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Order of Appearances

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Northern Gateway Panel 4

Aboriginal Engagement and Public Consultation

Ms. Janet Holder	Mr. Paul Anderson	Mr. John Carruthers
Mr. Ray Doering	Mr. Jeffrey Green	Ms. Michele Perret
Ms. Catherine Pennington	Ms. Jan Whitney	

Examination by Ms. Rosanne Kyle for Gitxaala Nation 22989

Examination by Dr. Josette Wier 23339

Examination by Ms. Rosanne Kyle for Gitxaala Nation 22989

Effects of the project on Gitxaala rights and title

Ms. Kyle introduced herself with the statement that she would ask “questions in relation to the methodology used by Northern Gateway Pipelines (NGP) to assess potential effects or impacts to Gitxaala Nation and their Aboriginal rights and title.” 22989

She asked whether “in assessing impacts to Aboriginal rights and title, ... Northern Gateway considered effects to biophysical elements only, such as fish and wildlife and other biophysical components.” Mr. Jeffrey Green replied, “That was one of the aspects. The other aspect was that where traditional use information was available, we used that.”

He continued, “The Gitxaala traditional land use study was not used in the original environmental assessment that was filed in May 2010. The Calliou study [[Exhibit D72-12-02](#), Adobe 7 to [D72-12-11](#)] was received in May of 2011 and then we began to use that study in follow-up to the IRs and the like.”

Ms. Kyle asked, “NGP did not redo an assessment of effects to Aboriginal rights and title using the ... traditional land use (TLU) data ... provided in the Gitxaala use study?” Mr. Green: “Correct to a point.” 22993

Differentiate between assessment and consultation

Turning to Gitxaala Information Request (IR) No. 1 [[Exhibit B38-9](#)], where NGP was asked for its “assessment of potential adverse impacts to Gitxaala Nation's rights and interests from the project,” Ms. Kyle quoted from NGP’s reply that, “As no significant adverse environmental effects are predicted for marine or coastal biota [no effects are expected to result] on the ability to exercise corresponding Aboriginal rights.” Ms. Kyle’s concern is that the only “effects” considered by NGP are related to biological effects. Mr. Paul Anderson said, “I do want to differentiate between environmental assessment and consultation.” He and Mr. John Carruthers expanded on this, and described various mitigations they have proposed to address concerns identified by the community. He cited the “Project Concerns” [[Exhibit D72-12-7](#), Adobe 7] to illustrate. 22997

Ms. Kyle referred to [Exhibit B38-9](#), Adobe 9, and said it is NGP’s answer to the assessment question, and it is only concerned with effects to biophysical elements. Mr. Anderson said she is taking the assessment in isolation. “This project and the environmental assessment review process is much more than just the environmental assessment as part of the Application. Consultation is an ongoing process.” 23016

Ms. Janet Holder joined the discussion: “We've gone well beyond what we think is required of us in a project of this type and we take great pride in that. It's a very challenging project to try to incorporate everybody's interests and there's some interests that is impossible for us to incorporate and we get that. We understand there's perceived risks that are very difficult for us to mitigate or dealt with. There is spiritual risk. But there's also a large amount of benefits to this project.” Ms. Jan Whitney added details

about the engagement program process. Ms. Kyle replied, “My understanding is that this panel is here to speak about not just engagement, but about assessment of impacts to rights. So my question is focused specifically on impacts to rights, not engagement process.” 23022

Ms. Kyle returned to the question in evidence, which requested NGP’s assessment of impacts to Gitxaala’s Aboriginal rights and title. “The answer focused on impacts to biophysical elements only.” Mr. Anderson said, “I’m ... concerned about getting brought down a path that is specific to only one small aspect of our overall program.” 23035

Ms. Kyle turned to the Gitxaala use study, [[Exhibit D72-12-7](#), Adobe 7], and said, “Mr. Anderson, you referenced the concerns that Gitxaala members had expressed, including the Chief, in relation to waves, and suggested that those issues were addressed. Would you agree that there actually is no data in NGP’s Application on wave heights in Principe Channel?” Mr. Green described wake studies that had been performed. Ms. Kyle said she was asking about waves. Mr. Green said he would have to check to answer her question. 23053

An intense discussion continued in the transcript regarding the Gitxaala use study, and the fact that NGP did not use it in its environmental assessment filings, and the consideration of biota, including species such as salmon and herring, and other non-biotic factors such as cultural and social significance, in terms of impacts to Gitxaala’s Aboriginal rights and title.

