

Notes: Presentation to Environmental Assessment Review

December 5, 2016

Fort St John, BC

Presented by Gwen Johansson

Introduction:

I'm not Bob Gibson, or Harry Swain or any of the other experts you have or will be hearing from. I do endorse the opinions of the two above, and of many of the other participants in this process. My presentation, though, derives simply from the involvement in and observation of energy activities and hearings of various sorts over the last 40+ years and as a participant in various community, regional and provincial committees or boards.

On the electricity side:

- BC Hydro Board of Directors (1996-2001);
- 2005 BC Hydro Integrated Resource Planning Committee member;
- Registered intervener, BC Utilities Commission Site C hearing, 1980-2;
- Registered intervener, Site C Joint Environmental Assessment Review Panel, 2013-14.

On the Oil/Gas Side:

- President of a northeast BC landowner group devoted to assisting landowners dealing with the encroachment of industry onto their private land, 2001-2010. (Industry has the right of forced entry onto private land in order to access the sub-surface for producing petroleum products or for pipeline rights of way, for instance.)
- Co-Chair with member of Canadian Association of Petroleum Producers (CAPP) of Northeast Energy & Mines Advisory Committee (2006-10).
- Sometime participant in or observer of hearings before the Provincial Surface Rights Board and National Energy Board.

On the Community Side:

- Member of various community groups and presently serve as Mayor of the District of Hudson's Hope and Director of the Peace River Regional District (PRRD).

Personal:

- I have no personal involvement in the petroleum industry but I am a landowner whose property will be flooded by the Site C reservoir, should it be completed.

I submit this presentation as an individual, not as a representative of any of the affiliations mentioned above.

Thesis: When a population loses confidence in the institutions which are supposed to protect it, I believe that society is put at serious risk. I believe Canadians are at or near that point. Environmental Assessments are but one of those institutions.

Some Issues:

Process:

I use Site C as an example:

Site C is the most expensive public project ever undertaken in British Columbia. The valley contains many values other than the capacity to generate electricity and one would expect it would merit in-depth scrutiny and study. Instead, it seems that whatever measures were in place to protect those values were eliminated:

- In 2010, the *Clean Energy Act* exempted Site C from overview by the BC Utilities Commission, the regulator which would normally do an in-depth review of a project of this size.
- The Agricultural Land Commission, charged with the preservation of agricultural land, was prevented by the province from reviewing the impact of Site C, despite the fact that the Peace Valley contains a substantial amount of very productive agricultural land, including that with Class 1 soil and Class 1 climate capability. It produces heat-loving crops such as watermelon and cantaloupe on commercial scale, a rarity at this northern latitude.
- Viable alternatives to the project were ruled inadmissible. Most other jurisdictions across North America are moving to baskets of renewables backed up by natural gas. (Source: McCullough) In BC, carbon-based generation is restricted to 7% of BC Hydro's generation. An exception is LNG companies, which are able to generate as much electricity as they like.

My purpose is not to argue the merits or lack of merits of Site C. It is to point out that the checks and balances that were, or should have been in place to protect the public interest, were eliminated.

BC citizens, who are the ones paying for this \$8.9+ billion project, have cause to question the process that led to its approval. Perhaps that partly explains the growing opposition to the project.

Hearing Processes:

EA hearings should be a quasi-judicial process, where testimony is given under oath and there is cross-examination with full procedural safeguards. Presently, if the proponent doesn't wish to answer a question, it doesn't.

Terms of Reference:

EA Panels are advisory, not decision-makers. However, I believe that they should have the option of recommending whether the project should proceed. If the hearing has not been held, then on what basis can a government decide that a project will go ahead? It is the hearing which is supposed to delve into the impacts and values that guides the decision.

Environmental Impact Statement (EIS) & Studies:

The proponent should not be in charge of the EIS or the studies. The proponent clearly has a vested interest in having their project proceed. If it isn't in their best interest, then they wouldn't be proposing it. However, the best interest of the proponent is not necessarily the best interest of the public. Protecting the public interest is presumably the role of the EA assessment, so it's hard to see how the public interest is affected before the hearing is even held.

