

Pipelines and Promises

A summary of missing Enbridge evidence before the JRP hearings

Introduction

Since September, Enbridge Northern Gateway's proposal for a pipeline from the tarsands through northern B.C. to the west coast at Kitimat has been undergoing technical hearings before the National Energy Board's Joint Review Panel (JRP). Starting in Edmonton, the hearings began by looking at the project's economics; in Prince George, the JRP heard about pipeline construction, operations and environmental impacts; hearings in Prince Rupert will focus on marine and aboriginal rights issues.

During the JRP hearings, registered First Nations, labour and environmental groups, political representatives, community based groups and individuals have been able to cross-examine Enbridge on its application and evidence to date. What has been obvious since September is that Enbridge has a frightening number of gaps in its information that won't be prepared until after approval is granted. Below is a summary of some—but not all—of the gaps that have been revealed over the course of the JRP hearings in Edmonton and Prince George.

Gaps in Northern Gateway plan

OIL SPILL RESPONSE: When the hearings started on September 4 in Edmonton, Northern Gateway president John Carruthers said the company would “answer questions on how Northern Gateway will do its part to ensure that there's world-class emergency preparedness and response capability in place for the Pacific north coast and how detailed operational emergency response planning will be undertaken prior to commencement of operations. We will answer questions regarding the effects of oil spills on marine environments and the recovery of those environments.” At the moment, those questions remain unanswered. Representatives for Enbridge have repeatedly stated that details about an oil spill response will not be submitted for review until six months before the pipeline is operational—in other words, after the project has received approval from the NEB. Under cross-examination, one Enbridge witness acknowledged that, “We have a lot of work to do.” One detail to be worked out on the spill response plan is the target response time, one Enbridge witness said under cross-examination by ForestEthics Advocacy lawyer Barry Robinson.

TERRAIN HAZARD ASSESSMENT: Enbridge will complete its research into slope stability along its proposed Northern Gateway Pipeline once it has received approval for the project, it says. No terrain mapping has been done specifically for the purposes of assessing terrain stability surrounding the pipeline's proposed route. During cross-examination by the Province of B.C., it was noted that Enbridge had left known glacial-marine clay sediments along the proposed route out of its hazard assessment; glacial-marine clay deposits are known to cause instability and landslides. Enbridge representative Ray Doering acknowledged that, "As we move forward with the detailed engineering, there is a substantial amount of additional geotechnical work ... that needs to be undertaken to further inform the risk analysis and the geohazard risk analysis."

LEAK DETECTION: Although Enbridge has committed to "world-class" leak detection for its Northern Gateway Pipeline, an Enbridge representative admitted that the minimum sized leak that can be detected will not be determined until the detailed engineering phase, following project approval.

INSURANCE COVERAGE: Under cross-examination by the Province of British Columbia on September 7, Carruthers said it was too early for Northern Gateway to finalize what insurance coverage it would have to cover a spill; he added that insurance companies had not been approached about such coverage. Enbridge was asked to provide an estimated premium for \$250 million in general liability coverage. The cleanup for Enbridge's 2010 oil spill in Kalamazoo, Michigan is estimated to have cost more than three times that amount.

DEMAND AND TOLL RATES: In Edmonton, Northern Gateway president John Carruthers confirmed under cross-examination that the amount charged to oil producers to ship bitumen in the Northern Gateway pipeline will not be determined until after approvals. As such, it's impossible to know if producers would use the pipeline and therefore to determine demand for the project.

TAX REVENUE: A cost-benefit analysis submitted by Enbridge includes the gross revenue to governments, but doesn't subtract costs to government resulting from the project. In addition, there was no economic cost-benefit analysis done for the condensate pipeline. As such, the economic cost-benefit analysis is incomplete and there are no data showing the project's economic benefit to taxpayers.

LOCAL LABOUR: On October 11, the JRP heard from one Enbridge representative that it is too early to project how much labour Enbridge will be able to source locally, versus importing workers. In November, panelist Kenneth Bateman asked about Enbridge's target for employing minimum 15 percent aboriginal workers during construction. Enbridge responded that First Nations are sometimes brought in from past jobs in other regions and won't necessarily be local.

