

**NATIONAL ENERGY BOARD
OFFICE NATIONAL DE L'ÉNERGIE**



**Hearing Order OH-002-2016
Ordonnance d'audience OH-002-2016**

**Energy East Pipeline Ltd. and TransCanada PipeLines Limited
Energy East Project and Asset Transfer, and Eastern Mainline Project**

**Oléoduc Énergie Est Ltée et TransCanada PipeLines Limited
Projet Énergie Est et cession d'actifs et projet du réseau principal Est**

VOLUME 14

**Hearing held at
L'audience tenue à**

**Crowne Plaza Fredericton Lord Beaverbrook
659 Queen Street
Fredericton, New Brunswick**

**August 15, 2016
Le 15 août 2016**

**International Reporting Inc.
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Canada

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Imprimé au Canada

HEARING ORDER/ORDONNANCE D'AUDIENCE
OH-002-2016

IN THE MATTER OF Energy East Pipeline Ltd. and TransCanada PipeLines Limited
Energy East Project and Asset Transfer, and Eastern Mainline Project

HEARING LOCATION/LIEU DE L'AUDIENCE

Hearing held in Fredericton, New Brunswick, Monday, August 15, 2016
Audience tenue à Fredericton (Nouveau-Brunswick), lundi, le 15 août 2016

BOARD PANEL/COMITÉ D'AUDIENCE DE L'OFFICE

R. George	Chairman/Président
L. Mercier	Member/Membre
J. Gauthier	Member/Membre

APPEARANCES/COMPARUTIONS

(i)

Applicant/Demandeur

Energy East Pipeline Ltd. (EEPL) and Transcanada PipeLines Limited (TCPL)

- Mr. Dufferin Harper
- Ms. Anne Drost
- Mr. Brock Gent

Intervenors/Intervenants

Government of New Brunswick

- Mr. Pierre Doucet
- Mr. Bill Breckenridge

Ville d'Edmundston

- Maire Cyrille Simard
- M. Sébastien Duguay

New Brunswick Aboriginal Peoples Council

- Chief Wendy Wetteland
- Ms. Elizabeth Blaney

Miramichi Valley Business Association Inc.

- Mr. Lorne Amos
- Mayor Bev Gaston
- Mayor Douglas Munn
- Mayor Chris Hennessy
- Mr. Wayne Fowler
- Mr. Ashley Underhill

Municipal Council, Plaster Rock, N.B.

- Mayor Alexis Fenner

Rural Community of Upper Miramichi

- Mayor Douglas Munn

National Energy Board/Office national de l'énergie

- Mr. Mark Watton

ERRATA

(i)

Monday, August 8, 2016 - Volume 11

Paragraph No.:

3886:

“He’s a General Manager of ALERT Inc.”

Should read:

“He is General Manager of ALERT Inc.”

Tuesday, August 9, 2016 - Volume 12

Paragraph No.:

4704:

“...of a minor nature be made in writing...”

Should read:

“...of a minor nature be made in writing...”

Wednesday, August 10, 2016 - Volume 13

Paragraph No.:

5903:

“...where we drill completed under the river.”

Should read:

“...where we drill completely under the river.”

6058:

“We do aerial surveillance of our pipeline right-of-way. Once every two weeks we do ground patrols to make sure that everything is in good condition.”

“We do aerial surveillance of our pipeline right-of-way once every two weeks. We do ground patrols to make sure that everything is in good condition.”

6143:

“...we have developed a mitigation plan...”

“...we will develop a mitigation plan...”

6396:

“...to demonstrate that emissions and our capabilities...”

“...to demonstrate that emissions and odor control capabilities...”

6414:

“...the performance of the technology is equivalent...”

“...the performance of the two technologies is equivalent...”

ERRATA

(ii)

Wednesday, August 10, 2016 - Volume 13

Paragraph No.:

6648:

“...our excavation of the right-of-way in
the tank terminal.”

Should read:

“...our excavation of the right-of-way and in
the tank terminal.”

6683:

“...-- you know, members of that panel...”

“...-- as you know, members of that panel...”

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(i)

No.	Description	Paragraph No./No. de paragraphe
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**Opening remarks
Chairman**

--- Upon commencing at 8:57 a.m./L'audience débute à 8h57

6731. **THE CHAIRMAN:** Ladies and gentlemen, welcome to Fredericton. These are the Panel sessions for the National Energy Board's hearings of the Energy East and Eastern Mainline applications.

6732. My name is Roland George and I am the Chair of the Panel.

6733. My fellow Panel members are, to my right, Madame Lyne Mercier and, to my left, Mr. Jacques Gauthier.

6734. Before starting, I would like to note the emergency exits which are located at the back of the room over there, as well as on the other side of the separators here where you came in this morning.

