



*District of
Hudson's Hope
Playground of the Peace*

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Office of the Mayor

Environmental Assessment and National Energy Board Assessments

A Local Government Perspective

Submitted to the Review Panel

On behalf of

The District of Hudson's Hope, BC

The District of Hudson's Hope is located in the resource rich northeastern part of British Columbia. Geographically, we are the third largest municipality in the province (358 square miles) but population-wise, one of the smallest (approximately 1000 people). Resources include coal, oil and gas, forestry, agriculture, wind, and hydro-electric generating facilities. We have participated to some degree in hearings on mining, natural gas, pipelines and most recently the Joint Environmental Assessment Review on Site C. Hudson's Hope would be affected more than any other provincial incorporated municipality by the Site C Dam.

Perspective:

Local government should have a prominent role in Environmental Assessment (EA) and National Energy Board (NEB) deliberations.

Often the impacts of major projects are local, but the benefits go elsewhere. Local governments are well-positioned to consider how a project fits into the overall long-term plan for their jurisdiction, and to speak to the positive and negative impacts. But to date, the local voice seems drowned out by the message of distant senior governments and the interests of large proponents. That could be at least partially corrected if local government were recognized as an important player in these hearings.



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Suggestions:

1. **Terms of Reference** should include examination of the impact of the project on the sustainability of the local economy and way of life, not just the national or international impacts. Panels should be instructed to recommend conditions aimed at keeping local community whole and sustainable.
2. **Cumulative Impact** should include all previous industrial development, which is not presently the case. As an example, there are some quarter sections (160 acres or a half mile by a half mile) in northeast BC where it is not possible to build a house. A spiderweb of pipelines, feeder lines, and facilities have been built over a period of years. The density of rights of way, set-backs, safety zones and so on have reached the point where there is no room for any non-oil/gas development. This has developed because most oil/gas facilities are too small individually to warrant a hearing of any sort, sub-surface owners have been given right of forced entry onto private land, and no-one in authority views the situation from the perspective of the land base.
3. **Cumulative Impact**, in the context of EA and NEB hearings, should refer to the accumulated effect of man's activities on the basic building blocks of life: land, water and air. At a recent "Cumulative Effects" workshop in this area, the chief discussion revolved around the cumulative effects that industrial development would have on the economy and jobs in the area. Cumulative effects on the carrying capacity of the land, water and air if mentioned at all, were well down the priority list. Economics and job creation already are considered in their own category in hearings. Consideration of "cumulative effects" should be in the context of the carrying capacity of the environment.
4. **The hearing processes** should be revamped. The proponent's role should be to submit their application, supported by whatever evidence they deem helpful, to an independent agency set up for the purpose of considering these types of projects. From that point on, the Proponent should be on the same level as every other intervener coming before the Agency's Panel. The Agency, not the proponent, should write the Environmental Impact



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Statement. The hearing should be a quasi-judicial process with cross-examination and full procedural safeguards. The decision to proceed or not proceed with a project should be made after the hearing is completed, and be based on the evidence that was presented at the hearing. Decision-makers should be required to explain the reasoning that led to their decisions.

5. **The decision** to proceed or not proceed should be based on the best scientific evidence available. One would think that would be a “given.” However, a letter signed by 250 (and now over 350) leading Canadian scientists and academics wrote a letter to Prime Minister Trudeau, in May, 2016. In it, they pointed out that the environmental effects arising from the Site C Dam were greater than for any other project ever assessed in the history of Environmental Statements, and that the scientists across their many disciplines had identified many gaps and inadequacies “ in the EA review. The scientists’ submission was supported by a letter from the Royal Society of Canada. In November, over 1500 “early career scientists” also wrote a letter stating that Canadian EA and regulatory decision-making processes lacked “scientific rigour.” Canadians can be forgiven for lacking confidence in the present process. Clearly it needs to be changed.
6. **National Energy Board Pipeline Hearings** are of specific concern to local governments. Hudson’s Hope presently has one pipeline corridor with 3 large (up to 48”) gas transmission lines which traverses the entire municipality and for a portion of it, also includes two water pipelines. Combined, the rights-of-way carve a significant portion out of the properties they traverse. As one landowner said, “*That quarter is pretty much ruined, other than for grazing.*” Should the province’s LNG plans proceed, we will have at least one, perhaps two more major transmission pipelines as well as several smaller “feeder lines.” Local government as well as the private landowners whose land is taken should have more influence over where they are located and what is done to mitigate the long-term impact of major pipelines. Another issue for municipalities is abandonment. If not perpetually maintained and lines are left at the end of their life, a 4’ conduit traversing the entire municipality will have to be dealt with by a future municipal council. Local governments have a responsibility to plan for a future sustainable community. At present they have no authority to meet



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that mandate if resource extraction does not coincide with the community vision of their future. They should have.

- 7. Expropriation powers** are part of the scenario for all resource development mentioned above except forestry. One assumes that expropriations are always done by governments and always based on furthering the public interest. However, we don't believe that is so. Canadian law apparently does not require that expropriations be restricted to takings by governments for public purposes. Other jurisdictions, including several US states, have passed legislation restricting the use of expropriation. We recognize forced takings as an important issue that restricts our ability to develop our community in the way that our population might wish. However, as a small community we do not have the capacity to research and suggest a specific remedy. We ask the Panel provide an analysis and recommendations regarding the expropriation question.

Thank you for the opportunity to make this submission to the Panel. We wish you well in your deliberations and look forward to your report.

Gwen Johansson, Mayor, District of Hudson's Hope



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References:

Scientists' Letter of Concern: <https://sitecstatement.org/>

Letter, Royal Society: <https://sitecstatement.files.wordpress.com/2016/02/rsc-letter-to-pm-trudeau-19-05-2016.pdf>

Young Career Scientists: <http://www.youngresearchersopenletter.org/>

"Expropriation Unlimited," by Elizabeth Brubaker, Canadian Association of Energy & Pipeline Landowner Association (CAEPLA) Pipeline Observer, P. 9-13, www.caepla.org or www.landownerassociation.ca