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**Order of Appearances**

**Northern Gateway Panel 1**

Marine, Environmental & Socio-Economic Assessment

Mr. John Carruthers	Ms. Andrea Ahrens	Mr. David Fissel
Mr. Jeffrey Green	Mr. David Hannay	Mr. John Thompson
Dr. Tom Watson	Mr. Paul Anderson	

Examination by Mr. Tim Leadem for the Coalition 9133

Examination by Ms. Maria Morellato for the Coastal First Nations 9735

## **Examination by Mr. Tim Leadem for the Coalition 9133**

(ForestEthics Advocacy, Living Oceans Society & Raincoast Conservation Foundation)

### **Marine mammals**

Mr. Leadem said he would be questioning about marine mammals. He asked if the variables of global climate change taken into consideration or factored into the analysis in the ESA (Environmental Socio-Economic Assessment). Mr. Green said it was not. Mr. Leadem stated that with respect to the baseline, they took the baseline as they found it rather than on any incremental basis or on a historical basis. Mr. Green said that is correct.

Mr. Leadem mentioned the concept of shifting baselines, in which a proponent puts forward a project and builds upon potential impacts to the environment, thereby shifting the baseline for subsequent proposals. Mr. Green said, “The way we approach what we refer to as the base condition or the base state, incorporates all of the effects to that species at that point.” 9141

Mr. Leadem: “Would you agree that with respect to marine mammals, that the project is likely to have some effect upon marine mammals?” Mr. Green: Yes.

### **Key indicator species: 4 whales**

The marine mammals are the humpback whale, the northern resident killer whale, the northern transient killer whale, and the fin whale which is found in both the closed channel assessment area (CCAA) and the open water area (OWA). All four species are listed under the Species at Risk Act (SARA). 9155

In confirming Mr. Leadem’s question, Ms. Ahrens said that fin whales are the most likely to be struck.

### **Project to add 220 tankers, 440 transits per year**

Mr. Leadem wanted to know how many vessels the the project will add in the OWA or the CCAA. After some discussion, Mr. Green referred to Table 1 in [Exhibit B35-2](#), which reports on large vessel traffic (2008 figures) and indicates that the project will add 220 tankers, or 440 transits, in Douglas Channel each year. 9172, 9190

**Table 1 - Contribution of Northern Gateway vessels to overall vessel traffic within the CCAA and North Central Coast region - Exhibit B35-2**

Area	Current traffic (transits/yr) <sup>1</sup>	Additional future traffic (transits/yr)	Northern Gateway traffic (transits/yr)	Total future traffic (transits/yr)	Contribution of NPG (%)
Douglas Channel	540	390	440	1,370	32.1
Wright Sound	3,330	390	440	4,160	10.6
Prince Rupert Area (MCTS)	21,600	390	440	22,430	1.9

<sup>1</sup> values do not include non-reporting vessels

[Exhibit B173-2](#) includes the information that there is one large vessel entering the CCAA – tanker, cargo or bulk carrier – every 3.3 days. If the project proceeds, there will be one large vessel entering the CCAA every 0.8 days (or 1.2 vessels per day)<sup>1</sup>. 9172

Mr. Green said that Table 1 includes LNG carriers for Kitimat LNG and the Douglas Channel project, but no other proposed LNG projects. Mr. Leadem observed that “there’s quite a substantial increase in ship traffic that’s being proposed.” Mr. Green noted that it is about double the peak of 558 transits in 1993 and that tanker sizes have increased. 9209

**Mortality, strikes, and noise impacts on whales**

Mr. Leadem asked if there have been any studies locally about the effect of shipping on marine mammals. Ms. Ahrens replied that she knew of none and that in fact there are few studies globally, though she mentioned Boston harbour and Los Angeles harbour. 9219

