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Order of Appearances

Enbridge Northern Gateway Panel 4

Pipeline & Terminal Environmental & Socio-Economic Assessment Panel

Mr. Paul Anderson	Ms. Colleen Bryden	Dr. Colin Buchanan
Mr. Ray Doering	Mr. Tom Fiddler	Mr. Jeffrey Green
Mr. David Reid	Mr. Gord Rozon	Mr. John Thompson
Mr. Michael Preston	90	

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Examination by Dr. Josette Wier 31696

Examination by Mr. Mike Ridsdale, Mr. David De Wit and Mr. Ken Rabnett for the Office of the Wet'suwet'en (continued) 39973

Mr. Ridsdale put up the "Bustard-Miles" report, "Potential Effects of an Oil Pipeline Rupture on Reach 2 of Morice River" ([Exhibit D155-6-09](#)), evidence submitted by the Northwest Institute for Bioregional Research. He asked if the Enbridge panel had read the report. Mr. Anderson said the previous panel was familiar with it, but this panel is not because the report deals with oil spills but this witness panel deals with routine operations. Mr. Ridsdale asked if the panel was familiar with the fish and fish habitat information, and does the panel agree with it. Mr. Anderson: "we would agree – generally speaking – with the comments made in this report."

Mr. Ridsdale next put up the Wet'suwet'en rights and title submission ([Exhibit D157-6-1](#)) and asked if the Proponent agrees with its fish and fish habitat information. Mr. Anderson generally agreed with that, too.

Then he asked about nutrient algae insect studies, which Mr. Anderson said is well downstream of the zone of influence for effects of routine operations of the pipeline. "Some of that information was provided by the last Panel and because this is information that's specific for pipeline oil spill preparedness, it was provided by the last Panel."

Assessing risks, impacts and infringement on the Wet'suwet'en

Mr. De Wit asked, "My question wasn't in regards to oil spill preparedness rather than I'm wondering when adequate data is going to be available to assess risks, impacts and infringement on the Wet'suwet'en?" Mr. Anderson said, "The assessment that we've put

together includes sufficient information for the purposes of the environmental assessment.” 20092

He asked variations of this question a number of times and received similar replies. “How can decision-makers quantify levels of impact or infringement without this data? Mr. Anderson: ”We believe the information that we have provided is ample for the decision-makers to undertake a fulsome environmental assessment of the project. 30132

The Wet’suwet’en’ questions foundered on questions of the appropriateness of an aid-to-questioning (AQ) and that some of the matters they wished to question on, especially related to oil spills, had been covered in previous panels and could no longer be discussed.

Joint Review process as a planning process

Mr. De Wit’s final question was, “Enbridge has referred to the Joint Review process as a planning process numerous times. ... Do you think your perspective ... of this Joint Review planning process as a planning process and not an assessment process for decision-making, has compromised the rigor of the data collected to date?” 30196

Mr. Anderson replied, “I believe we have, in the past, identified the environmental assessment as a planning level tool under CEAA. We believe its purpose is to identify issues and concerns and to try to avoid and mitigate those issues as we proceed into detailed design, and of course into construction, and operation of our project. We have ... identified as wanting to be granted basically a framework for us to proceed to go forward in order to develop and implement this project to the best of our abilities. But I do not believe that at any time we referred to the JRP process as a planning process.”

Examination by Ms. Joy Thorkelson for the United Fishermen and Allied Workers’ Union 30219

Table 11-2, “Summary of Key Issues for Fish and Fish Habitat “ [Exhibit B3-9](#)
[Exhibit 3-10](#)

Imported gravel and spawning beds

Ms. Thorkelson asked about impacts on spawning salmon from changes in the chemical composition of water and whether the addition of gravel from a different source to spawning beds can prevent or delay spawning activities. Mr. Anderson replied that NGP’s hierarchy of response would be to reroute, then to save the gravel and replace it, then to import small amounts of gravel. “The amount of water that would flow through these watercourses and the small amount of gravel that we’re talking about should not adversely affect the use of these areas for these species. 30227