Aboriginal rights and title not for this panel

Ms. Janet Holder said, “We do explain very clearly in our application what we refer to as rights. Title is not something that we have ever taken a position on. ... That is something between First Nations and the Crown and so I don’t want to see any of my colleagues here try to figure out what the impact of herring is on your rights. That’s not a position that we can take.” Moments later, Ms. Laura Estep for NGP objected to continued questions about Aboriginal rights and title, repeating Ms. Holder. Ms. Kyle said, “So I’ll use the term Aboriginal rights.” 23108

Ms. Kyle said, “In assessing potential effects to Aboriginal rights, NGP did not identify high value or important areas for harvesting activities to assess what the effects might be to Aboriginal rights if a spill occurred in that area.” Mr. Green replied, “That’s incorrect. He turned to the mass balance model to demonstrate that they had looked at important areas for Gitxaala. [[Exhibit B3-42](#), Adobe 18] 23126

Ms. Kyle turned to a table of comments that was provided by Gitxaala in September 2010 commenting on the application completeness [[Exhibit D72-22-08](#), Adobe 17]. She noted items 128 (kelp), 129 (rockweed) and 130 (eelgrass). The Gitxaala had asked about the effects on Aboriginal rights and title of the loss of each of these due to an oil spill. She said, “NGP did not do that type of assessment.” Mr. Anderson disagreed. Mr. Green said they looked at these in the context of rights as “the current use of lands and resources.” He mentioned fucus, or rockweed, as specially chosen as an indicator. Kelp was not focussed on because it is not “typically affected by an oil spill.” “The ecological and

human health risk assessment ... looked at the potential contamination of the food chain as a result of a 36,000 cubic metre oil spill in Wright Sound. ... The conclusion: ... there are no long-term contamination issues of concern either to ecological health or human health be it non-carcinogenic or carcinogenic". "We don't assess ... spiritual and specific cultural values." 23141

Ms. Kyle put up Section 7.4, "Effects on Aboriginal Rights and Interests" [[Exhibit D72-66-28](#), Adobe 15] where NGP lists five issues. She and Mr. Green discussed what NGP meant by the inclusion of the words, "cultural, social and economic." Ms. Kyle asked, "Are you saying that Northern Gateway was not required to assess ... potential cultural, social, and/or economic effects to Aboriginal peoples that may arise as a result of the project?" Mr. Green: "No, that's not what I'm saying at all. The current use of land and resources has a cultural component. He put up [[Exhibit B3-42](#), Adobe 18] again, the first paragraph of which refers to the long association and dependence of Aboriginal groups "on the sea for food, transportation, social and ceremonial purposes." 23177

NGP's definition of rights in the Application - the right to hunt, fish and trap.

Ms. Kyle asked if there could be impacts to Gitxaala's Aboriginal rights even in the absence of significant effects to biophysical elements. Ms. Holder asked how Ms. Kyle defined "rights" and how it compared to NGP's usage of the term which in [Exhibit B2-26](#), Adobe 24, is defined as "the right to hunt, fish and trap." Ms. Kyle said "with not agreeing that rights are only [these activities]," she said they would serve as examples. She asked if those rights can be impacted in the absence of a significant event. 23200

Mr. Green replied that there's a large difference between routine effects and spill effects. For routine effects, "there is no pathway of effect," other than possibly fishing. With an oil spill, "we have a different situation." 23210

Disruption to fisheries and Fisheries Liaison Committee

Mr. Anderson agreed that NGP had identified three potential impacts to marine fisheries: disruption of access, loss or damage of gear, and aesthetic disturbances. He said that they had already put a "number of mitigation measures" in the application, and "the Fisheries Liaison Committee (FLC) is intended to create a number of new measures." Mr. Green described some of the measures they have taken. "The average freighter or cargo ship moving through Principe Channel right now is in the range of 16 to 18 knots. NGP is committed to ... 10 to 12 knots." 23221