Mr. Leadem asked about mortality studies and sub-lethal effect studies. Ms. Ahrens said, “Most of the studies we have on ship strike traffic are based on studies in those port areas and high density overlap areas.” Mr. Leadem: “So let’s be clear, should the project proceed, there will be whales that would be struck by ship traffic?” Ms. Ahrens: “no mitigation feasible ... can completely eliminate that risk.” Mr. Green said that NGP cannot guarantee that no whales will be struck. 9227

Mr. Leadem said that the increase in acoustic noise will have an effect no doubt upon the existing whale populations. Ms. Ahrens agreed that there will be an increase in noise, but said the consequences are difficult to assess. 9232

<sup>1</sup> Of 507 vessels over the two years, 77 were tankers, 288 were tugs in tow, 120 were general cargo vessels and 22 were bulk carriers. Data from 2004 & 2005. ([Exhibit B3-29](#))

## **Humpback whales**

Mr. Leadem and Ms. Ahrens engaged in an informative conversation about humpback whales. It begins in the [transcript](#) at paragraph 9260.

Ms. Ahrens said that humpback whales are highly migratory but there may be a resident population, or perhaps a few resident individuals – post-reproductive females or junior males – in the vicinity of Gil Island. COSEWIC is studying this. Humpbacks show fidelity to particular feeding locations, returning to them from their breeding grounds “over multiple generation and years.” They have a great hearing sensitivity. Mr. Green mentioned “at the low frequencies associated with shipping noise.”

Mr. Leadem asked about the humpback male song, and whether it is sometimes changed to get over the noise of shipping, whether communication signals can be masked by noise, and whether the whales can be disturbed and displaced by noise.

## **Steller sea lion, and otters**

Ms. Ahrens confirmed that the Steller sea lion is listed as special concern, that there are approximately 21 haulout sites within the OWA and the CCAA, and there are no breeding rookeries within the CCAA though there are three or four in BC. 9307

Referring to [Exhibit B3-33](#), in which it is indicated that Ashdown Island is the only known permanent Steller sea lion haulout in the CCAA, Mr. Leadem asked about a statement that vessel operators will be provided with marine mammal awareness material. Mr. Green said “the intent is that ... companies would have to agree to using that material,” that senior members of the crew would have to be familiar with it, and “we hope” that operating crews would be shown it. 9320

Mr. Leadem asked about other ways that NGP might ensure compliance beyond providing materials. Mr. Green said that all ships would have local pilots aboard, and would be escorted by a tug. 9327

Ms. Ahrens stated that because vessel speeds were reduced, it was no longer possible to transit the CCAA during daylight, therefore ships will travel at night - a change in what is stated in the evidence. 9338

Mr. Leadem said that otters “were close to being eradicated as a result of fur trade and now they’re increasing,” they are listed in BC, and are presently in Caamaño Sound. Is it likely that by the time the project is built, there will be sea otters within the CCAA? Ms. Ahrens replied that the application recognized that as likely. She added that otters are of special concern under SARA. 9342

