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Order of Appearances

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	Mr. Jeff Paetz

Examination by Ms. Brenda Gouglas for Fort St. James Sustainability Group
(continued) 24605

Examination by Ms. Candace Kerr for Fort St. James Sustainability Group 26043

Examination by Ms. Brenda Gouglas for Fort St. James Sustainability Group (continued) 24605

Questions around Canadian goods and services and local skills training

Ms. Brenda Gouglas asked whether precedence would be given to hiring and buying Canadian in order to maximize benefits to Canadians. Ms. Janet Holder answered that that is their intent through employment or procurement though reiterated that in some circumstances they will not be able to do so. Ms. Gouglas asked about NGP's assessment of available workers in Central British Columbia in terms of capacity. Ms. Catherine

Pennington replied that provincial and census workforce data is used. She also mentioned a skills and business database that NGP would be completing to give them a “better snapshot” of available skills in British Columbia. Ms. Holder added that Enbridge works with large contractors, unions and industry associations so that “everybody understands all the projects that are happening across North America”, which helps the unions to plan their workforce. 24621-24635

Ms. Gouglas asked if the same answer would be given for assessment of the skills of available workers. Ms. Holder answered yes, but indicated that she thought they were taking a different approach to skills in that they are starting skills development before they know they have a project. She stated that skills development has been taking place in BC and Alberta since 2006. Ms. Pennington added that they have been having conversations with a college and Work B.C. office in the Fort St. James area in an effort to “get a sense of the skills within the community”. 24636-24640

Ms. Gouglas asked about the previously mentioned skills database. Ms. Pennington further explained the plans for it including its ability for NGP’s contractors to contact interested workers in local communities. She mentioned that NGP has invested 3 million dollars in education and training. 24644-24651

Ms. Gouglas asked about NGP’s efforts in communicating employment opportunities or worker shortages within central BC to allow residents to gain experience in advance of project approval. Ms. Pennington referred to [Exhibit B207-02](#), pages 17-20 in her response. She referred to skills training and community engagement programs which mean a lot to her personally as an Aboriginal, as well as to the company. Ms. Holder added that this was related to a “larger framework... [about] creating sustainability in the communities along [their] right-of-way”. 24658-24675

Ms. Gouglas asked about a list of communities in northern BC where money has been spent in this regard. Ms. Pennington talked about the Lakes District Aboriginal Training to Employment Society as being one of the larger capital investments. She stated that it was a “real community driven approach” and that they believe it will impact over 100 people in the region. She added that she was not comfortable naming individual communities, but that an investment had been made in that region. She also cited the Greater Strides Aboriginal Youth Leadership Camp and the Guiding Circles program. 24677-24684

More on community benefits

Ms. Gouglas asked Ms. Pennington if she could explain why she wasn’t comfortable revealing which communities had received benefits from the NGP training fund. Discussion ensued around this topic and Ms. Pennington referred her to the Aboriginal Engagement Update in [Exhibit 207-8](#), stating that it provided a “community-by-community... update on skills initiatives per community”. She reiterated the company’s incredible and passionate belief in the importance of including local people in their operations. Ms. Gouglas asked for a complete list of the amount of training dollars spent in BC. Ms. Holder explained that it would be very difficult to provide that information. 24686-24722

Ms. Gouglas continued with questions around NGP's intention to recruit local workers, and how it plans to advertise opportunities. Ms. Pennington reiterated NGP's plan to engage locals and recruit through the previously stated database as well as post jobs through local papers, their website and by informing Work BC offices, colleges and other service providers. Further examples were provided. Further discussion ensued around skills training and how it would benefit local communities and where people would use those skills. Mr Jeffrey Green added that NGP's policy has been to have an Aboriginal technician included in the field teams doing environmental work, between 2005-2010. 24731-24826

Ms. Gouglas continued with further questions around NGP employment postings and which specific communities receive postings. Ms. Holder said she didn't think they could answer the question. She stated that there is an element of confidentiality around who NGP is and isn't engaging with. Ms. Gouglas asked if the lack of information meets the "transparency commitment [NGP] has made through their public consultation principles and goals". Ms. Estep interjected that the Panel had "answered the question to the best of their ability" and had explained why they were not willing to provide the requested information. More questions were asked around specific communities receiving training and programs, and more refusals to share such information were made. 24833-24871