Mr. Green cited [Exhibit B20-3](#), NGP's reply to JRP IR 17 and describes in detail the FLC, "the types of activities and decisions [it] is expected to make." "It's a consensus-making committee. ... It's up to the participating members to drive that, much like the community advisory boards." Ms. Kyle asked whether it had terms of reference, Mr. Green said it has a "well-defined purpose;" Ms. Kyle asked if it had government participation, Mr. Carruthers said it could have. She asked if it would have the power to implement its recommendations. Mr. Carruthers again: "We weren't anticipating, necessarily, regulatory power." Mr. Green: "None of the precedents in Canada have regulatory power." The NEB would be welcomed to participate. 23238

Effects of a spill on Gitxaala governance and socio-economics

Ms. Kyle called up “some issues that Gitxaala has raised to NGP in relation to effects of an oil or a condensate spill.” [[Exhibit B40-4](#), Adobe 914, an attachment to JRP IR 5.9] She said that NGP has not assessed impacts to Gitxaala’s governance. Mr. Green agreed, “The effects on governance were not assessed, that was not in the Terms of Reference, wasn’t in the scope of factors, not covered under the Canadian Environmental Assessment Act (CEA Act). 23263

Ms. Kyle stated that NGP has not assessed the social or economic significance of harvesting activities to Gitxaala members. Mr. Green said he would not agree with that. These were considered in Volumes 6C, 8C (routine activities), 8C (oil spill). It is not specific to Gitxaala “because we’re looking at regional socio-economic effects.” 23280

Ms. Kyle asked about the portions of the application that are concerned with socio-economic effects: “Those were not specifically in relation to Aboriginal harvesting activities, correct?” Mr. Green replied, “There was not a specific economic analysis of the impacts to food, social and ceremonial fishing primarily because site-specific data on that is very hard to obtain. Fisheries and Oceans doesn’t have a great deal of information there and there is no other data source.” More discussion of the significance of loss of fishing is in greater detail in the transcript. 23287

Ms. Kyle said that NGP had not assessed the potential effects to Gitxaala’s rights because of the “mere existence of a risk of an oil spill,” and had not assessed the ways rights or the cultural aspects of rights are passed down to future generations. Mr. Green said these were not specifically considered. Ms. Holder attempted to explain that “it’s not just one aspect of the project that’s important. It’s a whole program. She expanded on this in the transcript, with Ms. Whitney joining her briefly. Ms. Kyle stated that Gitxaala “raised the need to assess impacts to their governance as early as September, 2010.” 23293

Ms. Kyle said, “In assessing potential effects to Gitxaala’s Aboriginal rights, NGP did not consider ... preferred means, times or location for the exercise of their Aboriginal rights.” Mr. Green said he thought that was incorrect, and returned to the mass balance model for Principe Channel and the Calliou use study. He said that NGP has committed to a three year harvest study. Ms. Kyle observed that the mass balance assessment was based on a spill at Anger Island. Mr. Green said that the outcome of that spill would not be greatly different if you moved it within the area. 23315

Examination by Dr. Josette Wier 23339

Engaging stakeholders

Dr. Wier began with table B-4, a list of Environmental Stakeholders, [[Exhibit B2-1](#), Adobe 127]. She asked, “What difference do you see between engaging and notifying?” Ms. Michelle Perret replied, “That is a good question, ... because the public consultation program ... has tried to do more than just, say, sending out a newsletter or sending out a letter about the project. We have worked really hard to engage the stakeholders through various methods.” Dr. Wier: “I’m really asking a question. I’m not asking for a description. ... How many environmental groups responded to your requests for

engagement out of the 53?” Ms. Perret said she would have to check. Dr. Wier asked if going going to an open house is taken as an engagement. Ms. Perret: “[It] is one form of an engagement.” 23340