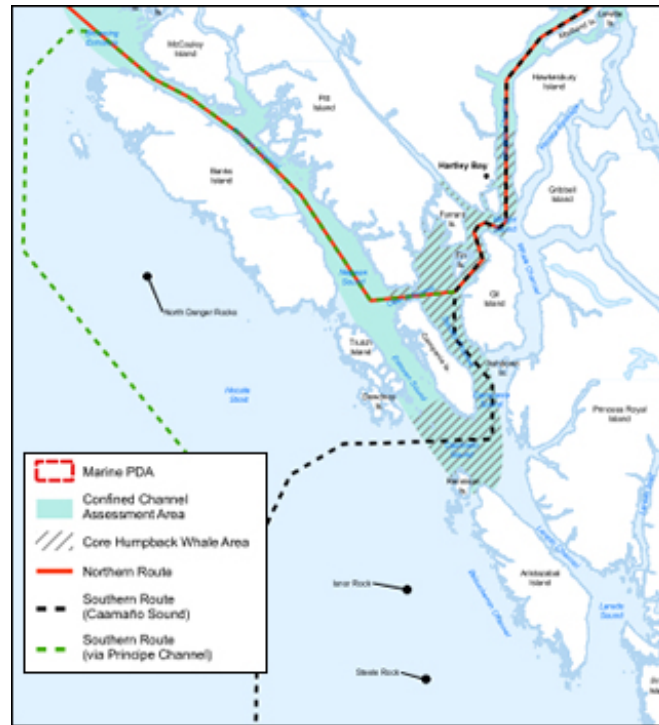
## **Marine mammal protection plan**

Mr. Leadem introduced the Framework for the Marine Mammal Protection Plan (MMPP) ([Exhibit B85-2](#)) into the discussion, “to make the plan better.” Readers with an interest in the detail should go to the transcript, beginning at paragraph 9352.

The introduction to the MMPP says it is to be complete six months before start of operations. Mr. Leadem suggested it should be six months before start of construction. Mr. Green replied that it is confusing, that the intent is a staged plan, and “in the vicinity of the marine terminal, the intent is to very rapidly, following post-certificate is to finalize the protection plans for the marine terminal.” 9355

Mr. Leadem and Mr. Green discuss consultation and monitoring strategies, which are eventually to encompass all the marine mammals in the area.

The MMPP lists seven components. Mr. Leadem asked about the second, reduced vessel speeds. Mr. Green explained that in the “core humpback whale area”, illustrated in Figure 1 of the MMPP (at right), vessels, “the intent is that ... any tanker moving through this area --



regardless of whether it's laden or unladen -- will travel at speeds of 10 to 12 knots. ... During the period of peak whale abundance ... a speed of 8 to 10 knots [will apply].” 9390

Mr. Leadem asked about the fourth component of the MMPP, which is “to identify important habitat for the non-resident killer whale and other cetaceans. Has Enbridge done these mapping exercises?” Ms. Ahrens said that NGP has not. Mr. Green talked about a commitment to 6 to 12 marine mammal surveys for three years prior and subsequent to start of operation, as well as the potential for establishing a marine chair at an academic institution. 9394

In the context of minimizing vessel strikes of marine mammals, Mr. Leadem asked about the fact that Northern Gateway will not own or operate the tankers, and that we don't know who the owners of these vessels are. Mr. Carruthers said, “You won't know even as we get into operation. [Shippers] will have to identify that they're going to bring a ship in and then will go through the process of the background information and ensuring that it meets all of the Northern Gateway specifications.” 9401

Mr. Green said, “One of our other mitigation measures is that to -- because humpback whales ... loaf at the surface or a lot of the baleen whales will loaf at the surface, we propose using whale spotting vessels in advance of tanker transits through the core humpback whale area. It's our desire and hope that First Nation communities will undertake that work ... but they would also be recording very frequent whale observation data as part of that work.”

9418. Northern Gateway is also committed to investigating the use of passive acoustic monitoring. ... Putting sensors under the water ... that can record the songs of whales ... and you can actually begin to understand how whales are using the underwater environment.” 9416

### **Vessel strike analysis**

The MMPA includes a “Quantitative Vessel Strike Analysis.” Mr. Leadem asked, “[If you find] that there's no way that vessels can avoid the occasional whale strike, what are you going to do? ... Keep on ... hitting the whales?” Mr. Anderson replied, “I believe if everyone undertook the mitigation that we are proposing, we'd actually be reducing the risk, not increasing it overall.”