Ms. Thorkelson asked, “Is there a reference ... in the environment ESA about olfactory effects on salmonids of oil or other chemical or leachings? Mr. Anderson said, “We don’t propose to add anything to the ... watercourses other than gravel. So we haven’t spent a lot of time looking at this as a pathway of potential effect.” 30243

Oil in the watercourse

Ms. Thorkelson mentioned studies that show that coho, for example, avoid water with small hydrocarbon concentrations. Mr. Anderson said, “We do not expect to have hydrocarbons entering the watercourse as part of those routine effects.” One potential pathway for that, is vehicles doing in-stream work. They have “specific measures” to clean those vehicles and tools. 30246

Fishing and Prince Rupert

Table 3-31, “Key Employment Industries for Communities in the Coastal British Columbia Region, 2006” ([Exhibit B10-7](#)), shows that the largest employment impact from “Fish and fish processing” is Prince Rupert, with 12.9% of employment there from the fish sector, compared to Kitimat with 0.6% and Terrace with 0.2%. 30290

Mr. Thompson agreed that “if ...[a spill] event were to occur that affected fish populations, there could be an effect on commercial fishing, fish processing and, yes, those effects would be felt largely in Prince Rupert.”

DFO’s Wild Salmon Policy and Northern Gateway

Ms. Thorkelson questioned DFO’s Wild Salmon Policy (WSP) ([Exhibit D203-5-5](#)) and its reliance on conservation units, with respect to the NGP. Mr. Anderson quoted the WSP explanation that “a conservation unit is a group of wild salmon sufficiently isolated from other groups that if lost, is very unlikely to recolonize naturally within an acceptable timeframe.” He said that “our direction is to use a habitat-based approach.” “When you use a population or a stock as, say the basis for doing an assessment ... it’s complicated by many different factors that are outside of the project itself.” 30313

Ms. Thorkelson’s questioning about effects on salmon of a spill and the WSP was eventually shut down by the Chairperson because the WSP was a government policy document and there was no-one on the NGP panel to speak to it. After confusion over which volumes of the application were appropriate for questions to this panel, Ms. Thorkelson agreed to step aside to reorganize her questions. 30410

Examination by Ms. Brenda Gouglas for the Fort St. James Sustainability Group 30478

Employment & 15% aboriginal workforce

Ms. Gouglas announced that her topics would be employment and economics. Her first questions were about discussions between Northern Gateway and the Pipeline Contractors Association of Canada. Mr. Fiddler said these activities have increased in the last six months and include discussions with “the four national union leaders.” 30478

Referring to a quote from [Volume 89](#) of the hearing transcripts, “The expectation of our contractor community to employ a minimum of 15 percent Aboriginal workforce in the construction. So we’ll be defining to them, within their resource planning proposals, the communities we expect them to consult with.” she asked which communities were being referred to. Mr. Fiddler said, that this was “specific to Aboriginal communities.” 30499

“Will all communities ... along the ... route and outside the route have equal employment and economic opportunities or will those First Nations that are funding partners and are those communities who have come out in support of the project be offered more?” Mr. Fiddler said the next witness panel can reply to that question. 30505

He also mentioned a union protocol with respect to sourcing labour from outside local union halls.

Daewoo wants to provide steel, PetroChina wants to build the pipeline

Ms. Gouglas introduced a Globe and Mail article which said, “South Korean trading and construction firm Daewoo International, for example, is hopeful it can provide steel or engineering to the Gateway pipeline. She noted that Daewoo International America Corp. is an intervenor in this proceeding, and asked whether NGP had had discussions with Daewoo regarding employment and procurement opportunities. Mr. Doering said, No to employment, no; provision of steel products, yes. 30519

Referring to a Financial Post article regarding PetroChina’s interest in building the pipeline where then-CEO Patrick Daniel said, “We will take that into consideration when we are looking for contractors. It’s an open bid process.” Mr. Doering said he was unaware of any discussions with PetroChina about employment or procurement. 30550

Ms. Gouglas asked whether funding partners would have an interest or a say in employment or contracting issues. Mr. Doering said he was aware of no agreements with respect to that.