Dr. Wier asked, “How many of those 53 environmental groups accepted to be part of the Community Advisory Board (CAB)?” Ms. Perret was able to name four groups that had participated in the north central BC CAB. Dr. Wier asked, “How many have communicated why they didn’t want to be so-called engaged?” Ms. Holder said, “Engagement to us is much broader than just the CABs. ... If somebody is not involved in a CAB they still very well may be engaged.” Ms. Perret turned up Table 3-9 “Round 1 Marine CAB Meeting Attendees” [Adobe 56] which names 34 groups and says that 70 registrants attended, plus 19 others who did not sign in. 23387

Ongoing engagement with the Dogwood

Dr. Wier repeated her question: “How many communicated their reasons for non-engagement?” Ms. Holder said, “I will pick a name out here, for example the Dogwood Initiative probably has not been to our CABs, I could be wrong, but we have ongoing engagement with the Dogwood.” “Your question is very difficult. ... I don’t know how we could even answer your question.” 23406

Dr. Wier put up “Information Needs” [Adobe 16] and noted that one of the bullets reads, “Provide access to project representatives and technical experts.” She asked Ms. Perret for her title (“Senior Manager for public consultation”), and then moved to the preamble to question 6.1 in her own IR [[Exhibit D217-12-1](#), Adobe 1] which details Dr. Wier’s frustration at not being able to contact Ms. Perret following a presentation she made to Smithers Council in August 2010 about Enbridge’s Michigan spill. Mr. Carruthers cited Exhibit [B43-13](#), Adobe 1 which is NGP’s reply to Dr. Wier’s IR. Discussion continued in some detail about the events in Smithers and Dr. Wier’s subsequent efforts to ask questions of Ms. Perret. 23434

A misrepresentation of some sort regarding the Kalamazoo spill

Dr. Wier quoted from [[Exhibit B2-1](#), Adobe 11], “Enbridge is [...] committed to consulting in a clear, honest and respectful manner.” She asked if “honest” means “accurate” and Ms. Holder confirmed that it does. Dr. Wier then went to the presentation that Ms. Perret showed in Smithers [[Exhibit B43-14](#), Adobe 2]. It says that “Line 6B was shut down immediately.” Dr. Wier asked if that was correct. Ms. Perret replied, “When we were advised of the leak, we shut the system down immediately.” “We did not know, as the NTSB report stated, that there was a period of time from when the leak started to the time that we realized we had a situation.” Dr. Wier: “After 17 hours.” 23505

Dr. Wier quoted again [Adobe 16], “Northern Gateway has been accessible and responsive,” and asked how accessibility and responsiveness are established, and by whom. Ms. Holder, Mr. Carruthers, Ms. Perret, and Mr. Ray Doering all contributed to a response. Ms. Perret supplied some quantification: “in the area of 17,000 encounters with people ... 35 open houses ... two community offices in Kitimat and Prince George ... 12 technical meetings, over 400 presentations and -- in 2012, we had over 100 email questions every month. Following Mr. Doering’s description of engagement in Burns

Lake, Dr. Wier said, “I would appreciate if [NGP] would answer the questions and not go on into advertising.” 23548

Spill record not relevant to the education NGP is trying to provide

Dr. Wier quoted, “The open houses provided stakeholders with the opportunity to learn about the Project, speak with Northern Gateway representatives and voice their comments and concerns.” She said, “I did a word search using spill and in presentation to the open houses and it was mentioned once, in the whole material.” Ms. Perret described the evolution of open houses from general meetings with storyboards to more “technical meetings” with specific presentations. Ms. Holder said, “Gateway had not had any (oil spills), as we don’t have a pipeline. ... Clearly you had an interest in ... the oil spill record ... of Enbridge. And I believe we just never felt that was what was relevant to the initial education that we’re trying to provide on the Gateway project. 23589

Table A-9 [[Exhibit B22-4](#), Adobe 20] is a list of public inquiries by location. Dr. Wier asked if callers had to reveal their location. Ms. Perret said, “They didn’t to provide that.” Dr. Wier asked if they collected “a database from people contacting you,” and “What information are you collecting,” and “Are you asking for consent” to keep names and phone numbers? Ms. Perret said the information they have remains confidential. Discussion continued on this topic. 23609