9419

Mr. Leadem said, “Other vessels that are not necessarily going to be following the same mitigative measures. How will you go about convincing industry to follow the same paradigm that you are going to adopt?” Mr. Anderson said, We can't force industry. “All we can do is show leadership.” “If we show that our mitigation is more effective ... we may see these kinds of restrictions placed on industry.” 9438

### **All we have is a framework**

Mr. Leadem said that all we have now is a framework, and a draft MMPP won't be developed until after the project is approved. “The difficulty I have with that is, that does not enable me to ask in any meaningful way what you're going to do and how are you going to achieve it.” Mr. Green said, “Yes.” 9466

Some discussion follows along the same theme, that much is not known and not developed at this stage, but once the project is approved, the ability to question and challenge it is effectively removed. Mr. Leadem said, “While I can debate this with you for the rest of the day, I'm going to move on and save most of my ammunition for final argument. “ 9499

### **Salmon, herring, eulachon**

Mr. Leadem questioned the decision to use chum salmon as the KI for determination of potential impacts of this project upon salmon. Mr. Green said they think, “the types of effects that will be seen to each of the five salmon species will be quite similar.” 9500

Asked if there was any attempt made to identify intertidal spawning habitat that any of the species of salmon are likely to use, Mr. Green said, “There was not and this ties back to effect mechanisms - we're some 8 kilometres from the Kitimat estuary.” He said the terminal is located at rocky shoreline, and neither the terminal nor the channel are rearing habitat.

Mr. Leadem asked about wake studies. Mr. Fissel said the “studies show that the size of the wake wash wave heights, as they approach the shoreline and Kitkatla Inlet for example and other places, are no larger than 10 centimetres. ... In Principe Channel, in the outer part of the Dixon Islands area, they could reach 15 centimetres but those would

not be areas that would be salmon rearing areas.” These are “less than 10 percent of the occurrence of natural wind generated waves in those same areas.” 9516

Herring. Dr. Watson confirmed that commercial fisheries for herring are closed on the central coast, Hadia Gwaii, due to low biomass of pacific herring? 9549

Eulachon. He similarly agreed, subject to correction, that the central pacific coast populations of eulachon are listed as endangered and that the Naas Skeena River population of eulachon are listed as threatened under SARA. He said that “the Kitimat River run is considered to be near extirpation.” 9562

### **From Ideas to Action**

AQ54 is a report entitled “[From Ideas to Action](#),” from a workshop on assessing the cumulative impacts of underwater noise with other anthropogenic stressors on marine mammals, Mr. Leadem noted that Mr. Green had participated and had submitted a paper on the Arctic. Mr. Green said he was asked to come “to speak to the practice of cumulative effects assessment in Canada.” 9572

From the AQ, Mr. Leadem looked first at two letters. The first, [Exhibit D66-24-1](#), dated October 2009, was to President Obama signed by some 30 scientists, including Mr. Green. Mr. Leadem quoted two phrases: “The ocean is a world of sound” and “threats such as climate change.” The second, [Exhibit D66-24-2](#), dated November 2009, was to Ms. Nancy Sutley, at the time the Principal Environmental Policy Advisor to the President. In the context of “necessary data and techniques” it concluded, “...such reductions in noise will help fulfil the agency obligations under the Endangered Species Act, Marine Mammal Protection Act, and other statutes and expedite the recovery of endangered and threatened species.” 9579

In a longer discussion of the context for the letters, Mr. Green said, “noise is a manageable impact, and one of the benefits of noise is as soon as you cease or reduce noise the effect is instantaneous.” The second letter had said, “that noise is essentially a form of habitat destruction.” 9607

The [report](#) included three papers. Mr. Green was a co-author of the second paper.

- Mapping Cumulative Threats to Cetaceans from Ocean Noise & Other Stressors 9617<sup>2</sup>
- Modeling the Population Effects of Cumulative Impacts 9640
- A Model of Cumulative Impacts on an Individual Marine Mammal 9655

Mr. Leadem asked to have the two letters received as evidence. They are [Exhibit D66-24-1](#), and [Exhibit D66-24-2](#).