More on transparency, engagement and consultation

Ms. Gouglas asked about some of the wording in [Exhibit B165-3](#), around stated commitments to Aboriginal groups and whether they were different commitments than those to the general public. She also asked what was meant by "interested stakeholders" and "affected stakeholders" as referenced on various lines throughout the document. Similar responses to those above were given. 24898

Referring to content within [Exhibit B2-1](#), Ms. Gouglas asked if NGP "incorporated regulatory requirements and guidelines into the public consultation program". Ms. Estep stated that she thought "that's exactly what the statement says", and repeated the statement: "*Northern Gateway considered the above regulatory requirements and guidelines when designing and undertaking its public consultation program for the project*" and that she thought they were "getting into semantics" and questioned how helpful it was to the Panel. Ms. Gouglas asked further about the difference between stated "commitments" and "goals and principles", and who NGP is making those statements to. Ms. Perret answered that "the goals and principles are the ... responsibility of working on the project ... and engaging in conversations with the public". Ms. Gouglas asked what was meant by NGP's goal to provide transparent information "to the best of their ability". Ms. Perret explained that NGP has received questions or concerns that they are not able to address because it is either outside of their scope, or they just can't address all the issues. Mr. Carruthers suggested he assist with the answer by stating that "there will be some practical limitations to what [they] can achieve". Similar questions around clarity of given terms related to transparency, consultation and engagement in the Exhibit were asked and addressed. 25036

Referring to [Exhibit B207-2](#), Adobe page 8, Ms. Gouglas asked about statements “to the extent practicable” and “to the best of their ability”. When Ms. Holder supplied the example of hanging a pipe across a bridge over a water crossing, which would be possible but not practical, Ms. Gouglas asked if cost would be a determinant, to which Mr. Carruthers answered yes. 25059- 25068

On performance measures of the public consultation program

Ms. Gouglas asked if performance measures have been set for NGP’s public consultation program. Ms. Holder responded that they had been, indirectly, and stated that it is important to NGP to “see the number of individuals across Canada... having a better understanding of the project” which is measured through polling. Ms. Gouglas subsequently asked if NGP sees public comments and actions showing support or opposition to the project to be performance measures of the public consultation program. Ms. Holder responded that do not, they recognize that “those who oppose the project are more willing to be vocal in this matter” whereas people in support have been discouraged to do so. As such, they do not rely on the information they receive through emails, letters, phone calls, or the media as “an indication of what [they] are doing and how successful [they] are at it.” 25091- 25109

Ms. Gouglas inquired if one of the tools to measure success of the consultation program is by the letters of comments that have been filed to the JRP process. Ms. Perret answered that they do look at the letters of comment. Ms. Gouglas followed up by asking if the Panel keeps a tally of for and against from the oral hearings. Ms. Perret answered that they do not, but that they use that information to inform themselves of the issues to address and who they need to talk to. 25112- 25120

On the Northern Gateway Community Advisory Board meetings

Ms. Gouglas asked about various details related to the public consultation team and was supplied with a list of NGP employees who were involved in different ways. Referring to [Exhibit B83-26](#), Adobe page 21, she asked what is meant in the statement about the CAB process being “a significant investment”. Ms. Perret explained that there are 5 CABs along the right-of-way which meet quarterly for which they have to find “appropriate speakers”, all of which is requires a significant investment. Further questions around the CAB were asked, including what is meant by Ms. Holder in her statement in Volume 150, paragraph 23890, indicating that they are “not totally in control of those CABs so we can’t take full responsibility for what they are or are not doing”. Ms. Holder, Ms. Perret, and Mr. Carruthers gave responses to this question, indicating that the CABs are facilitated by them, but are run by the CAB members who tell them what and who they want to talk to. Ms. Gouglas asked why there wasn’t a CAB representative on the panel that she could ask questions of. Ms. Perret said she would “be happy to answer any questions [Ms. Gouglas had] about the CABs”. 25122-25188

Ms. Gouglas asked about whether CAB members can withhold information from the public if they so choose. Ms. Perret answered that recipients of information from CAB members can follow up on that information through the website or by contacting the CAB planning team. Ms. Holder added that the CABs are not the only source of information for communities. Further questions were asked around the CAB practices

and communications. Ms Gouglas also asked for answers to the questions that were asked at the CAB, round 11 meeting and Ms. Estep said she thought the undertaking was not required because it had already been covered. Ms Gouglas was encouraged by the chair to follow up with an appropriate representative of NGP to “continue the dialogue” related to her questions. Similar dialogue ensued. 25227-25404