Dr. Wier noted that Enbridge is a Canadian company and asked what that meant. Ms. Holder said that under the Securities Act it’s a Canadian company, it has its head office in Canada, and is registered through the Toronto Stock Exchange. Dr. Wier asked how much of the ownership of NGP is Canadian. Ms. Estep objected, said this was discussed in Edmonton, and the Chairperson directed Dr. Wier to move on. 23642

Dr. Wier quoted, “Enbridge has over 55 years of experience that provides us with the skills and knowledge to safely build and operate pipelines.” [[Exhibit B2-4](#), Adobe 10]. She quoted, ““If an incident should occur, Northern Gateway will be there quickly to control, contain and clean up.” [Adobe 19] She established that both of these statements were made “pre-Kalamazoo” and asked how the statements would be corrected. Ms. Holder said that safety is a core priority. “We were caught off guard, so when we made this statement we believed it, and when we make the statement today we still believe that.” Dr. Wier persisted, Ms. Estep objected, and the Chairperson said, “You’ve got the answer to your question.” 23655

Advertising & miscellaneous questions

Dr. Wier quoted NGP regarding advertising: “Northern Gateway uses this program to provide the public with timely and accurate information about the Project and the regulatory process.” [[Exhibit B22-2](#), Adobe 37] She asked, “How do those statements stand, given the missing Douglas Channel Islands story?” Mr. Carruthers replied, “The statements would still stand. ... It was very clear on the website that it was a pipeline pictorial, it wasn’t meant to address marine issues.” 23689

“The route has been moved 50 km away from the Morice River.” [[Exhibit B207-4](#), Adobe 13] Dr. Wier said this statement was repeated in all the CAB meetings for 2013. She asked, “Is that a fact?” Mr. Doering said, “That is an error. ... What that statement

should say is approximately 50 kilometres of the route was shifted by about three kilometres or so.” 23706

A statement in [Exhibit B2-4](#), Adobe 8 says, “In 2009 we will undertake ... Environment and Socio-economic monitoring workshops.” Dr. Wier asked for more information. “I never heard of those.” Ms. Holder said, “These are from the open house in 2008, we had had some ESA workshops. ... That evolved into the Community Advisory Board or the CAB program.” 23718

Renewable energy to power the pipeline

A brochure states, “At Enbridge, we’re big believers in balance. This is why we’re generating a kilowatt of renewable energy for every kilowatt of electricity we used to power our pipelines.” [\[Exhibit B22-21\]](#), Adobe 14] Dr. Wier asked how many kilowatts will be generated this way, and “How much electricity for Northern Gateway will be required to be covered?” Ms. Holder said that Enbridge’s “existing renewable power generation facilities, which include wind farms, solar farms, geothermal, will produce about 3,371 gigawatt hours per year.” Mr. Doering said the “the pipeline project and all its pump stations and facilities would utilize somewhere in the order of about 250 megawatts of power.” The Chairperson said these questions do not belong with this panel. She allowed Dr. Wier to ask, “Where’s the electricity going to come from? How much and where?” Ms. Holder said that Enbridge has no renewable projects in BC but is looking for opportunities. Dr. Wier: “If you’re going to use runs-of-river in B.C. to compensate for the hydroelectric cost of the Project, is that not another environmental impact of the Project?” Ms. Holder’s reply does not answer the question. 23723

Dr. Wier quoted, “Enbridge is talking with local communities who have the expertise and are working on identifying Run-of-River project possibilities.” [\[Exhibit B83-32\]](#), Adobe 122]. “Will this be for generating electricity for the Project ... for the policy of compensating one kilowatt for one kilowatt?” Ms. Holder replied, “[These] are projects that Enbridge is looking at in order to stay committed to our CSR (Corporate Social Responsibility) commitments of an acre for an acre, a tree for a tree, a kilowatt hour for a kilowatt hour. We do not designate any one green project ... to a specific project.” 23778

Community Advisory Boards

Dr. Wier quoted, “The CAB will uphold the following core values in fulfilling its mandate: Accountability [and] transparency” [\[Exhibit B22-10\]](#), page 20]. She described her difficulty in obtaining information about CAB meetings. “There was a website ... I couldn’t get into ... because it was password-protected. ... How was the transparency core value achieved when the meeting minutes are not published, only meeting summaries which are very, very succinct and have only been made available since October 19, 2009?” Ms. Estep said that NGP had addressed these questions in a reply to an IR from Ms. Wier [\[Exhibit B43-10\]](#), Adobe 7] 23786