With respect to NGP’s employment and procurement policies of its contractors, Mr. Fiddler said, “The policies of the contractors that we will dictate relate to our community commitments both for opportunities for sub-contractor capacity that we pre-qualify as well as the 15 percent threshold ... relative to Aboriginal employment, minimum trade certifications for skilled trades and safety pre-qualification requirements. 30559

Employment and economic benefits in Canada

Ms. Gouglas asked, “Will Enbridge Northern Gateway give precedence to contractors that hire and buy Canadian to maximize the benefits to Canadians?” Mr. Doering replied that, “Should they be prepared to provide the dimensions, the quantities required and to achieve the schedule” their preference is to buy pipe from Canadian manufacturers. Mr. Fiddler added that “[if] there isn’t sufficient labour available locally or in [Canada, the bias at this stage is] towards U.S. employment from the U.S. union locals.” 30569

Table 4-9, “Direct, Indirect and Induced Effects of Project Construction on Employment” ([Exhibit B3-16](#)) shows total employment of the project will be 62,694 person-years, and how that number was arrived at. Mr. Thompson acknowledged that “there’s some element of inaccuracy.” 30584

Ms. Gouglas asked, “And the fact that it would be realized by Canadian economy, there’s no certainty there either?” Mr. Thompson said that the outcome of the model is driven, in effect, by the input assumptions. Normally, a portion of the pipe would come from

overseas. “We tweaked the model to say no, we’re not going to have that leakage, it’s all going to come from Alberta.” 30597 “Everywhere else we just assumed that whatever was normal for that industry -- be it domestic versus overseas -- would simply be carried through. So the number could be bigger if we decide to go ... all Canadian.” 30610

Ms. Gouglas asked whether jobs could be created in countries other than Canada. Mr. Fiddler said that for some pieces of equipment, electrical in particular, the manufacturers are not in Canada.

Migrant workers

She asked if migrant workers could be brought in during the construction phase. Mr. Fiddler replied, “Every intention is to have that labour from Canada. ... only as a contingency effort and need, will we look to a foreign worker program.” 30621, 30704

Ms. Gouglas asked questions about onsite construction employment and regional considerations. Mr. Thompson referred her to Table 4.4-25, “Employment from Construction, by Region” ([Exhibit B8-2](#)) for discussion about source of workers, skills available locally, training, contracting process and related matters. 30650

In the context of local and national availability of trained pipeline skills, Mr. Fiddler alluded to the Pacific Trails Pipeline (“there’s a flurry of activity that may precede us”) and its effect “to build significant incremental capacity than there is today.” 30666

Labour training strategies and funding

In [Exhibit B3-16](#), NGP said, “To mitigate the effects of potential labour shortages, there are a number of strategies that can be implemented, including: training programs.” Ms. Gouglas asked about these strategies and funds allocated to them. Mr. Fiddler said the next panel would be able to answer these questions. 30682

Economic effects of the project

Ms. Gouglas asked a series of questions relating to Tables 4-8 through 4-12 in [Exhibit B3-16](#) which are show effects of the project on GDP, employment, various industry sectors, labour income, and tax revenues. She asked about the effects on the tables if 100% of the pipe was NOT build in Canada, and if the assumptions were that foreign labour would be employed. Mr. Thompson said these questions were addressed by Panel 1, and that “the simple answer is the more foreign procurement or direct employment, the [Canadian benefit] would diminish essentially proportionately.” 30714

Quoting “Project operations will provide the equivalent of 1,146 full-time jobs annually throughout the Canadian economy, about 33% of which will be in Alberta and 49% in British Columbia,” from Table 11-1, “Employment Key Findings” ([Exhibit B1-3](#)), Ms. Gouglas asked where the other 18% of jobs will be realized. Mr. Thompson: “in all other provinces.” 30765