6735. In the unlikely event of an emergency or an alarm, please exit the room and the hotel through the closest marked exits in an orderly fashion. Once outside, please verify that everyone from your group is accounted for.

6736. Before starting, I would like to note -- I've already said that. Sorry about that, folks.

6737. We intend to sit from 9:00 a.m. this morning until 4:30 p.m. today. We plan to take a break for lunch around noon for one hour. We may take a short break as required.

6738. We request that everyone in attendance turn off or mute your mobile phones for the duration of this session as they can be disruptive.

6739. These sessions are being webcast on the NEB's website in English and French. Simultaneous interpretation is available throughout the sessions, and you may pick up a device at the back of the room to listen in the language of your choice.

6740. Intervenors have the right to participate in whichever official language that they choose.

6741. Daily transcripts will be prepared and made available through the Board's website.

**Opening remarks
Chairman**

6742. These Panel sessions are meant to be a first more informal opportunity for intervenors and Applicants to exchange information. The main goals are for intervenors to express their main areas of concern about the projects, to have the ability to ask some high-level questions of the Applicants to better understand the applications and help intervenors prepare future submissions, and thirdly to tell us your view about the future hearing process steps and how they may best suit your participation goals.
6743. While we have already held a process survey, your views may help this Panel finalize or refine future process steps that still have details to be determined.
6744. Board staff will see to it that each presenting intervenor is sworn in or affirmed prior to your presentation.
6745. When called upon by our counsel Mark Watton, intervenors will be asked to come to the microphone. Each intervenor has 20 minutes to share their views and to ask questions. We encourage you to use your time efficiently.
6746. When our Board counsel asks you to proceed, the light will turn green and your time will start running. It will turn yellow to warn you when you have five minutes remaining. At this point you should wrap up your comments or questions.
6747. We have set this time limit to be fair to all intervenors in an effort to allow them all an equal amount of time. Please be mindful that if you plan on asking questions to the Applicants, your 20 minutes must include sufficient time for responses.
6748. Detailed evidence supporting your position and detailed questions on the applications are not expected from intervenors at this time.
6749. There are opportunities later in the process to file detailed written evidence and to ask detailed in-depth questions to the Applicants or to other intervenors.
6750. In the spirit of this more informal setting for information exchange, I would ask the Applicants' witnesses to be responsive and efficient with their answers.

**Opening remarks
Chairman**

6751. There may be instances where an undertaking to provide a future response may be a more suitable avenue of responding to a question in the interest of time and accuracy. Please do so as circumstances warrant.
6752. Intervenors already in attendance should confirm and register their presence with Board staff if they have not already done so. Any general question can be brought to one of our process advisors at the registration desk.
6753. If you have any concerns about security, please contact our Security Advisor Adam Hutchins.
6754. Other Board staff present are identifiable by their nametags, including our Hearing Manager Erin Dutcher and our Regulatory Officer Madame Louise Niro.
6755. Our Communications Officer Sarah Kiley is here to assist members of the media who are present. I would ask that media cameras remain in the designated area throughout today's proceedings.
6756. It is very important to the Board that we provide a safe and respectful environment for everyone attending its hearings. The public is welcome to observe and listen quietly and respectfully.
6757. The orderly conduct of these sessions will allow us to hear from all those scheduled to participate while allowing other persons or media to observe or listen to a live broadcast.
6758. As a first matter of business, our counsel will ask if there are any preliminary matters. If you have such a matter, please come to the microphone and state your name and the matter you wish to raise.
6759. Following preliminary matters, if any, the Applicants will be invited to make a brief introductory presentation. After this opening presentation, our counsel will start calling intervenors one by one in the order in which they appear on the schedule, which was established based on your registration for these sessions. The schedule is available at the back of the room. Please refer to it and be prepared to appear when called.
6760. Mr. Watton, are there any preliminary matters?

**EEPL and TCPL Panel
Introduction by Mr. Harper**

6761. **MR. WATTON:** Thank you. None that I'm aware of. If there are counsel or representatives for any of the intervenors who do have a procedural matter or even a question, they can come see me after the morning session; I'll be available in the room. But I'm not aware of any in advance and I don't see anyone rising to mention any.

6762. So with that I would suggest we proceed to swear in the witness panel and just commence with their presentation.

6763. **THE CHAIRMAN:** Madame Niro?