Dr. Wier asked, “How was the commitment to transparency achieved when certain speakers’ presentation -- like Patrick Moore’s -- are unavailable on the website?” Ms. Perret replied, “CAB members ... determine what is public and what is not public. ... It was their determination to have the minutes made public in late 2011.” “Patrick Moore’s

presentation is the only one that's not available on the website. We were not able to acquire that presentation. 23801

Dr. Wier asked "To whom does the process need to be transparent?" Ms. Perret seemed to say, "all of us participating in the CABs." Mr. Carruthers said the CABs are open for participation by non-CAB members as well. 23817

Dr. Wier quoted from "CAB Philosophy": "Being accountable, responsible, respectful, transparent and open in all CAB activities during and outside of duly convened meetings with the broader public." [Exhibit B22-10, page 7]. She asked "How is this possible? The question is how is this possible when CAB members are totally invisible to the communities; their names withheld, they have no presence whatsoever, not even a letter or a column in the local press." Ms. Holder replied that the terms of reference are set by members of the CAB. She explained why names are withheld, from Exhibit B43-10, Adobe 7. Dr. Wier said she wants to know how NGP can say its accountable "when you're completely invisible." 23848

Dr. Wier: Exhibit B22-10, page 20 says "the CABs will educate the public. I have yet to be educated by a CAB in my community in Smithers where I don't even know who sits on it." She asked for a concrete example. Page 13 says that each CAB will develop a Communications Strategy. The discussion of CABs, communication, transparency and accountability continued; interested readers are invited to follow in the transcript. 23876

NEB oversight of emergency procedure manuals is deficient

NGP claims that comprehensive manuals have been prepared for response to oil spills [Exhibit B22-12, Adobe 59 & 60]. Dr. Wier put up the Commissioner of the Environment Report as an aid to cross examination (AQ) and noted that from paragraph 1.60 and 1.68, NEB oversight of emergency procedure manuals is deficient; of the 83 regulated companies, the Board had conducted a review of manuals for only 51, or 61%. "The average time for review was almost three years. 16 manuals from nine companies took five or more years to be reviewed." The Commissioner adds, "We noted that the Board identified deficiencies in all of the emergency procedures manual that we reviewed." Dr. Wier asked, "Were Enbridge emergency procedures manual reviewed by the National Energy Board?" Mr. Carruthers said, "Prior to operation, those will have to get vetted and submitted to the NEB and Transport Canada." 23930

Dr. Wier asked who audits emergency response plans. Mr. Carruthers said it's the NEB for the pipeline and an independent audit for the marine aspects. 23973

Presenting stats on pipeline spills

Dr. Wier put up an NGP presentation [Exhibit B83-28, page 26] and noted the statement that for NEB regulated pipelines, there have been "Zero significant spills or ruptures (spills ~ [above] 10 barrels), on any liquids pipelines constructed over past 35 years." She asked about three spills - Hardisty 2001, Saskatchewan 2007, Norman Wells 2011. Mr. Doering said that two of them are on pipelines older than 35 years and one spill happened more recently than the date of the presentation. Dr. Wier's questions explored more about spills and the various stats and making choices to convey a specific message. 23980

Ms. Whitney volunteered the information that “the Grand Prairie, the Peace Country CAB is really quite successful.” Dr. Wier replied, “Yeah, that sounds great.” “This is not the question I asked.” Ms. Whitney: “Can I finish please?” Dr. Wier: “Well, no” The Chairperson: “Dr. Wier, Dr. Wier ... Dr. Wier, this is Sheila Leggett speaking. ... The witness was providing an answer. Please just let her finish.” 24072

