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Trans Mountain Expansion Hearings - Adam Olsen

The panel appointed by Natural Resources Minister Jim Carr to review the National Energy Board's (NEB) Trans Mountain Pipeline Expansion (TMX) hearing made a stop in Victoria on August 22-23.

During the 2015 federal election, Prime Minister Justin Trudeau promised to review and modernize the NEB and to 'make environmental assessments credible again'. This ministerial panel was an effort to restore credibility, to receive input from interveners about their experience and to provide Canadians who were excluded from the NEB's process their first opportunity to address the project on the record.

In her opening statement, panel chair Kim Baird, former Chief of Tsawwassen First Nation and a registered oil and gas lobbyist, said that the panel was not making recommendations. Its mandate was to listen and document feedback from communities and citizens and submit a report, to go along with the NEB's recommendation, for Minister Carr's consideration in his final decision.

The NEB's process on TMX has been justly criticized—it is fundamentally flawed. With oral cross-examination removed from the hearing process, interveners only had a couple of opportunities to test the volumes of information through written questions and answers. As Elizabeth May stated in her final argument to the NEB, the quality of the information is 'fragile'.

I participated in the ministerial panel's Aboriginal Roundtable on August 22 where I reiterated my frustration with the NEB's hearing. I highlighted how they ignored indigenous rights protected by treaty and set a desperately low bar for the evidence that would form the basis of their final recommendation.

The speakers to the ministerial panel's Aboriginal Roundtable reiterated desperate concerns about the lack of spill response preparedness and capacity. We spent tens of thousands of dollars preparing evidence and arguments only to

have our information, concerns, and constitutional rights ignored. In doing so, the NEB's recommendation essentially highlighted that the 'Canadian-interest' still does not include indigenous people.

Frankly, the ministerial panel's process was more of the same meaningless government 'consultation' with which we have become so familiar. It has no teeth and the process is no more than a pacifier designed to tick another box.

Unfortunately, the panel appointed by Minister Carr is a far cry from the modernization of the NEB the Liberals promised and it did not inject any confidence in our energy regulator.

Somehow, we are to take comfort that this same regulator will influence key decisions such as the Island Gas Connector pipeline proposed to snake through the Gulf Islands connecting Steelhead LNG's Malahat and Sarita Bay proposals to the gas fields in northeastern BC. These projects have the potential to change the face of our home forever.

The federal government must do what it promised. It must restore confidence in our regulatory process. British Columbians' concerns are justified; the quality of the process reflects the quality of enforcement and the NEB hearing undermined our interests and rights at every opportunity.

Now that the NEB recommendations are in, soon the process will be handed over to Minister Carr. The panel's chair, Kim Baird, summed up what will be this dilemma: 'Very few people, if any, have stood up in favour of the project,' she told a *Victoria Times Colonist* reporter. Yet she is also quoted as saying that 'Many presenters in industry, business and labour organization have endorsed the [NEB] report and urged a quick and favourable decision.'

In December we will find out if we have been heard by a government who really wants us to believe they have been listening. ✍

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