a federal EA process. This is troublesome because B.C.'s process is entirely inadequate. There's no way for their domestic process to accommodate for the concerns of a downstream nation.

For example, consider the findings of the May 2016 Auditor-General's report which was conducted to determine whether the regulatory compliance and enforcement activities of the Ministry of Energy and Mines and Ministry of Environment pertaining to mining were protecting the province from significant environmental risks. The Auditor-General found, quote, "Almost every one of our expectations for a robust compliance and enforcement program within the Ministry of Energy and Mines and the Ministry of Environment were not met."

The Union of British Columbia Indian Chiefs financial assurances report identified weaknesses in B.C.'s environmental financial assurances regime as it relates particularly to the mining industry. Failing to enforce compliance and secure mechanisms for financial liabilities, B.C. also has not implemented any of the recommendations made by the panel — the expert panel that reported on the failures leading up to the catastrophic tailings dam failure at Mount Polley in 2014.

Some examples of what has —

Johanne Gélinas: Jill, excuse me, I will ask you to focus on what you have not said before —

Jill Weitz: Sure.

Johanne Gélinas: — please.

Jill Weitz: That's fine.

Johanne Gélinas: Thank you.

Jill Weitz: Okay. Well, I'm just actually getting to that, the — so if that's okay. Sorry. I apologize again.

Well, yeah. I'll — I will whip through this, then.

So some examples as far as what's happening, we identify contaminant at abandoned sites. I mentioned the B.C. Tulsequah Chief mine and just furthermore examples of that that, within that financial assurance report, the energy — Ministry of Energy and Mines has an unfunded liability for site reclamation of 1.3 billion, and yet B.C. provincial Minister of Energy and Mines has promised to clean up this effort. He made those promises in 2015, but nothing has been done on that account.

Increasing environmental risks including the Red Chris mine and the headwaters of the Stikine River, the number and growing size of these tailing

storage facilities creates an increasing risk to end cost the public and the environment. There's no requirement in B.C. that mining companies undertake an environmental risk assessment that examines the risk and related environmental costs of possible accidents at their mine sites.

There's not a requirement that companies provide proof to regulators that access to sufficient financial resources, including insurance, exists to meet obligations if an environmental harm event occurs.

To make this even more real, a 2015 report from Bowker and Chambers, the total costs identified for just seven of 16 large tailings dam failures since 1990 was 3.8 billion at an average cost of 543 million per failure. These losses, according to dam community reports and government accounts, are almost all the result of failure to follow accepted practices.

Bowker and Chambers project 11 very serious failures from 2010 to 2020 at a total unfunded, unfundable public cost of six billion.

I continue to move into KSM, as this would be America's largest open pit gold mine in North America, and was denied the request for a federal environmental review determining by the Minister of the Environment that this would not create significant adverse impacts to fish.

So again, we maintain KSM of all of the projects in this region requires an environmental assessment. This decision that was made by the Canadian government is a significant failure in transboundary governance and due diligence.

Solutions. Within the last year, much to the chagrin of constituents, this non-binding Memorandum of Understanding and Statement of Cooperation was signed with British Columbia to share information. Again, this does not create a forum for legally-binding enforceable protections or forum to involve sovereign Aboriginal governments of this region.

So we maintain that a stronger Canadian federal environmental assessment process will be a huge step for the management of these shared watersheds. Salmon Beyond Borders recommends going even further than the former CEAA, which called for federal EA when projects that impact outside of jurisdictions. We will continue to push, with the support of our Congressional delegation, a mandatory federal review including full regional watershed assessments of cumulative effects from mining and associated activities on water quality and quantity, biodiversity and impacts to communities involving independent experts, not the mining proprietors, indigenous governments and the public from both sides of the political border for projects with potential transboundary impacts that will negatively affect

Americans, our rights to clean water, our food security and our economic powerhouses downstream that we intend to maintain for generations to come.

Johanne Gélinas: So thank you very much.