SEISMOLOGY: In the month leading up to Haida Gwaii's 7.8 magnitude earthquake— the second largest Canadian earthquake ever recorded by a seismometer—the JRP heard that Enbridge's seismic testing, and the determination of what degree of testing would be needed, wouldn't take place until the detailed design phase following approval from the NEB.

STREAM FLOWS FOR RIVER CROSSINGS: Enbridge won't provide more detailed information on stream flow variability until the detailed engineering phase; the panel also heard that Enbridge will not look at behaviours of oil spilled in fast-flowing rivers until after approval is granted.

SEASONAL DISRUPTION OF FISH HABITAT: When asked under cross-examination by the Haisla First Nation whether it has considered the timing of pipeline construction with regard

to season use of streams by certain species, a DFO representative for the Government of Canada said those detailed would be gathered following NEB approval. An Enbridge witnesses also told the panel that spill response particular to sensitive salmon habitat would come with the detailed planning. In the event of a spill, sensitivities would be identified early in the response and they would be handled on a “spill-case-by-spill-case basis” once a spill is underway, the company said.

ENVIRONMENTAL BASELINE STUDIES: On September 8, Enbridge president John Carruthers told ForestEthics Advocacy lawyer Tim Leadem that research for mitigating environmental damage would happen in the detailed planning and engineering phase, following NEB approval.

PIPELINE ROUTING: Enbridge has said that the pipeline’s final routing would come with detailed engineering. Northwest Institute lawyer Richard Overstall expressed frustration to the Joint Review Panel that the lack of definition in pipeline routing, and ongoing changes to the route, make it difficult to question Enbridge on its plans with regard to specific water crossings.

CLORE AND HOULT TUNNELS: The panel also heard that Enbridge has not done the detailed engineering on the Clore and Hoult tunnels—two extremely technical and precarious feats of engineering intended to avoid unstable sections of the Coast Mountains. The two options being considered are boring through the rock or using drill and blast techniques, but the company has not yet done a geohazard assessment for either tunnel.

PIPELINE ACCESS: Enbridge doesn’t currently know how it will access the pipeline’s remote sections in the case of a leak. One Enbridge witness said the company will determine how it will reach its pipelines via road during the detailed design phase of the project, following approval by the NEB; it also has yet to determine which access roads are maintained year-round, the JRP heard. It hasn’t confirmed the availability of helicopters in the region and is still determining how ice conditions could be negotiated in the case of a spill.