CARLOS PARDO: Sworn, Assermenté

DEREK SIEGEL: Sworn, Assermenté

ALBERT LEES: Sworn, Assermenté

JOHN VAN DER PUT: Sworn, Assermenté

CHRISTIAN MATOSSIAN: Sworn, Assermenté

STÉPHANE GRENON: Sworn, Assermenté

ANDREW CARSON: Sworn, Assermenté

6764. **THE CHAIRMAN:** Are you leading counsel here in Fredericton this week?

6765. **MR. HARPER:** Yes, I am. Thank you, Mr. Chairman.

6766. **THE CHAIRMAN:** Could you identify yourself for the record?

6767. **MR. HARPER:** My name is Dufferin Harper and I'm counsel here for Energy East and TransCanada.

6768. And by way of introduction, beside me is Mr. Brock Gent who's legal counsel, Commercial and Canadian Regulatory Law for Liquids with TransCanada PipeLines Limited. And beside him is Ms. Anne Drost of Blake, Cassels & Graydon, and also counsel for Energy East and TransCanada.

6769. So, Mr. Chairman, Panel Members, Energy East is presenting a panel of seven members today and throughout this week. The witnesses were selected in part because of their expertise in certain of the regional issues that were identified through the engagement process that Energy East has conducted to date.

EEPL and TCPL Panel
Introduction by Mr. Harper

6770. By way of introduction, first in the middle of the panel is Mr. John Van der Put. John is Vice President, Stakeholder, Safety and Emergency Response for Energy East. And Mr. Van der Put will manage the responses of others to ensure the panel is indeed responsive and efficient in responses to the questions, particular in light of the time constraints associated with the process.
6771. Starting at the far right of the panel when you look at them is Mr. Carlos Pardo. Mr. Pardo is Project Manager for the Energy East Canaport Marine Terminal. He's responsible for the design, construction, operation of the terminal, and can also address marine shipping issues if they arise.
6772. Beside him is Mr. Derek Siegel. Derek is Manager for – of Facilities for Energy East and he'll respond to pipeline and other facility issues, particularly engineering and design.
6773. Next to him is Mr. Albert Lees. Albert is Senior Principal of Stantec Consulting Ltd. He is the project manager for the Environmental and Socioeconomic Assessment. He will be addressing the ESA at a high level, but due to the numerous volumes that I'm sure you're aware in the application, he may be unable to address everything in detail. And if details questions do arise on the ESA, they may have to be addressed in the 2017 process.
6774. We've got Mr. Van der Put in the middle. Next to Mr. Van der Put on his right immediately beside him is Christian Matossian. Christian is Manager of Indigenous Relations for Energy East, and he'll address all aspects of the Indigenous relations.
6775. Next to him is Mr. Stéphane Grenon, and Stéphane is the Principal of Triox Environmental Emergencies Inc. He'll respond to overall emergency response matters, including site-specific and strategical and tactical planning.
6776. And finally, last but not least, is Mr. Andrew Carson. Andrew is the Director of Public Affairs for Irving Oil and he'll speak to any matters involving Irving Oil.
6777. What I'd now like to do is turn this over to Mr. Van der Put for the opening statement. Before I do though, I just wanted to advise everyone that although the majority of Mr. Van der Put's presentation will be in English, there will be portions that are in French as well. So he'll be able to -- he'll be

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Opening presentation by Mr. Van der Put

addressing it both languages.

6778. And with that, Mr. Van der Put.

**--- OPENING PRESENTATION BY/REPRÉSENTATION D'OUVERTURE PAR
MR. VAN DER PUT:**

6779. **MR. VAN DER PUT:** Thank you, Mr. Harper.

6780. So on behalf of Energy East and our Marine Terminal joint venture partner Irving Oil, I'd like to thank the National Energy Board for hosting this community panel session, and for facilitating this opportunity to have an open dialogue about the Energy East Project.

6781. I'd also like to thank all of the intervenors who are here today, as well as those who will join us tomorrow, for taking the time to participate in this process. And I'd especially like to thank the community of Fredericton for hosting this session.

6782. Autrement dit, un gros merci à la ville de Fredericton pour votre accueil chaleureux et bonne fête des Acadiens à tous.

6783. In this presentation, I'll begin by providing you a general understanding of the Energy East Project and its major elements. Then I'll briefly talk about the project proponents, Energy East and Irving Oil. But I'll spend most of my time discussing the issues we identified were the most important ones to stakeholders and Indigenous communities in this region. And I'll talk about how we've addressed many of those issues and concerns through our project design. I'll conclude by discussing some of the benefits of the project for the region.