### **Was Enbridge lobbying the federal government?**

Mr. Leadem asked Mr. Carruthers, “Is it not the case that Enbridge has been actively engaged in lobbying the Federal Government in order to clarify and affect changes to the

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<sup>2</sup> Paragraph numbers indicate where in the transcript discussion begins for each paper

laws which may impact projects of this magnitude?” Mr. Carruthers described the nature of Enbridge’s and his own lobbying activities as “more of an update of the Project” 9691

Mr. Leadem: “As the Acts become amended and become enforced, [do] you intend to comply with them as they exist at that time?” Mr. Carruthers: “Of course, that’s the same obligation all Canadians have --- is to comply with the regulations at that time.” 9700

Mr. Leadem’s last question was, “Were you actively involved in trying to change the laws to make it easier for Northern Gateway to build this project and not have as many environmental hurdles to overcome?” Mr. Carruthers replied, “No, we were not.” 9710

## **Examination by Ms. Maria Morellato for the Coastal First Nations 9735**

### **The ESA is not acceptable to First Nations**

Ms. Morellato stated that First Nation concerns in the course of the ESA, concerns with routine marine transportation, and information that has been collected with respect to First Nations is not complete, and that “your ESA, as it exists today, is not considered acceptable by Coastal First Nations.”

Mr. Anderson said that NGP has “tabled all of the comments that we’ve received from the First Nations in a major table matrix that goes to what ...conditions were raised and then what we’ve done to mitigate or address those.” Refer to NGP’s replies to JRP IR 5.9 ([Exhibit B40-4](#)) and to JRP IR 10.1 ([Exhibit B74-5](#)) which Ms. Estep described as additive to B40-4, and there is other information in evidence as well. 9762

There is a great deal of confusion about which First Nations Ms. Morellato is asking questions on behalf of, and which exhibits should be referred to. Readers may wish to follow the exchanges directly in the transcript.

Ms. Morellato said that the Coastal First Nations she is concerned with are the Haisla, the Hartley Bay and the Gitga’at, the Kitasoo, the Heiltsuk, the Kitkatla, the Metlakatla, the Lax Kw’alaams, the Kitselas, Kitsumkalum, Skidegate, Old Massett, Council of Haida Nations and Coastal First Nations Great Bear. 9815

Ms. Morellato is looking for the evidence that deals with the impact of marine transport and tanker traffic on First Nations and which addresses concerns in this regard. Referring to Exhibit B40-4, Mr. Anderson said that it does, in part. 9844

Ms. Morellato said, “[In B40-4], Northern Gateway responds to specific concerns ... that the mitigation measures address the concerns of the First Nations but that the First Nations specifically have not advised Northern Gateway that this concern has been resolved.” Mr. Anderson said, “That’s a very general statement. If you could take me to a reference in the evidence, that would be helpful.” 9851

Ms. Morellato took him to an example (page 842), then said, “If you go through the document, virtually every other concern ... with regard to marine traffic, is responded to by Northern Gateway the same way.” Mr. Anderson said he’d have to go through the



table in much greater detail. Ms. Morellato said, “Okay, well why don’t we do that now?” 9853

This lead directly into a discussion of whether these questions belong with the Consultation Panel or this one. NGP’s Mr. Roth stepped in. The Chairperson directed Ms. Morellato to ask her questions. 9885

Ms. Morellato asked Mr. Carruthers, “I asked questions specifically about marine traffic, about interfering with fishing, about interfering and damaging fishing gear and so I’d like to focus on that, Mr. President. I’d like you, please, to answer the question whether you know whether these concerns have been resolved with First Nations on the coast?” Mr. Carruthers replied, “I do not believe these conditions have been resolved. I believe they’re outstanding.” 9923

With a number of questions, Ms. Morellato established the aboriginal right to fish, as well as the tradition and present need to fish. Mr. Roth said these would be better addressed to the Consultation Panel. 9928

Ms. Morellato asked whether Northern Gateway is aware that many First Nations reserves were created on the coast as fishing station reserves. She said that the 11 or so First Nations that ... I’ve named at the onset of my examinations here ... have over 200 reserves. Mr. Thompson replied that he was aware of these. 10009