Ms. Gouglas asked if “CAB members are getting more and different information regarding the proposed project than is the public through other [NGP] public consultation program strategies”. Ms. Holder answered yes, but indicated that individuals could choose to be better informed than some CAB members. Ms. Gouglas asked if CAB members were also getting more and different information than the JRP through filed evidence. Ms. Holder responded that they do get different information, but that it “comes to what’s relevant to the decisions that are necessary for the JRP to make”. 25409

Community Advisory Board meetings are open to public

Ms. Gouglas asked whether Ms. Michele Perret’s statement in yesterday’s transcript ([Vol 150](#), para 23880) meant that participation in Community Advisory Board (CAB) meetings is by invitation only and that the meetings are closed to the public. Ms. Perret replied that “They don’t have to be invited. They can contact the NGP team or the info email [cab@northerngateway.ca] and ask to attend.” She said that the meetings are public. 25477

On the Marshall, Michigan oil spill

Ms. Gouglas asked Ms. Perret about the Men’s Breakfast Clubs in Prince George. She asked Ms. Perret to confirm that her meeting in Fort St. James on June 20th, 2012 was the first and only time she came to that community to give an update on the Marshall oil spill. Ms. Perret responded that she would have to check her notes. 25507

Ms. Gouglas asked Ms. Perret to recall her refusal to respond to many questions posed about the events leading up to the spill and the subsequent delay in detection and response, having stated that the National Transport Safety Board had told her and her colleague “not to talk” [[exhibit B22-2](#)]. Ms. Perret confirmed that she recalled the conversation. Ms. Gouglas inquired about when and how the NTSB directed her and her colleague, and NGP not to talk. 25525

Ms. Janet Holder stated that it is “standard practice” of any regulator or legal counsel to “direct companies not to speak about an event that’s under investigation.” She reiterated from the previous day that in cases like these, employees are encouraged not to speak because they haven’t got complete information, and that spokespeople are instead appointed to speak on behalf of the company. Ms. Gouglas inquired into who gave the directive not to speak, NTSB or NGP. Ms. Holder indicated that it was a combination of both, and that a memo would have been sent to all employees not to talk about the spill. 25541-25545

Further discussion ensued about whether or not the NTSB statement precluded Ms. Perret from discussing what was on the NTSB public document registry at the June 20th meeting, if she and her colleagues so chose and why certain questions were not answered

at that meeting. She also inquired as to whether there was a similar experience at the Kitimat Houston and Men's Breakfast Club meeting. 25560

On The Alliance and stakeholders

Ms. Gouglas asked about The Alliance [[exhibit B22-2](#)] and its relation to the goals and principles of NGP. Mr. Carruthers responds that the NGP has goals and objectives "far broader" than The Alliance. Ms. Gouglas asked what NGP means by "encourage engagement" in The Alliance document, ([exhibit B2-1](#)). Ms. Holder said that she believed the Northern Gateway Alliance is about convincing people to "understand and support the regulatory process" 25604-25617

Ms. Gouglas asked whether Alliance members are "being provided more and different information regarding the Proposed Project than is the public through other Northern Gateway public consultation programs strategies". Ms. Perret responded that The Alliance members "get the same information". Mr. Carruthers indicated that they "have many stakeholders who want many different kinds of communication or engagement". Ms. Holder explained that NGP and The Alliance have various forms of communications in its public consultation strategy and that different groups will engage differently than others and will get different information as a result. Ms. Gouglas asked if that means that there isn't a "single repository for information on the project" that people can learn from. Ms. Perret responded that there are three websites where the public consultation program could probably be found. 25667-25699

Ms. Gouglas continued to ask questions about the members of The Alliance and how many members are opposed to the Pipeline and whether those in support are treated differently than others. Ms. Gouglas asked why there is a link on The Alliance website to enable supporters to send a letter to the JRP, and not one for those who would like to oppose it. She inquired whether The Alliance is a fair and transparent strategy of the Public Consultation Program. Ms. Perret stated her belief that it is one of the "merge lanes" in the conversation. 25731-25737

On NGP advertisements and communications

Ms. Gouglas asked about NGP advertisements, ([exhibit B83-26](#)), and asked about stated employment, economic and taxation benefits. She asked from what evidence the public consultation team got the stated numbers. Ms. Perret responded that they were from Dr. Mansell's economic report of May 2010 which was later updated. 25777

Discussion continued about whether or not stated economic benefits were opinion or evidence, and whether jobs will go to British Columbians. Ms. Holder and Mr. Carruthers indicated that they believe the stated benefits are conservative, and that efforts are being made to ensure that jobs benefit British Columbians. 25808.