As we have had a chance to ask you question previously, I don't think there's any specific question at this stage, but thank you very much for the — what's the word — updated version of your presentation.

Jill Weitz: Thank you.

Johanne Gélinas: I guess I'm tired. Thank you very much.

So I will ask a presentation will be done by William Mounce(phon). Oh, tell me that I pronounced it properly.

WILLIAM MOUNCE

William Mounce: Okay. The over-reaching goal of this initiative being to restore public trust in the EA process. Now, I've tried to just keep it on that.

Recognition of admission that there is a problem is always a good first step, but the only currency to buy back public trust will be results, and that will require change.

Johanne Gélinas: Excuse me. Can you just get close to the mic?

William Mounce: Oh, geez. Then you're going to listen to me.

Johanne Gélinas: I shut up now.

William Mounce: My background in the EA process began with limited exposure to Enbridge, prolonged involvement in Canpotex EA and the deferral spin-off as well as some involvement with PNW and BG LNG planning.

Prior to 2012, as a member of the public, I had a naïve belief and trust in the CEAA, Environment Canada and Health Canada. As a commercial fisherman and occasional advisor, I already knew about how effective DFO was. I've now also been indirectly employed on seven major proposed projects on the north coast here.

I believe parts of the underlying root problems are reduction or extinction of government science capacity due to budget constraints and sectors of that limited capacity coming under stronger political influence.

Two, the EA planning process and CEAA does not maintain a local presence during the process, so it does not have an uncanny comprehension of the obvious. Local DFO is not involved, and the north coast is out of sight from Vancouver and Ottawa.

And three, confusion within the process of exactly what each agency is responsible for and what other agencies need to be included.

Solutions. Far better definition of what various agencies' roles and responsibilities are. Sounds simple, but. Two, better and public standards for baseline information and, ultimately, removal of the proponent from the science process. Three, recording what various working groups are working on or towards and what departments are tasked with what. Greater responsibility for decisions made or not made by agencies and the supportive reasons during the process — during the — sorry. Supportive reasons during the process available to interested parties with some challenge mechanism. And four, all science and interpretation should be defensible, subject to examination, comment and response by interested parties.

We're now faced with powerful economic drivers coming up against an increasingly environmental — increasing public environmental awareness similar to the late sixties. The government's reduced internal independent science capacity has resulted in NGOs and citizens having an increasing and necessary role in environmental advocacy, but without increased effective access to the EA process, at the same time, has moved the restrictive government agencies into a defensive position trying to conform with an existing environmental legislation, regulation and policy while, at the same time, under pressure from above, to maintain approval momentum and timelines.

Smile. We'll get through it.

This dynamic has been going on for some time, and I believe regarding public confidence become critical in the CEAA, ECHC and DFO. As a result of this diminished capacity, it is my belief the EA process in its current form has now become addicted to proponent-sourced information, whether it be science or a combination of science, proprietary pseudo science, opinion, speculation and sometimes what appears wishful thinking.

I firmly believe the proponent influence has now — has to now be entirely removed from the baseline data collection process and all data be archived for public access. Currently, proponents hire consultants to do data collection for a project to succeed, not fail. That data, to some or all degree, becomes proprietary information which may be summarized and commented on in a positive light. There seems to be no legal requirement to release all data or any data not favourable to a project. The differing scientific views on salmon habitat between Pacific Northwest LNG

science and the peer-reviewed more studied science reinforce the public perception the proponents are getting what they pay for.

The use of what data and how it is crafted are just plain spun as a tool and now being used widely by regulatory agencies and they are being caught, which further undermines public confidence.

CEAA does not seem to take any role in ensuring the pedigree of information it accepts or publishes and, more importantly, demonstrate to the public what it rejects, if anything. Because of this, it cannot expect and does not deserve public confidence.

Here are a couple of examples. CEAA's publication of the PNW map with the Skeena River Photoshopped out of it. I mean, you know, somebody should have clued in on that one.