She said that First Nations have fishing agreements with DFO which provide for the sale of fish, that fishing has spiritual significance to First Nations, and a dietary and nutritional role. When the panel could not say which First Nations fish on the open water area, Ms. Morellato said, “You don’t know. You have not completed your research on this point.” 10017

### **Incomplete information means unreliable conclusions**

Ms. Morellato concluded, “The difficulty here is that ... the information and research is not complete on First Nations fishing, and because it’s such an important area, effectively precludes this panel from actually assessing the situation, right?” Dr. Watson disagreed. Ms. Morellato said, “To the extent that the information is incomplete, so too is the reliability of your conclusions.” Mr. Anderson said “We have done a very comprehensive environmental and socio-economic impact assessment and we’re very confident with the conclusions ... that we will not have significant adverse effects on the environment or on uses of those resources.” 10040

Mr. Green said, “Offers were made to all of the coastal First Nations to conduct traditional land use studies, and at the time the EA was completed none of the First Nations had finished a traditional land use study and many had opted not to do that. So we were then required to use the best information we can.” 10071

### **Key indicators vs key species**

Ms. Morellato listed a number of fish species which she called “key species.” Dr. Watson said he doesn’t know what she means by “key.” Mr. Green explained the terms

“valued environmental components” – typically large groupings such as wildlife, marine birds, marine mammals - and “key indicators” – the next level down, typically representative species which represent other species that would use the habitat in a similar fashion or be affected by the project in a similar fashion. 10088

Ms. Morellato cited evidence in which NGP uses the term “key species.” Dr. Watson said, “We’re getting conflicted here with what a key indicator species is and what a key harvest species is.” 10106

### **More on incomplete information**

Ms. Morellato asked, “My question was that your conclusions about residual effects are based, currently, on incomplete information; isn’t that right?” Dr. Watson replied, “They’re based on what you would term, incomplete information but we have species information that address all of the species you’ve mentioned. And I feel comfortable, at this point, to make the statement that we do not anticipate, based on that evidence and those species list and information we have, that we will have adverse effects to those fisheries. 10205

Ms. Morellato: “So, sir, so you’re concluding that ... irrespective of any information it gets on First Nations’ fisheries use, that there’s no significant impact. Is that what I’m hearing?” Dr. Watson: “That’s what you’re hearing, yes.” 10208

Mr. Green presents a different view: “As new information comes forward from any of the Coastal First Nations, that information will be welcomed and it will be used.” 10244

Ms. Morellato: “If you receive further information from First Nations, could that change your conclusion?” Mr. Green: “If it was demonstrated that the effects of routine operations of vessels had an effect on fisheries then that would be talked about at these proceedings.” Ms. Morellato: “So it could change your conclusion?” Mr. Green: “It’s possible.” 10264

### **Fisheries Liaison Committee**

Ms. Morellato initiated a discussion about the Fisheries Liaison Committee (FLC). Mr. Green said, “If other fishing parties decided not to participate in the FLC that’s totally their choice. This is a voluntary group that’s set up to work out issues -- essentially disputes and conflicts -- and find common and reasonable solutions. ... If people choose not to participate that doesn’t mean that some of the measures would still not be effective. ... If we work together as a common society to solve a problem, we can do a way better job than if we work in isolation.” Ms. Morellato: “Yeah, I understand that point.” 10280

She asked whether NGP was familiar with Celestial Reef, which is west of Dundas Island in Dixon Entrance. She said that Metlakatla have identified it as an important ecological area and for juvenile halibut. Dr. Watson said “We are unable to answer that question right now.” Once shown it on a map, he said, “That area is one that was included in our assessment and we are aware of fishing activities, particularly for halibut and other species in that area so of course it was considered.” 10352