6784. Next slide, please.

6785. So this \$15.7 billion, 100-percent-privately-financed project will span a total of 4,500 kilometres from Alberta to Saint John. A unique feature of this pipeline is that 3,000 kilometres of it, from the Alberta and Saskatchewan border to Eastern Ontario, is an existing natural gas pipeline that will be repurposed to transport crude oil, and thus significantly reduce environmental impact compared to building a completely new pipeline.

6786. Along the route, there will be a total of 71 pump stations, three tank

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Opening presentation by Mr. Van der Put

terminals, and one marine terminal in Saint John. If we look at the map, we see two points where crude oil would be coming in to the pipeline at Hardisty in Alberta and at Moosomin in Eastern Saskatchewan. And if we move to the east, there are three refineries to which crude oil would be delivered one in Montreal, one near Quebec City and the Irving Refinery in Saint John.

6787. These three refineries have a total capacity to process about 700,000 barrels per day. The average capacity of the 42-inch pipeline will be 1.1 million barrels per day.
6788. The marine terminal in Saint John will allow for a portion of the crude transported on Energy East to be exported to markets such as Europe, India, the U.S. East Coast, and the U.S. Gulf Coast.
6789. The pipeline will transport all types of crude oil produced in Western Canada, both light and heavy, produced from conventional reservoirs as well as from the oil sands. If the project is approved by the federal cabinet in late 2018, construction should begin, once pre-construction conditions have been satisfied, for an earliest anticipated in-service date of late 2021.
6790. Next slide, please.
6791. So why have we proposed the Energy East Project? One reason is that there is currently no way, other than by rail, for crude oil produced in Western Canada to reach tidewater in Atlantic Canada. And further to that, the National Energy Board's recent report called "Canada's Energy Future 2016" described a constrained oil pipeline capacity scenario where by 2040 the requirement for rail transportation would be about 1.2 million barrels per day.
6792. It is because of this critical market need for new crude oil pipeline transportation capacity that TransCanada developed the idea for Energy East. Energy East is the safest and most environmentally responsible way to get western Canadian crude oil to eastern Canadian and export markets.
6793. And this is supported by a 2015 Fraser Institute study, which concluded that pipelines are four-and-a-half times safer than rail for crude oil transportation.
6794. In 2015, the refineries in Quebec and Atlantic Canada imported an average of 566,000 barrels of oil a day from countries such as the United States,

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Saudi Arabia, and Nigeria. At last year's average oil prices, it's \$35 million per day leaving the Canadian economy that would be staying home if that foreign-sourced crude were replaced with Canadian oil.

6795. Energy East will also greatly improve access for Canadian crude oil to new export markets. As the slide shows, there's significant demand for crude oil in Europe, in Asia, and parts of the United States such as the East Coast and Gulf Coast. And refineries in those regions are very keen to have greater access to Canadian crude oil.
6796. As we'll see later on, there's also significant economic benefit for provinces across the country, including numerous jobs and tax revenues for Canada and for New Brunswick. This is according to the Conference Board of Canada, which is the foremost independent, not-for-profit research organization in Canada.
6797. Next slide.
6798. In New Brunswick, the project will consist of 417 kilometres of new underground pipeline from the north of Edmundston to our tank terminal in Saint John. That's the purple line that you can see on the map that my pointer isn't wanting -- there we go, that purple line there.
6799. There will be five pump stations in the province at about every 75 kilometres along the pipeline. Those are the yellow dots that you see on the slide with their names followed by the letters PS.
6800. Each station will have four to six pump units driven by electric motors and this will represent a significant base load demand for New Brunswick Power. Some stations will include traps to launch and receive inline inspection tools that are used to periodically inspect the condition of the pipe so that we make sure that it will be safe throughout its operating life.
6801. There will be 57 pipeline valves placed strategically along the pipeline route in New Brunswick that can be used to isolate sections of the pipeline in the very unlikely event of a leak to protect drinking water sources, watersheds, and other environmentally-sensitive areas. The pump stations and valves will be remotely monitored and controlled 24 hours a day, 7 days a week from the TransCanada Operations Control Centre in Calgary.

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Opening presentation by Mr. Van der Put