CEAA's acceptance and publication of several thousands of pages of votes for or against the project in what was supposed to be comments on the draft EA, by doing so, ensuring the drowning out of any legitimate comments on the draft like my eight pages that I feel would deserve and should require a response.

Public input. Public input process gives little or no validation to members who are trying to legitimately utilize it other than an electronic receipt and, generally, what they get to comment on has already been incorporated and it's too late to effectively change. I would like the public to have access to minutes of initial planning stages of CEAA, ECHC and DFO on major projects so informed comments could be made and errors or omissions pointed out and responded to at a much earlier stage by the agency concerned.

And to illustrate this, I would like to expose you to some of my interaction with government agencies on what I call a small postage stamp issue that evolved out of the Canpotex EA.

I took a look at the EA involving the Canpotex project in fall of 2012 at the last stages before approval and became concerned with the incredible volume of sediment to be dredged and dumped in the Skeena estuary and wondered if it could cause a nuclear winter-like event delaying the spring plankton bloom and having our out-migrating salmon find themselves in a desert. It wasn't an issue, it turns out. But the EA report contained three sentences in one paragraph mentioning dioxin and furan contamination. It was there, but the issue was deferred to be dealt with at the permitting stage, a deferment which allowed the public a large participation in the following proceeding.

Now, knowing the proximity to what was rated as the second-worst polluting pulp mill in North America, the known presence of significant levels of dioxin, this deferment should never have taken place. What seems strange is

a detailed sediment testing program had been carried out, a detailed sediment report included in the EA, but no testing for dioxins and furans. A couple of locals and myself started digging.

First, the information on the samples referred to in the EA was unavailable. Turned out the testing had been carried out for another project altogether and was older than the allowed five-year period. Locations were not fixed. Two of the stations appeared within the project footprint and one on the border, and one outside. It was clear — they were probably representative. It was clear they were contaminated and, from a long time before the EA project sediment testing program, the contamination was known about.

This, alone, should have triggered dioxins and furans to be designated by Health Canada as a contaminant of possible concern and triggered a human health risk assessment. Health Canada had copper and arsenic identified for examination. The reason I refer to the postage stamp problem, a rough extrapolation by a friend of the four samples calculated that the dread footprint contained enough dioxin and furans to put one million adults over their Canadian annual allowable uptake. This volume has a total weight of about a postage stamp.

In response to these concerns, Environment Canada sent two representatives to Prince Rupert. They presented to local First Nations and interested parties the proponent's contractor's summary sheet of new dioxin and furan testing. It clearly showed all current dioxin samples came out below the ISQG contamination threshold, and they left.

Close examination showed not only a significant drop in dioxin, which could possibly degrade over time, but also a significant drop in organic carbon, which should not. When challenged, it was revealed the EC had presented us were test results from one metre corings blended to create a sample. We told EC that this methodology for sample collection was inappropriate and those samples had to be disregarded. They argued. I finally downloaded the EC sampling manual, cut and pasted the official EC sampling protocol for dioxins and furans, and emailed it to her.

It utilizes a 10-centimetre grab only. Eighty (80) centimetres of uncontaminated sediments had been mixed in to dilute the readings, and this is what Environment Canada presented to the public. The health risk of dioxins cannot be diluted away.

Next coming in was disposal at sea. I had concerns about resuspension of dioxins in dredge in the planned disposal at sea. All this started in 2012. I'm finding out more and more about dioxins and how ugly this whole situation is.

Sediment plume modeling was presented in the EA. I know nothing about the subject, but wondered how the buoyancy of the warmer low salinity

water in the dredge slurry was addressed. And the fisherman in me had troubles believing the model current as being non-dispersive.

EC says the modeling had been validated. When I located the buoy data that the model was based on, turns out it was from the flats over by the Kinnehans Islands in 30 metres of water. The disposal at sea site is in the 58-metre gully that drains Prince Rupert harbour. One thing I know about modeling in general, BS in, BS out.

The NRC modeler, who EC said had validated this as a representation of dioxin dispersal, when I contacted him, he said that was not correct. He had only been at one meeting two years earlier and had told them what was wrong with the modeling. It took me two weeks to convince him to call the regional director.