Ms. Morellato said, “My instructions are that Metlakatla understands that the Celestial Reef was not considered.” Dr. Watson said, “Celestial reef was certainly considered in the shipping and navigation aspect of this project. It’s in TERMPOL.” Mr. Green said, “This is a perfect example of where if people work together through a Fisheries Liaison Committee, ... we can ... find common solutions to minimize the conflict.” 10380

### **Sensitive areas**

Ms. Morellato said, “My question was whether all the waters in the Hecate Strait are considered sensitive areas by Northern Gateway.” Mr. Green said, “I’m not sure what you mean by “sensitive” Can you help me understand?” Ms. Morellato: “I’d be delighted.” She referred to [Exhibit B3-25](#), and quoted, “All the waters in Hecate Strait [...] are considered sensitive.” Unwilling to concede that she made her point, Mr. Green said, “Yes, but I’m sorry, you’re taking it out [in? of?] isolation.” A moment later he said, “These are probably what I’d refer to as environmentally sensitive areas, but we did consider all of Hecate Strait to be important.” 10415

### **Screening out effect pathways**

Ms. Morellato states that NGP did not assess the effect of marine shipping on marine vegetation, benthic invertebrates, marine fish or marine birds in the OWA.” Mr. Green said, “That’s correct, because we do not believe there’s an effect pathway of importance between routine operations of marine vessels in this open water area and the species groups that you’ve identified.” Later, he added, We call this a screening step. “We did not ignore them; we explained why we’re not.” 10429

In [Exhibit B3-35](#), NGP concludes that the project is unlikely to alter catch success in the areas fished for migratory species like salmon, and therefore it is not considering them further. Ms. Morellato asked if NGP has any evidence that salmon would not be impacted by tanker traffic. Dr. Watson, replied, “The very best evidence we have is that this fishing still goes on and that openings occur every year in spite of the traffic that has been underway there for several generations.” Ms. Morellato suggested that is just relying on the past. Dr. Watson said “We’re relying on good information which includes DFO information, fishing, historical information which we must rely upon.” 10456

### **Metlakatla fishing and Triple Island**

Drawing on Exhibit [D138-2-2](#), Ms. Morellato cited a number of species which are fished for by Metlakatla in the “Tree Knob” group of islands which includes Triple Island. She also mentioned discussion yesterday about the use of Triple Island as a pilot station. Her greater concern appears to be with anchoring during the pilot pickup and dropoff. She noted that Metlakatla have an abalone rehabilitation fishery near Triple Island. “Dr. Watson said, “Most of us are aware of the problems with the abalone fishery and it’s closed everywhere. So I would say if they’ve taken upon themselves to have a rehabilitation program, then full marks for them.”.Mr. Green said that because of their life behaviour being on the bottom in deeper water, but not in the water where we’re transiting, we’re less likely to interact with abalone habitat than with other species. 10500

### **Environmental sensitivity atlases**

Mr. Green said that they have used environmental sensitivity atlases from the province in the absence of direct information from First Nations. “It’s based on a 1990 database,” but does “identify some of the Aboriginal harvesting sites.” More on this topic is in the transcript 10615

### **Shape the way the project is done**

Ms. Morellato asked again, “Does Northern Gateway consider it important information to have information concerning First Nation harvesting information about locations of harvesting sites and locations of their fisheries?” Mr. Anderson said yes, and qualified his answer which can be read in the transcript. Ms. Morellato replied, “What I’m hearing is that you’ve made up your mind and you expect the information that you’re going to get is just going to reinforce your conclusion.” Mr. Anderson: What I am trying to convey is that it will ... help shape the way we do the project.” 10637

### **Halibut long lines**

Ms. Morellato provided some information about halibut long line fishing. The fishing is done in the OWA, the lines can be up to five miles long, and can have thousands of hooks on them. Dr. Watson consulted with a team member then said he had information which the Panel needs to be aware of, and that is that “halibut long lines are benthic, they’re resting on the bottom, and there’s typically two floats that would mark where the long lines could be picked up by the fishers. There’s no reason to expect, other than when the fishers are actually setting their lines, that there would be a potential conflict. ... The ship passing over top of those lines won’t be affected.” 10659