6802. The proposed Saint John Marine Terminal Complex will consist of a tank and marine terminal. It will be located at the end of the Energy East Pipeline, about seven kilometres to the south east of the City of Saint John.
6803. The complex will be adjacent to Irving Oil's existing Canaport marine and tank facilities, which have been in operation for over 45 years.
6804. The tank terminal receives oil from the Energy East Pipeline for delivery to either the Canaport Energy East Marine Terminal or to the Irving Oil Refinery.
6805. The tank terminal will include 22 oil storage tanks with an oil storage capacity of approximately 600,000 barrels each. The tanks will have a diameter of 79 metres and will be 21 metres high.
6806. The marine terminal is designed to be a fixed-berth terminal with the ability to dock and load up to two oil tanker simultaneously, ranging from Aframax size, which is 700,000 barrel capacity, up to very large crude carrier or VLCC-class tankers, which have a capacity of 2.2 million barrels.
6807. About 280 tankers per year are anticipated to call at the Canaport Energy East Marine Terminal. This equates to less than one tanker per day.
6808. Next slide, please.
6809. Having described what the project is, I'll now turn to the companies that are proposing to make it a reality.
6810. Energy East will be 100 percent owned by TransCanada. With more than 65 years experienced, TransCanada is a leader in the responsible development and reliable operation of North American energy infrastructure, including natural gas and liquids pipelines, power generation, and gas storage facilities.
6811. TransCanada operates a network of natural gas pipelines that now extends more than 90,000 kilometres, tapping into virtually all major gas supply basins in North America.
6812. TransCanada is also the continent's leading provider of gas storage and related services, with 664 billion cubic feet of storage capacity. And together,

EEPL and TCPL Panel
Opening presentation by Mr. Van der Put

these facilities supply 27 percent of North America's natural gas demand.

6813. A large independent power producer, TransCanada currently owns or has interests in over 10,500 megawatts of power generation in Canada and the United States. Over one third of that comes from emissionless sources like solar, wind, hydro, and nuclear.
6814. TransCanada is also the developer and operator of one of North America's leading liquids pipeline systems that extends over 4,300 kilometres, connecting growing continental oil supplies to key markets and refineries.
6815. Since it went into service in 2010, TransCanada's Keystone Oil Pipeline has safely delivered over 1.2 billion barrels, that's billion with a 'b', of crude oil to markets in the Midwest and Gulf Coast regions of the U.S.
6816. Beyond all the numbers, TransCanada is a values-driven organization. Our values guide how we work, how we treat one another, and how we've operated at TransCanada every single day for more than 65 years. Our values, our integrity, responsibility, collaboration, and innovation and we summarize it as simply doing what's right.
6817. Next slide.
6818. The Canaport Energy East Marine Terminal will be jointly owned by Energy East and Irving Oil. As you probably know, Irving Oil was founded in 1924. It's a privately owned regional refining and marketing company with a history of long-term partnerships and relationships.
6819. Irving Oil operates Canada's largest refinery in Saint John, which has reached production rates in excess of 320,000 barrels per day.
6820. With over 900 fueling locations, operations from a network of distribution terminals, and a delivery fleet of tractor trailers, Irving Oil serves wholesale, commercial and retail customers in Atlantic Canada, in Quebec, and in New England.
6821. And similar to TransCanada, safety is a way of life for Irving Oil. Irving Oil has a strong and proven track record of excellence in marine safety and has been moving crude oil and finished product through the Bay of Fundy in a safe and responsible manner for the last half century.

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6822. Next slide?

6823. We've been talking to stakeholders and Indigenous communities in New Brunswick about the Energy East Project since we officially announced the project exactly three years ago. What we've done and will continue to do is not only provide information but also obtain input that will help us develop the best possible project.

6824. Now, we've engaged with a total of 21 Indigenous communities and organizations in both New Brunswick and Nova Scotia. We currently have communications and engagement funding agreements in the process of being implemented with many of those communities. This funding will help those communities marshal the resources that they need to engage with us effectively.

6825. We're also pleased to have traditional knowledge or TK studies underway with 14 participating communities and organizations. This invaluable work provides us a much deeper understanding of culturally significant resources as we continue to develop our project.

6826. We've also had over 460 meetings with a total of 45 non-Indigenous communities in New Brunswick and Nova Scotia, and we've engaged with a total of 291 landowners along the proposed pipeline route in New Brunswick.

6827. A positive result from this engagement has been resolutions in support of the project by the Union of New Brunswick Municipalities, representing 59 municipalities, as well as individual resolutions from 18 municipalities along the pipeline route.

6828. Key tools that we used for that engagement were a total of 19 open houses and three safety and emergency response information days where we welcomed well over 3,000 guests who wanted to talk to us about the project.

6829. Next slide.

6830. Another thing that we did to help us design the safest and most environmentally-responsible project possible was to hire objective third-party experts, including Stantec, to conduct a rigorous science-based environmental and socio-economic assessment of our proposed project.