Studies should be under the supervision of an independent body, not the proponent. As I understand the present system, contracts for the studies are commissioned and awarded by the proponent. That puts too much power in the hands of the proponent who has a huge vested interest in the outcome of the study.

As I understand it, when the study reports are completed, they are provided to the proponent and that's the last the author sees of them. A "writer," paid by the proponent, then re-works the studies so they are "standardized." The original studies are eventually made available to the public, but not, as I understand it, until after the topic has been dealt with. That's wrong.

Decisions ought to be science-based and of the highest caliber for these big projects that have such huge and unalterable impacts. In May, 2016, a letter, signed by 250 (now over 350) leading Canadian scientists and academics, and supported by a letter from the Royal Society, was sent to the Prime Minister with copies to several ministers and MPs. (Letter of Concern <https://sitecstatement.org/>)

The letter said:

Our research shows that the amount of significant adverse environmental effects arising from Site C are greater than for any project ever assessed under the history of the Canadian Environmental Assessment Act. (Page 3, 2. Statement of Concern)

Based on evidence raised across our many disciplines, the undersigned scholars have concluded that there were significant gaps and inadequacies in the regulatory review and environmental assessment process for the Site C Project,..... (Page 1, Statement of Concern)

Supporting letter from the Royal Society of Canada can be found here: (<https://sitecstatement.files.wordpress.com/2016/02/rsc-letter-to-pm-trudeau-19-05-2016.pdf>)

On November 15, over 1500 "early career scientists" also sent a letter to the Prime Minister stating that,

We are concerned that current environmental assessments and regulatory decision-making processes lack scientific rigour with significant consequences for the health and environment of all Canadians.

Link to letter found at: <http://www.youngresearchersopenletter.org/>

How can Canadians be expected to have any confidence in the integrity of these project approvals when the most qualified citizens of the country have no confidence in the information?

Major decisions, which have irreversible impacts, have to be based on the best information possible. And once made, the decision-makers have to be prepared to go to the affected communities to explain why the decision was made.

Evening the Playing Field:

The way the EA process is funded now, the public can't successfully participate. While the proponent has the resources to provide training to their participants, there is no source of funding that would allow the public to mount a viable counter argument to the proponent.

The hearing would have to be funded by a separate, independent agency which had the resources and the power to call evidence and to hire experts themselves.

Cumulative Impacts:

Assessment of cumulative effects has been dishonest. Not far from here there is a quarter section (160 acres) where the owner would tell you that you wouldn't be able to build a house because there are so many pipelines. Each of them exist in a pipeline right of way and you can't build on a right of way. You may not be able to cross a pipeline without permission. Pipeline companies, like energy production companies, have right of forced entry – landowners must allow access. Nowhere is there any policy or rule that stipulates when enough is enough.

Oil/gas wellsites and facilities are permitted individually so usually don't spark an assessment. Many individual permits allow projects to accumulate until you reach a saturation point – but there may be no cumulative impact assessment.

The same principle was used for Site C: the river already has two dams on it. But when Site C, the 3rd dam, was assessed, the first two dams were not considered. Apparently their impact had already happened so it was now part of the baseline. The same consideration applied to the other industrial development such as forestry, agriculture, oil & gas, mining, windmills and so on. I call it the Easter Island Cumulative Effects model. .

Remedy? Well, Stephen Hawking is reported to have said that we have to find a new planet within 1000 years. But I don't think we should count on that. I believe we need to change the culture. Basic needs are fresh air, clean water, and fertile soil. Instead of permitting these large projects and discounting the

necessities, perhaps we should put the three fundamental needs at the top of the pyramid and each new project will be approved or rejected based on whether it will detrimentally affect the fundamentals. It would be logical to protect that which is necessary, and place the others in the “want” category – only built if they can be shown to not harm the necessities.

Sustainability: I defer to the expertise of the experts in the field.

Conclusion: For the reasons outlined above, I believe that the Environmental Assessment Process, like other institutions in our country, does not serve the long-term public interest. We pretend environmental values are important to us, but they don't seem to be valuable enough for us to protect them.. We need to be honest in this assessment. If an EA is valuable, we need to strengthen it. If it isn't, we should admit that we aren't willing to make what may be painful adjustments which would come with a truly effective EA process.