Ms. Gouglas asked what changed from the first direct jobs estimate of 1,146 jobs to the latest. Mr. Thompson replied that NGP had taken “an extended responsibility for marine operations,” rolling marine support jobs from indirect to direct employment, and adding

staffing at pump stations. “Those two things bumped the operations numbers” from 104 to 268. 30800

Ms. Gouglas asked a set of questions about to 24/7 manning of the pump stations. 30804

Socio-economic impacts from operations expected to be minimal

[Exhibit B8-2](#) contains this quote, “Given the small size of the operations workforce and the expectation that existing regional residents will be hired for these positions, project effects on population, housing, utilities and infrastructure, recreation and leisure facilities, social well-being, education, health, transportation and traditional culture all expected to be minimal.” [Exhibit B3-16](#) contains this quote, “Despite the magnitude and duration of the project effects on GDP and employment, the overall effects on the provincial and national economies are considered not significant relative to the overall size of these economies.” Mr. Thompson said that NGP believes these statements to be true. 30827

Ms. Gouglas questioned other statements from NGP, such as “The project will bring significant economic benefits to B.C.” from the “It’s a Path” advertisement, which appear to contradict the assertions in the application. Mr. Thompson said it relates to the use and context of the word “significant,” one being CEAA’s specific tests of significance which are relative values, and the other being more absolute values such as number of new jobs or amount of new taxes. 30844

Benefits of a spill

Ms. Gouglas’ last question was why does NGP not include the potential employment and procurement that would be associated with a spill event in its benefits analysis. Mr. Anderson said “We would only include things that we are expecting to see. We need to have certainty.” 30871

Examination by Ms. Candace Kerr for the Fort St. James Sustainability Group 30887

Ms. Kerr introduced herself as an affected landowner whose home is less than a kilometre from the proposed Fort St. James pump station location. Her questions will focus on impacts on landowners. 30890

Only two agricultural land users on right-of-way

Mr. Thompson stated that at the time the baseline information was collected, there were only two agricultural land users along the entire right-of-way. They were both in the Fort St. James area and they were both beef farmers. Mr. Green said that the non-traditional land use component was a desktop study; it was not a field assessment. 30898

Ms. Kerr quoted, “As for ALR lands in British Columbia, restoration of facility sites in the White Area in Alberta will return these sites to the agricultural land base.” ([Exhibit B3-18](#)). She asked, “So if you’re removing this land in B.C., the plan is to replace it with equivalent land in Alberta; is that correct?” Mr. Anderson said, “It’s a confusing sentence, that’s for sure.” 30951

Ms. Kerr asked sets of questions about reclamation after construction, the impacts of construction on agricultural soils, pipeline repairs. 30965, 30994, 31089

Decommissioning & abandonment

With respect to decommissioning, the [Exhibit B3-3](#) says, “It is expected that most of the pipelines would be abandoned-in-place and above ground facilities would be removed.” Mr. Anderson agreed with this statement. [Exhibit B31-10](#) says 90.6% of all Enbridge systems would be abandoned in place, 8.8% abandoned with special treatment, and 0.6% would be removed. Mr. Anderson said NGP would be no different. 31109

Examination of Mr. Jeff Paetz as a new witness by Mr. Langen 31215

As an AQ, Ms. Kerr displayed a settlement agreement between the Manitoba Pipeline Landowners Association and the Saskatchewan Association of Pipeline Landowners and Enbridge Pipelines Inc. dated October 12th, 2007. Her questions about abandonment and liability necessitated calling Mr. Jeff Paetz as a witness.

Examination by Ms. Candace Kerr (continued) 31231

Landowner agreements

In the AQ, Enbridge agreed that upon abandonment, it would not surrender its easement without the consent of the landowner and would either remove the pipeline or continue to maintain it. Ms. Kerr asked whether references to abandonment were in the NGP landowner agreements. Mr. Paetz said they were not, and that Alberta and BC have very similar, but not identical language. 31254

In the AQ, Enbridge hired a Construction Monitor to represent the landowners during pipeline construction and post-construction reclamation. Ms. Kerr asked questions about this role and the monitoring process.