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Opening presentation by Mr. Van der Put

6831. The development of the Energy East ESA involved approximately 450 scientists and specialists completing environmental fieldwork and roughly another 700 were employed in the analysis and preparation of the ESA. Those included wildlife biologists, atmospheric scientists, archeologists, and fisheries scientists just to name a few. These professionals have participated in over 900 field survey trips across the country.
6832. This ESA looked at the environmental and economic effects of constructing and operating the pipeline, the pump stations, and terminals. It also looked at the effects of marine shipping, which is associated with but not part of the scope of the Energy East Project.
6833. Where available, issues and concerns by Aboriginal groups and stakeholders were considered during the development of the ESA. An ongoing engagement will be used in the development of the mitigation measures recommended by Stantec.
6834. In New Brunswick alone, 23 separate field studies were completed with the assistance of 24 Indigenous participants and 9 local sub-consultants.
6835. The ESA is so substantial it makes up Volumes 14 through 25 of the consolidated application, and concluded that there were no significant adverse effects on any of the valued environmental components assessed within the Province of New Brunswick.
6836. Next slide.
6837. Through scientific study and by listening to Indigenous communities and stakeholders through our extensive engagement, we learned that the issues that are identified on this slide are some of the issues that are of greatest importance and interest in this region. Of course, we will continue to listen and learn from you, as we move forward, in refining the details of our project.
6838. A broad category of concerns are those related to safety and the environmental. Examples of these are the protection of lakes, rivers, and watersheds, and the potential effects of a spill on watersheds.
6839. A second category is that of consultation and engagement with both Indigenous and non-Indigenous communities.

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Opening presentation by Mr. Van der Put

6840. And the last category relates to the fact that there will be significant benefits in New Brunswick as a result of this project. But people want to ensure that they have the opportunity to access a share of those benefits.
6841. I am now going to switch to French for the next slide.
6842. Depuis que le projet Énergie Est a été proposé pour la première fois, plus d'une centaine de modifications ont été apportées au tracé au Nouveau-Brunswick pour toutes sortes de raisons.
6843. Nous avons modifier le tracé afin d'améliorer le projet en réduisant le nombre et la complexité des franchissements de cours d'eau, en améliorant la conception des franchissements de cours d'eau, et en évitant ou en réduisant les effets sur les zones écosensibles.
6844. Nous avons également apporté plusieurs changements en réponse directe aux commentaires formulés par les parties prenantes et les communautés autochtones et nous avons ainsi tenté de répondre aux commentaires des collectivités.
6845. Cette diapo illustre un exemple particulier de modifications de tracé dans la région d'Edmundston. La ligne verte que vous voyez -- mon pointeur ne marche pas -- en tout cas, la ligne verte vous la voyez. La ligne verte représente le tracé antérieur et la ligne mauve représente le nouveau tracé.
6846. Dans ce cas particulier, nous avons -- nous avons reçu les commentaires de la Ville d'Edmundston au début de l'année 2013 qui demandait une modification du tracé afin d'éloigner l'oléoduc de la prise d'eau municipale. Dans ce cas, la modification du tracé était substantielle puisqu'elle visait environ 98 kilomètres du tracé.
6847. Cette modification du tracé était plus favorable à la ville, alors que les préoccupations relatives à la gestion des urgences et la protection de l'approvisionnement en eau potable demeurent des priorités.
6848. La ville a exigé qu'Énergie Est présente une mise à jour à la communauté lors d'une séance de portes ouvertes spéciale au mois de décembre 2013. Les commentaires recueillis lors des portes ouvertes ont révélé clairement que le tracé révisé, maintenant le tracé actuellement proposé, représentait une amélioration importante par rapport à la proposition initiale.

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6849. Depuis, Énergie Est a eu des rencontres trimestrielles avec des représentants d'Edmundston afin de fournir des mises à jour sur le projet, de répondre à des demandes d'information, et de présenter des présentations détaillées sur divers éléments du projet.
6850. Edmundston a également été désigné comme une priorité pour le développement d'un plan d'intervention d'urgence spécifique pour la région. Une première séance de travail avec les représentants de la ville et de la région pour lancer le développement de ce plan a eu lieu le mois dernier suite à une visite au terrain avec des employés de la ville.
6851. Énergie Est s'engage à continuer à travailler avec la Ville d'Edmundston sur ce tracé et sur la conception, l'exploitation, et les procédures d'intervention d'urgence connexes qui permettront, ensemble, de protéger les ressources en eau et l'approvisionnement en eau de la ville.
6852. Next slide, please.
6853. It's incredibly important for us -- to us to ensure that the safety and integrity of our pipeline occur at all phases of the project, from routing, as mentioned, through design and construction and into operation and maintenance. TransCanada invests approximately \$1 billion each year on integrity programs and preventative maintenance.
6854. Once this pipeline is in operation, Energy East will implement integrity and maintenance systems to prevent and detect leaks. These measures include regular in-line inspections to monitor the condition of the pipe and identify any anomalies that need further investigation.
6855. And the picture on the slide at the top shows what these sophisticated smart pigs, as we call them, look like. Cathodic protection, which is a common method used in various industries to prevent corrosion of metal structures such as pipelines, ships, bridges, and other applications; it's also used to protect the Eiffel Tower against corrosion.
6856. Supervisory Control and Data Acquisition, or SCADA, a computer system that can remotely control the pipeline system, including strategically placed shut-off valves that can be closed within minutes.