There were other things as well, but I'm just giving you the highlights.

The disposal at sea permit was issued for sediments below 40 centimetres of the surface on October 9th, 2014 signed by Stephen Wright, regional director — oh, I wasn't going to mention any names. Sorry. Environmental Protection Operations Directorate, Pacific and Yukon Region, on behalf of the Minister of the Environment. I tracked down the office and called, recognizing it impossible to dredge beneath 40 centimetres of mud, to ask him why he would issue such a silly order when the top 40 centimetres had to be dealt with somehow first anyways and found he had been back east for several months and was no longer in that capacity. So how he signed that on the Monday when he wasn't there was really interesting. I have a copy of it if you want to see it.

In what I'm sure is an unrelated event, \$15 million was transferred to the Port of Prince Rupert relating to the project at this time. The interesting part of the issuing of the disposal at sea permit, for me, was that the discharge site was not a disposal at sea site, as we pointed out. EC had not met the disposal at sea site siting criteria. In part to meet those, it had to determine that the site was non-dispersive. Environment Canada chose the standard of U.S. Army Corps of Engineers Puget Sound Guidelines peak — sorry, 25 centimetres per second peak one percent flows.

Now, the Puget Sound area is possibly the most contaminated, constrained body of water in the eastern Pacific. Not my first choice for standards to apply for this area.

One percent peak flows of less than 25 centimetres were recorded at the 1.5 metre level during the January 9th to March 16th deployment. They missed the September to January 9th period. The measurement that came out was 24.08 centimetres. The consultant delivered EC's requirement.

The proposed method of disposal at — with the project was a diffuser from 10 metres above the bottom. Another measurement that was taken was at 4.5 metres, still in the bottom half of the plume, and that was 26.06. That gives an average of 25.07, over the Puget Sound guideline.

Johanne Gélinas: I'd invite you to get to the conclusion of all those data because it's hard to us to —

William Mounce: Okay. It was another case where they misrepresented something. They spun — they had a report that was spun.

In a recorded conference call on December 13th, 2013 with the EC Pacific Regional Director of the day because they went through quite a few of them, and with the Environment Canada Senior Program Scientist and myself, he states that the top 40 centimetres are not dispersive at sea. Their removal and disposition and any resuspension of dioxins were not the responsibility of Environment Canada.

Now, this shows that Environment Canada had not considered resuspension of dioxins during the dredge operations that they were permitted.

Now, Environment Canada is designated lead agency. If they weren't looking after it, then they hadn't assigned anybody else to look after it. Nobody was looking after it.

I immediately called the DFO project rep marine section industrial development and he stated if marine sediments are contaminated, they are a legislated EC responsibility. The Pacific Coast Science Advisor National Contaminants Advisory Group, Fisheries and Oceans Canada, when I called him, he had not been involved in the process. When I prompted him to call EC, he found he was not needed.

In the end, the top 40 centimetres were determined to require a human health risk assessment for disposal just this year. This no-brainer move should have been made in early 2012 by the agencies involved. Thousands of hours of manpower and perhaps 15 plus million dollars might have been saved.

Now, as early as the beginning of 2013, I had written in a letter with numerous other people we need a human health risk assessment on dioxins for this project.

Johanne Gélinas: We understand your point. No doubt about it.

William Mounce: Well, you've referred a couple times to science, and how expert —

Johanne Gélinas: Yeah.

William Mounce: Well, these were all experts that were involved in this entire process. They didn't have adequate oversight, they didn't have adequate input.

One of the EC people that I consider a white hat that I have talked to, one of the things he pointed out is — and I know I tend to be a bit of a conspiracy theorist. He said, you know, nah, it's not conspiracy. It's just incompetence.

Now, in this particular case, what he suggested was some people made some bad calls at the start and they end up just having to double down, and they just keep — and so we end up into these processes running off these ski jumps and we're having a crash at the bottom. Like the process is broken. It's not working.