Dr. Wier said that in [Exhibit B207-2](#), Adobe 23, “we see that Northern Gateway donated \$18,000 to 14 food banks before Christmas, averaging \$1286 per food bank. It’s the only amount in dollars mentioned. ... Why?” Ms. Perret said that they often don’t include the dollars but this was a significant amount of money. “The ‘Women Building Community Event’ ... in Burns Lake and in Prince George, there was a raffle portion that funds were raised for the food bank and then Northern Gateway matched those funds.” Dr. Wier asked about other funding and recipients, in general and specifically about Chambers of Commerce. Ms. Holder said “the number in aggregate is around \$400,000 we’ve provided in community investment benefits [over three to four years].” 24122

Bullying of supporters, and of opponents, of the project

In discussion about the absence of public disclosure about participants in CAB, Dr. Wier asked why do the “enthusiastic” participants want to remain anonymous. Ms. Holder said “Part of the condition or part of the terms of reference of the CABs is to remain anonymous and it is unfortunate. ... It pains me ... to realize ... people who believe in the Project ... are very reluctant to step forward. ... There really is a lot of bullying going on. ... If they come out and say “We’d support this project”, they know that they will get harassed.” Dr. Wier: “Ms. Holder, ... the bullying is going both ways.” 24162

Discussion took place about why NGP presentations, specifically with respect to Marshall Michigan, do not show “the good, the bad, and the ugly,” as stated by a participant in one of the CABs [\[Exhibit B164-7\]](#), Adobe 23]. Ms. Holder had to look for an example of the bad and ugly, and found it in [Exhibit B43-14](#), Adobe pages 2-4. 24208

Secret communities for selected people

In [Exhibit B207-4](#), Adobe 14 “There is a mention of a CAB member who would like to organize a coffee chat meeting to discuss NGP in Smithers Has this happened yet?” Dr. Wier ascertained that the meeting will not be advertised, and will be by the invitation of the host, whom Ms. Perret will not divulge. Dr. Wier said, “I want to demonstrate that there is some kind of a secret undercurrent, you know, communities where there is supposedly meetings on Northern Gateway that very special selected people can only go to and the rest of us, we don’t know about it.” Mr. Carruthers replied, “No, that’s not the case at all.” 24260

Public forums & police presence

Dr. Wier asked about public forums and noted that NGP had not accepted the invitation of UNBC to participate in forums scheduled for March the 7 to 11th.in five communities, so the forums have been cancelled. Ms. Perret said that NGP has participated in four forums, but were not available for the UNBC events, and UNBC did not reschedule. Dr. Wier spoke about the police presence at a public forum in Terrace on February 1. Ms.

Perret said that was the RCMP's decision. Ms. Holder said that in this NEB forum "we have had ... people charge into a room. We have had people barge into our offices [and] hurt employees or we had to take them for medical care." 24274

Dr. Wier noted the statement that CAB members "liked the presentations and specifically highlighted Patrick Moore." [Exhibit B83-32, Adobe 62]. She asked if he had said the same thing that he had said in Smithers, "that the tar sand mines will all be rehabilitated. ... That the black tar sands will be all turned up into white sand." Ms. Perret said she can't speak on behalf of Dr. Moore. "I think it's probably be best left up to him." 24321

Women Building Communities

Regarding engagement activities, Dr. Wier quoted, "...investing in communities through initiatives such as the Women Building Communities and CAB computer donation programs." [Exhibit B164-3, Adobe 9] She asked, "Could you describe the "Women Building Communities"?" Ms. Perret said, "We travel a lot for the work that we do on public consultation and we noticed at one point that our group is made up of a lot women. We thought: Well, why don't we try to have a few meetings along the way and -- and see if we can get some women together and talk about whatever it is that they want to talk about. So we had meetings in Terrace, Burns Lake, Prince George, and Houston. It was hosted or sponsored by Northern Gateway but we really were willing to talk about anything. ... We ended up at the end of the week, looking at each other and going, "Hey, I don't really know what happened, but that was really neat". ... We got a lot of positive feedback on those events and we went back in the fall of last year and had follow-up meetings in Kitimat and Burns Lake and Prince George with much larger groups of women and with guest speakers talking about various subjects." 24347