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6857. Our pipelines are monitored 24 hours a day, 7 days a week and you can see a photo of the operations control centre in Calgary on the bottom in the slide. We also regularly fly over the pipeline route to conduct visual inspections in addition to doing weekly maintenance at our pump stations.
6858. Next slide. Because Energy East would design safety into every aspect of the project, it is very unlikely that an accident or malfunction will occur. That said, we all recognize that zero risk does not exist, so we need to be prepared to respond to an emergency anywhere along the entire pipeline route, and we need to plan for the worst case scenario, however unlikely. This worst case scenario approach allows us to plan and adopt the most stringent preventive and reactive procedures possible.
6859. Energy East will be fully accountable for all aspects and responsible for all of the costs of emergency preparedness and response including all remediation and restoration activities and all associated damages. Energy East has committed to complete its emergency response plan by mid-to-late 2018 in alignment with the regulatory review process, ensuring plans are in place for all aspects of the project well before pipeline in service. This ERP will be developed and continuously updated in close collaboration with all local first responders and other emergency services groups such as the fire marshals here in New Brunswick.
6860. We're committed to a comprehensive training and validation program for our field personnel to ensure that we're prepared to respond to any emergency, and Energy East will respond immediately in the event of an emergency. This will begin with the shutdown of the pipeline or facility, activation of protection -- protective systems at pump stations and terminals, and full activation of the incident command system.
6861. Continuous improvement is achieved by practicing our skills. In 2015 alone, TransCanada conducted a total of 125 emergency response exercises, which included table tops and field exercises, up to including full corporate-wide mock exercises involving local first responders.
6862. Next slide.
6863. Through our consultation work we received a lot of questions about the economic opportunities for the project, and here are some examples of those opportunities. We firmly believe and we're committed to maximizing the benefits

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of Energy East for New Brunswick's Indigenous communities. An example of this is training, employment, and contracting on our environmental and archaeological field study participation program.

6864. In 2015, we achieved 45 percent Indigenous participation in our field team, consisting of environmental and archaeological field technicians, monitors, and Indigenous archeologists. These individuals received extensive pre-employment training and many went on to further professional technical study over this past winter.
6865. Energy East's environmental consultant, Stantec, has sub-contracted Indigenous environmental services firm Green Eagle for a third year in 2016, and both companies have learned a great deal from each other and they've benefited from the relationship.
6866. This season, with the same commitment to building long-term capacity, Energy East's field program team will be majority Indigenous with the aim of developing a core group of Indigenous leaders for when archaeological field studies may ramp up.
6867. Energy East continues to work with New Brunswick Indigenous communities, with the province, and the joint economic development initiative on Indigenous training and employment contracting readiness and other means of delivering on Energy East's commitment to maximizing project benefits for Indigenous communities.
6868. We have also engaged with local unions and we've signed a memorandum of understanding with national unions to maximize opportunities for the local work force. And there's currently 359 suppliers in New Brunswick who have demonstrated an interest in working on Energy East by registering on our vendor portal.
6869. Now, we have yet to put a shovel in the ground, but we've already spent over \$42 million in New Brunswick, developing this project. This has paid for things like environmental studies, land surveying, translation services, and geotechnical surveys, just to name a few.
6870. Next slide.
6871. In order to get a sense of the overall economic benefits we could

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expect to come from the Energy East Project, we turn to the Conference Board of Canada. The Conference Board's report, which is in our NEB application, indicates that Energy East will create the following benefits in New Brunswick alone: 3,771 jobs annually, direct and indirect, during development and construction, with peak construction job levels at over 10,000.

6872. This is equivalent to about a third of all construction employment in New Brunswick in 2013; 261 jobs annually, both direct and indirect, during the first 20 years of operations; over \$853 million in tax revenues for provincial and federal governments through the first 20 years of operations; and a gross domestic product impact of over \$6.5 billion during that same period.

6873. The project facilities will also be responsible for a significant amount of property taxes to benefit New Brunswick communities, amounting to an estimated \$14 million each year, once the pipeline system is in operation. It's also important to note that one quarter of the project capital spending occurs in New Brunswick.