Renée Pelletier: You mentioned at the very beginning removing the proponent entirely from conducting any of the studies. Who do you think should be doing that instead?

William Mounce: Well, a few people have come up with a few suggestions here. It needs to be at arm's length. Obviously the government no longer has — we — our science capacity now is a joke. It's been gutted. It'll be a long time for us to even — for it to even land on its own feet. So it would obviously — I think the default would be the proponent's going to have to pay, but the design of the program — as I stated, we need clear objectives with baseline surveys. Our current baseline surveys requirements are just a joke. The proponent throws what he wants out. You know, it's — it needs structure.

And it could be a planning process to establish what is required for baseline surveys. It should be clear in black and white, and it's possible to do.

Doug Horswill: All right. Well, you certainly have advanced your conspiracy theory, so let's see where we go.

If one is going to try and fix this, I get your point it's probably not a simple fix. But I'm just trying to understand, somewhere along the way, government needs to have the capacity to understand what it's doing and somebody needs to have the capacity to review what government's doing that's independent of government to see what's going on.

William Mounce: How about everybody have that capacity?

Doug Horswill: Well, fair enough. So who's the "everybody", then?

William Mounce: Okay. CEAA should become a clearing agency. They should not be in this position where they accept, you know, thousands of irrelevant

documents and plug a system. I mean, that was the biggest stupid move they could have made in publishing the several thousand votes on the Pacific Northwest project.

They should become a clearing house. They should be having oversight.

They currently, as I said, accept everything that's fed to them and they —

Doug Horswill: Just to understand the point, then, so CEAA shouldn't be a clearing house or should be a clearing house?

William Mounce: It should be a clearing house of relevant material. They should certainly start editing what they deal with.

Doug Horswill: Okay. Clearing house to me means you advance the flow of stuff to something. What do you mean by a clearing house?

William Mounce: Okay. Going back through here — do you want me to go through the roots and solutions again? I think I covered that.

Doug Horswill: No. What I'm trying to understand is what is the role you want the government to play. Let's start with CEAA. I just want to get in plain English what you think CEAA should or shouldn't be.

William Mounce: Okay. CEAA should be what my illusion of what it was, an oversight —

Doug Horswill: Okay.

William Mounce: — for the project — for the process.

Doug Horswill: All right. And to do that properly, what would you like it to have that it doesn't have?

William Mounce: Okay. They would have to structure some mechanism where public input and public scrutiny starts way earlier so we don't have major projects going in the most unlikely situation — positions where they should be.

Doug Horswill: Fine. I hear that. So I'm trying to understand the capacity problem that you've identified with the government agencies.

So what's the solution to that?

William Mounce: If all those steps have some form of oversight, scrutiny by interested parties which they could comment and would require a response if they're

legitimate, I think that there is an increasing role and there has to be an increasing role for ENGOs and public.

Like I don't get paid for any of this BS of finally fighting Environmental Canada long enough that somebody came to their senses. Like I don't get paid for that. That's because I — this is in my neighbourhood. I don't want this happening.

Doug Horswill: Okay.

William Mounce: Now, that's not — that should not be my job and, historically, it wasn't my job, but you've — by the government not doing it, agencies not doing their job, people are stepping up and ENGOs are stepping up. That's not necessarily a bad thing, but it means an evolution is taking place here. We need, as I stated, greater access to the EA process. If it's getting downloaded to us to do the job, we have to have the access to effect change or influence, at least.

Doug Horswill: Thank you.

Johanne Gélinas: Thank you very much for your presentation. It was worth waiting all this afternoon.

So I would like to suggest to you — first of all, I would like to know who in the room will be attending the workshop tonight. Okay. I guess you would like to have dinner.

What about if we were to start at 7:00 instead of 6:30, but we will finish at the same time. We'll just try to be more efficient. So back in this room at 7:00. And for those who won't be here, just to remind you that, tomorrow, we have the indigenous session and you are more than welcome to sit and listen to what our presenters will have to say.

Thank you.