BC Northern Gateway Pipeline Landowners’ Association

She asked, “Is Northern Gateway planning to negotiate an agreement similar to this with landowners along the Northern Gateway route?” Mr. Paetz said, “We aren’t predisposed to one method or another. We will negotiate as a group. We will negotiate as individuals.” Ms. Kerr: “That’s perfect,” because the BC Northern Gateway Pipeline Landowners’ Association exists. 31354

Cumulative effects on a small community

Ms. Kerr put up an impressive succession of exhibits relating to “the proximity of occupied dwellings, main access roads and consequence areas to the pump station, removal of the ALR land in [the Fort St. James] area and the potential risk of a spill into Stuart Lake and Stuart River, combined with current and future local industrial activities such as the development of the Mount Milligan mine, would it be fair to say that there is the potential that the cumulative effects of this pipeline could be significant on the community of Fort St. James?” Mr. Anderson’s replied, in part, “There is a difference between significant [under the CEA Act] versus significant which is used as a plain language word in day-to-day conversation.” 31374

Ms. Kerr asked if NGP would consider moving the pump station in Fort St. James. She and Mr. Anderson worked toward a dialogue with the community to, on Northern Gateway's part, to inform more about how pump stations work, and on the community's part, to change the location of the pump station. 31429

Examination by Ms. Joy Thorkelson (continued) 31460

Ms. Thorkelson continued her questioning using DFO's Wild Salmon Policy ([Exhibit D203-5-5](#)). The WSP uses fish populations to gauge the condition of a "conservation unit." Mr. Anderson repeated that NGP focuses on habitat, not populations. With respect to possible impacts on Morice Chinook salmon, and a four year reduction in the fishery, Mr. Anderson said, "We are referring to an extremely small number of fish, if any at all, that would not be measurable within the population and we certainly would not expect to see a measurable change to fishermen's catch." 31460

Ms. Thorkelson's questions focussed on fish stocks, the endangered Interior Fraser River coho, and specifically the at-risk Morice-Nanika sockeye. Mr. Anderson was insistent that, "We really don't see that there's a nexus between the overall population of fish stocks versus what we are proposing. We just cannot see there being a situation where we could affect these fish populations." 31497

Valued ecosystem components (VEC)

Ms. Thorkelson referred to Section 3.2.2.2 in [Exhibit B3-16](#) which is concerned with the selection of VECs, and asked whether the commercial fishing industry deserves consideration as a VEC based on how it may be affected by the project. Mr. Anderson replied, "No, we do not believe it does ... because the routine effects of the project [do not] have the potential to affect populations, and therefore, cannot affect the commercial fishing industry." 31588

Lake and soil acidification near Kitimat

Ms. Thorkelson noted that 'Small lakes along Douglas Channel are acidic to the point of being borderline salmon habitat. The acidity combined with high turbidity means they produce low numbers of sockeye.' She asked whether the project will further acidify these lakes. Mr. Green said they had examined this, that the elevated levels of acidic emissions are due to existing industry, and that by the time the project is online, Canada will require ships to use fuels that contain only 0.1% sulphur, down from the 2.7% level in use today. 31638

Ms. Thorkelson stated that given that the commercial fishers is not convinced that there will not be problems associated with the construction or operation of the pipeline, or of a spill, they would like an environmental assessment on the impacts of this pipeline to the industry. She said they are considering a motion to this effect. 31683

Examination by Dr. Josette Wier 31696

Other pipelines in the cumulative effect assessment: bizarre

Dr. Wier asked about consideration of other pipelines, including Pacific Trails Pipelines (PTP), in the environmental assessment. She said, “We are up to six pipelines; the two for Northern Gateway, the Pembina and the three natural gas pipelines, PTP, Coastal Link and Spectra.” “Have you revised your cumulative assessments for six pipelines now?” Mr. Green replied, “No, we have not. ... two projects you've mentioned are still projects that are proposed, they actually don't have a routing yet.” “We will not reassess the cumulative effects assessment. We did include the projects that were proposed at the time.” “One doesn't typically keep repeating and re-analyzing the cumulative effects assessment all the way through a joint review process like this. 31696