Ms. Morellato introduced the possibility that the fishboat, connected to its long lines and unable to move, finds itself in the path of a tanker. She suggested the fishboat would have to cut the lines. Dr. Watson said the situation is hypothetical. Mr. Carruthers said the Fishing Liaison Committee could have a number of roles including education and compensation. 10687

### **Did Northern Gateway investigate issues of gear loss?**

Ms. Morellato said that “That Northern Gateway has not done a valuation on existing or future impacts with respect to loss or damage to fishing gear, either in the OWA or the CCAA.” Dr. Watson said, “We have looked at the potential for gear loss. ... We did try to find information [regarding] incidents of gear loss with ships that are in the shipping lane and we really couldn’t find much information at all.” Ms. Morellato asked have you evaluated that loss, do you know what the baseline is? Dr. Watson repeated himself, that they had looked. 10732

Ms. Morellato said, “Northern Gateway hasn’t actually gone out and spoke to fishermen.” Dr. Watson said that’s not right, and described his own experience coming to Prince Rupert in 2005 and speaking with DFO, some First Nations individuals, fishermen and lodge owners. 10758

After considerable discussion and disagreement about this matter of whether NGP had considered lost gear, compensation, long lines, etc., Dr. Watson turned up Section 12.7.2

Loss or Damage to Fishing Gear in [Exhibit B3-34](#), which addresses many of the questions presented by Ms. Morellato. “With respect to the interviews that were undertaken, that’s in the technical data report,” [Exhibit B9-40](#). [Exhibit B9-41](#) contains information about interviews with FSC (food, social and ceremonial) fishers. 10794

Ms. Morellato said, “The way you’ve done [the environmental assessment] is there’s no way of examining the predicted impact before mitigation with the predicted impact after mitigation, ... because you don’t separate the two.” Mr. Green replied, “That is not the way an environmental assessment is done.” 10893

### **Impact on a fishing is more than just the tanker transit time**

Ms. Morellato said “Northern Gateway says that with respect to the CCAA and the open water area, that if a tanker comes through a fishing area, it just takes a few minutes for the tanker to pass through. Northern Gateway isn’t suggesting, are you, that this delay is the only impact on fishing?” Dr. Watson lists a number of other impacts. 10902

Ms. Morellato suggested that hours will be lost because of the need to retrieve than reset nets, or possibly cut the line. Dr. Watson said he cannot agree with such a broad statement. Much discussion follows. 10914

Ms. Morellato said, “Northern Gateway has selected a route that goes right through a halibut fishery.” Mr. Carruthers replied, “The routes generally [are] common routes ... used by many, many vessels. So they’re just normal shipping lanes that we’re using. Having said that, we’d be very open to working with coastal First Nations and having a dialogue about issues and how to resolve them, not unlike the FLC.” 10922

### **Funding the Fisheries Liaison Committee**

Ms. Morellato asked, “How long has Northern Gateway committed to funding the Fisheries Liaison Committee?” Mr. Carruthers said NGP would at least commit to get it going, and would fund the operational aspects. “Participants would pay their own costs.” Ms. Morellato had many more questions on this question of funding the FLC, including the suggestion that the FLC is a mitigation measure the cost of which “Aboriginal and other fishers have to bear so that Northern Gateway can ship their oil overseas.” 10954

Ms. Morellato’s last questions for the day are about the structure and organization of the FLC, and she examines two organizations with similar roles on Canada’s Atlantic coast. One is the Fisheries Advisory Committee which reports to a regulator which was created by the Coastal First Nations - Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act. The second is One Ocean, sponsored by the Canada and Newfoundland and Labrador Offshore Petroleum Board. 11027