Computer donations

Dr. Wier said, on the same page "it says that the B.C. North Central CAB ... has been difficult in finding organizations to accept Enbridge computers for lack of wanting to be associated with Enbridge. "What were the conditions required to accept the computers?" Ms. Perret: "Simply to accept the computer." She said, "the CABs have donated 90 computers to date." Dr. Wier asked, "So they would have been donated anyway? Enbridge would not have sold them or anything?" Ms. Perret: "No." 24375

Contact with Pacific Trail Pipeline

In [Volume 105](#) of these hearings, para 31744, Mr. Doering said, with respect to Pacific Trail Pipeline (PTP) that "[it] has still chosen not to respond and work cooperatively." Dr. Wier asked, "Has progress been made?" Mr. Doering said, "Since then ... PTP has new ownership. Recently Chevron has become the operator of that project and we're in the process of attempting to reach out to Chevron....There still hasn't been any further engagement." 24386

Examination by Ms. Brenda Gouglas for Fort St. James Sustainability Group 24461

Training and recruitment, employment and business opportunities

Ms. Gouglas began with [Volume 105](#) of these hearings, line 30485. She referred to meetings with the Pipeline Contractors Association of Canada (PLCAC) which Mr. Carruthers had attended. She asked, “Mr. Carruthers, could you please tell us with whom and when you had discussions and the nature of the consultative discussions?” Mr. Carruthers replied, “We’ve had regular meetings with the PLCAC in terms of what is the project status, what opportunities are there for work. ... The scheduling and those types of things. It was making sure they understood the commitments that we were making in terms of regional and Aboriginal employment.” Ms. Catherine Pennington added that “a lot of the conversation” was around skills training. 24477

Ms. Gouglas asked, “Have all your conversations in that regard been with Canadian suppliers of goods and services or have you had any, I’ll say, foreign discussion?” Ms. Holder said, “With regards to the unions, they’ve all been Canadian. With regards to suppliers, where we can source goods and services within Canada, our discussions are within Canada, but there are some goods and services that we will not be able to source in Canada, in which case we would be having discussions elsewhere. But with regards to the PLCAC and unions and the contractors’ associations, that’s been Canadian.” Mr. Carruthers: “That’s correct, all Canadian.” 24486

Aboriginal employment targets

Ms. Gouglas asked Ms. Pennington to speak to training and recruitment. “What discussions have you had regarding business opportunities and with whom?” Ms. Pennington said part of the conversation has been ensuring that the contractors association is aware of the \$300 million target for Aboriginal procurement of goods and services. 24493

She said that the targets are 15% Aboriginal employment for the construction phase of NGP, 10% construction related employment, and 15% operational employment. 24517

In Volume 105, Mr. Fiddler said that NGP would be defining to contractors “the communities we expect them to consult with.” Ms. Gouglas asked for examples of these communities. Ms. Pennington put up Table 2-1 “Aboriginal Groups Engaged by Northern Gateway” [[Exhibit B2-26](#), Adobe 18-20] She said the list is valid today, though it was published in 2010. 24519

Ms. Gouglas said, “I’m interested in knowing what NGP expects as a confirmation of interest from an Aboriginal Community so that they will be included in the 15% Aboriginal employment and opportunity offers.” Ms. Pennington said, “[NGP’s] offering to the Aboriginal Community is very broad and wide and we would hope [to see] interest in participating in the employment and business opportunities associated with this Project. Even in cases where communities are, at this point, still considering the Project or uncertain about the Project or have made a choice to not participate at this time,” NGP is open if there remains an interest in training and employment. 24540

Ms. Gouglas asked, “Would the Aboriginal communities that have become equity partners be offered more?” Ms. Holder said, “No, not in an offering. ... What will likely

occur is those Aboriginal Communities that are engaged with us ... will have the better opportunities because they are engaging with us. ... I would say the opportunities are for those who are engaging though we're not limiting it to those who are engaging but that will probably be a reality." 24546

Ms. Gouglas asked if all communities will have equal opportunities, or will equity partners and communities which support the project, be offered more. Ms. Holder replied, "Not in its pure sense but ... they may end up with more because of their engagement with us." She said that as of 2012, Enbridge has paid to First Nation Communities over roughly \$90 million. Over \$75 million of that was paid to communities in BC. 24560