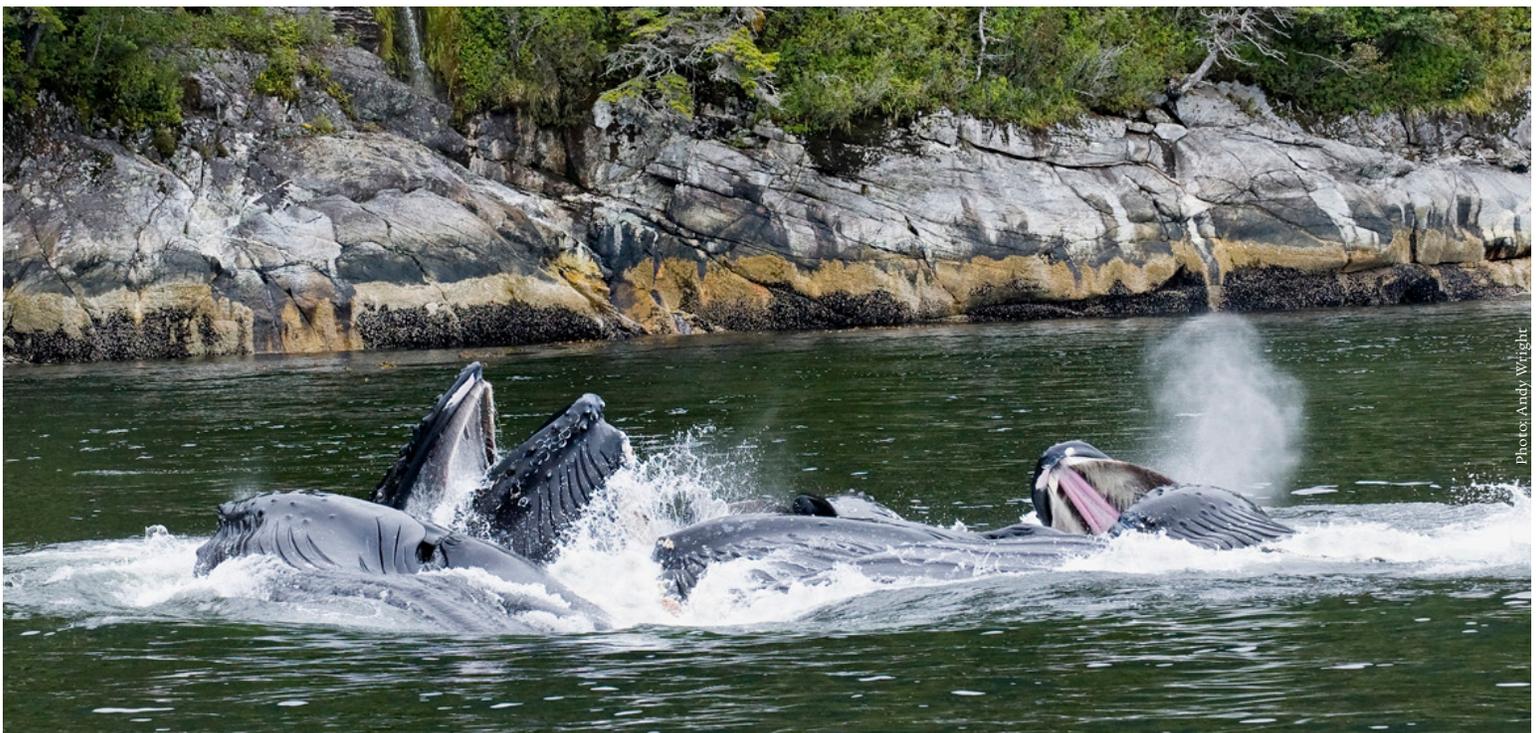


Photo: Andy Wright



Next steps in the hearings

The Enbridge Northern Gateway hearings will take place from Dec. 10 to 18 in Prince Rupert. In the new year, community hearings will be held in Vancouver, Victoria and Kelowna, offering an opportunity for residents outside the proposed route to stand up and express their views on the project for up to 10 minutes. Hearings resume in Rupert from February 4th to May 17th. Following will be the opportunity for interveners to provide final arguments, which will be done in written format, with an opportunity to respond to others' comments orally. These will wrap up by June 29th. The JRP will then deliberate the evidence and come up with its recommendation on whether this project is in the public interest on December 29, 2013.

Conclusion

ForestEthics Advocacy is a registered intervener in the JRP and has been following the hearings closely. The above listed gaps is not comprehensive – Enbridge and its experts have also admitted to the need for more research on the endangered Telkwa caribou herd, rare plants along power line easements, water crossings over salmon, trout and sturgeon habitat, etc. etc. Much of Enbridge's testimony over the past two months has involved asking for the public's trust. Trust the company's promises and commitments to develop more detailed engineering for a project that they really want to build. But how can First Nations and residents of northern British Columbia, so reliant on healthy watersheds and the coast, trust this company that is unable, despite its massive budget, to answer basic, fundamental questions?

While they ask for trust, Enbridge has lobbied the federal government 145 times since July 2008 to try to streamline the environmental assessment process and make changes to DFO and Transport Canada regulations. Along with other pipeline companies and oil reps, they have been largely successful in cutting environmental regulations with the Harper Conservative government. Again, how can British Columbians trust that enough safeguards will be in place for our fisheries and waterways from an oil pipeline and tankers when the company has few answers and the federal government has cut protection?

The hearings in Prince Rupert will likely reveal more major gaps in Enbridge's application on marine issues and Aboriginal rights. Given the lack of information provided by Enbridge and strong arguments against the project from British Columbia residents, First Nations, municipalities, unions and environmental groups, the Northern Gateway project should never be built.

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