In [Exhibit B37-11](#), NGP says, “Northern Gateway recognizes that projects which may overlap should work co-operatively...” With respect to PTP, Mr. Green said, “We've reached out on a number of occasions. PTP at this point, has still chosen not to respond.” 31729

Dr. Wier: “It's very, very serious, six pipelines and nobody talking to each other; that's bizarre.” 31760

Building the condensate pipeline later than the oil pipeline

Dr. Wier asked, “Has the possibility of this staggered construction of the two Northern Gateway pipelines been taken into consideration in the assessment of cumulative effects?” Mr. Green said, “No, it has not. ... The direction we given by Northern Gateway is that this will be a dual pipeline project constructed at the same time.” 31762

Dr. Wier said she may “make a notice of motion to ask that the assessment consider the staggered construction.” 31775

BC Hydro providing electricity for the project

Dr. Wier said, “I've had quite a bit of difficulty obtaining information regarding the ability of B.C. Hydro to provide for the electrical needs of the project. I've had two notices of motion which, unfortunately for me, have been denied. But that doesn't make the questions disappear.” Mr. Doering said, “We have provided [BC Hydro] with information regarding the potential loads within B.C. for each of the pump stations and for the facilities at the Kitimat Terminal, and the indications that we have been provided on a preliminary basis is that adequate capacity exists for [these] loads.” 31786

Mr. Doering said, “We would have met with B.C. Hydro within the last few months. These meetings happen quite regularly.” Dr. Wier replied, “It's interesting because I put a Freedom of Information and there's no meeting whatsoever since 2006.” The Chairperson quickly advised Dr. Wier to frame her questions based on the evidence. 31814

Environmental assessment and public participation

Dr. Wier quoted from [Exhibit B37-12](#), “The location of the consequence areas will be finalized during detailed engineering. An opportunity for public input on the identification of consequence area would be available through the Community Advisory

Boards (“CAB”).” She asked, “Is it correct to understand that for Northern Gateway the public is represented by CABs?” This discussion is largely referred to the next witness panel. 31872

Dr. Wier’s subsequent questions resulted in either Mr. Langen or the Chairperson advising her that each of them belonged in a previous panel or a future panel.

Grizzly bear

With respect to the risk to grizzly bear from increased linear density, Dr. Wier asked what is a Linear Feature Management and Removal Plan. Mr. Anderson replied, “[the plan] will focus on removing linear features from that grizzly bear population unit to try to reduce access into that area which should benefit the grizzly bear population by way of reducing the potential for mortality through hunting.” “We will make sure that there is no net increase in access as a result of our project, and we will do that by taking out existing access into areas.” 31972

After observing that wildlife and ATVs are unaffected by decommissioning of roads, she asked what indicators are used to assess if the plan works or not. Mr. Green mentioned hidden cameras, track counts, vegetation damage as monitoring indicators. He spoke about some techniques to render right-of-way impassable or to reduce line-of-sight extents.

Quoting Mr. Green from [Volume 103](#) of the hearing transcripts - “biological thresholds [like this] are not well-defined by any agency. I can't really think of many species where we have a population viability threshold.” – Dr. Wier asked, “Is there a difference between “not well-defined” and “do not know”?” Mr. Green replied, “Most wildlife management agencies and wildlife biologists have a sort of qualitative understanding of what's required to manage the populations. We may not have the exact figure or threshold, but as we referred to, the cautionary thresholds are exactly that.” 32006

Dr. Wier’s questions explored issues related to the possibility of effectively preventing access to right-of-way from ATVs, and the enforceability of restrictions.

Whitebark pine

Dr. Wier’s final questions were about the whitebark pine, which is endangered, and has been listed as a SARA Schedule 1 species. She indicated that the species has not been represented, or has been underrecognized in the application, and because of its unique inability to regenerate itself, is not be able to recover from impacts. 32038