Ms. Gouglas asked why the advertisements don't indicate how the benefit numbers are derived, the assumptions made, and that they are estimations. Discussion around the Panel's faith in those numbers ensued. Similar discussion ensued around experts and evidence used in the blog dialogues on NGP's website. 25823-25866

On building security and community relations

Referring to [Exhibit B2-1](#), inquiries into office in Prince George and its relation to those in Kitimat and Vancouver. The Chairperson asked about the relevance of the line of questioning, and Ms. Gouglas indicated she was wondering about accessibility and “how open the company is as they stated they are to the public being able to access them and how it aligns with their ... public consultation program”. The Chairperson indicated that Ms. Gouglas’s questions about security were not relevant to questioning of the panel. 25937-25961

On Facebook

Ms. Gouglas asked about a Facebook page calling for support of NGP in Fort St. James and whether or not it was the responsibility of NGP. Discussion ensued and Ms. Gouglas asks if a letter could be sent to the District of Fort St. James in an effort to have the page removed from Facebook. The Chairperson concluded that the conversation was not helpful for the Panel. 25976

NGP and CEA guidelines

Ms. Gouglas asked about NGP’s adherence to *Canadian Environmental Assessment Act* guidelines as commented on in [Exhibit B2-1](#). She asked if Mr. Carruthers felt NGP was adhering to the guideline of early involvement, Mr. Carruthers answered that he thought it had fully complied with it. Questions around adherence to Corporate Social Responsibility Policy in the Exhibit were then asked. Mr. Carruthers indicated that he thought public and stakeholder engagement, timely and meaningful dialogue [had been] very extensive, very thorough” 26010.

Examination by Ms. Candace Kerr for Fort St. James Sustainability Group 26043

Landowner consultation

Ms. Candace Kerr asked about goals and objectives for landowner consultation in The Application. Ms. Perret indicated that landowner consultation would be “subject to the same regulatory requirements and goals and objectives” of the public consultation program. Ms. Kerr asked if different types of stakeholders are treated differently. Ms. Holder indicated that NGP does not differentiate between stakeholders, and that all are “equally important”, though some are engaged differently. Mr. Ray Doering indicated that all landowners within the one-kilometre corridor of the Project have had personal visits. 26049

Ms. Kerr asked if consultation in the expanded footprint regions [[Exhibit B207-2](#)] being done was resulting in reduced consultation along the right-of-way. Ms. Perret answered that was not the case. Ms. Kerr then asked if all stakeholders from around the province are afforded the same amount of respect that someone who is within the right-of-way is given. Ms. Perret answered that they were. 26081

On the extent of landowner consultation

Ms. Kerr asked Mr. Jeff Paetz if he felt that “all affected landowners along the proposed pipeline route... have been fully consulted”. Mr. Paetz answered that the process is in its infancy, and that the consultation will continue through the construction phase of the Project. Ms. Kerr asked if Mr. Paetz felt that they had been consulted up to the present time, and he indicated that they had. She asked if all affected landowners had been given necessary information to engage in the review process. He indicated that he believed they had. 26131

Ms. Kerr asked about the number of landowners identified in the Application as being potentially affected. Discussion ensued around updates to that number from the original 226, in 2010 [in [Exhibit B2-1](#)] to 1,438 currently, and why the fluctuation occurred. Ms. Kerr asked about whether both landowner and occupants were consulted. Mr. Paetz responded that both were. 26141

Ms. Kerr asked if landowner consent for studies and surveys (as referred to in [Exhibit B83-26](#)) was always obtained. Mr. Paetz indicated that records of consents would have been kept. Ms. Kerr asked about procedures if consent was not obtained. Mr. Paetz responded by saying that lands would not be entered on without consent. 26183

Power to Ms. Kerr was then lost, and the hearing was adjourned for the day.