6874. Now, switch to -- again over to French for the concluding slide in this presentation.

6875. Alors, en conclusion, j'aimerais réitérer notre conviction que le Projet Énergie Est est la façon la plus sécuritaire et respectueuse de l'environnement de transporter le pétrole brut de l'ouest vers l'est à travers le pays.

6876. Nous nous engageons à acheminer ce pétrole de manière sécuritaire, responsable, et fiable, et notre but est qu'il n'y ait aucun incident.

6877. Énergie Est transportera l'équivalent de 1,500 wagons chaque jour et offrira aux raffineries de l'Est du Canada l'opportunité de remplacer le pétrole qu'elles importent présentement de l'étranger afin de répondre à leurs besoins.

6878. Ceci aura un impact important sur l'amélioration globale de la sécurité et des avantages économiques importants pour ce pays grâce à raison d'une balance commerciale plus avantageuse.

6879. Nous avons largement consulté les collectivités situées le long de l'oléoduc depuis que ce projet a été annoncé il y a exactement trois ans, et nous continuerons à solliciter activement et ouvertement la participation des collectivités et des communautés autochtones.

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6880. Plus de 700 modifications ont été apportées au tracé depuis cette date en réponse à ce qui nous a été communiqué dans le cadre de ce processus de participation.
6881. En somme, nous soumettons qu'il est dans le meilleur intérêt du Canada et de la Province du Nouveau-Brunswick d'aller de l'avant avec ce projet.
6882. Et j'aimerais vous remercier de votre attention. Il nous fera maintenant plaisir d'aborder vos questions au cours des deux prochaines journées.
6883. **LE PRÉSIDENT:** Merci, Monsieur Van der Put.
6884. Monsieur Watton?
6885. **MR. WATTON:** If I could just pause for just a moment, I think we have a small logistical matter. Yes, we have another camera coming into the room. So rather than interrupt the intervenor, if you would maybe give us a minute for them to allow to come in and set up?
6886. **THE CHAIRMAN:** Let's just take a short five, 10-minute pause here.
- Upon recessing at 9:38 a.m./L'audience est suspendue à 9h38
- Upon resuming at 9:45 a.m./L'audience est reprise à 9h45
6887. **THE CHAIRMAN:** Welcome back, everyone.
- CARLOS PARDO:** Resumed, Sous le même serment
- DEREK SIEGEL:** Resumed, Sous le même serment
- ALBERT LEES:** Resumed, Sous le même serment
- JOHN VAN DER PUT:** Resumed, Sous le même serment
- CHRISTIAN MATOSSIAN:** Resumed, Sous le même serment
- STÉPHANE GRENON:** Resumed, Sous le même serment
- ANDREW CARSON:** Resumed, Sous le même serment
6888. **MR. WATTON:** Okay, I'd like to call on our first intervenor.
6889. Notre premier intervenant est le Gouvernement du Nouveau-

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Brunswick, Monsieur Doucet et Monsieur Breckenridge.

6890. And if you could both please confirm that you were sworn or affirmed prior -- during the registrations?

6891. **MR. DOUCET:** Yes, I was.

6892. **MR. BRECKENRIDGE:** Yes.

6893. **MR. WATTON:** Thank you. Please proceed.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR THE
GOVERNMENT OF NEW BRUNSWICK:**

6894. **MR. BRECKENRIDGE:** Good morning. My name is Bill Breckenridge and I'm the Assistant Deputy Minister in the Department of Energy and Resource Development for the Province of New Brunswick.

6895. Thank you so much to the National Energy Board for this opportunity this morning to speak and participate in the National Energy Board's review of the Energy East Project.

6896. The Government of New Brunswick understands that the Energy East pipeline will provide significant economic benefits to the province both in the short and in the long-term.

6897. New Brunswickers are eager to explore new opportunities to increase employment, create wealth, and increase the economic vitality of our communities. Witnessing the success achieved in other provinces as they continue to develop their new energy resources, we recognize here that New Brunswickers can certainly benefit from this project proposal, not only during the construction phase, as was outlined in the presentation, but also long-term as this pipeline will help us with our energy security for the future.

6898. That being said, while we acknowledge the economic benefits it is critical that we, the Government of New Brunswick, exercise due diligence and scrutinize this proposal to ensure that environmental impacts are minimized to an acceptable level.

6899. We are confident that the continued economic development of our

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natural resources can occur in an environmentally responsible way, and to ensure this the Government of New Brunswick is participating in the NEB review as an intervenor to support this neutral science-based review of the project.

6900. To accomplish this we're conducting a thorough review of the project similar to what would take place during a provincial environmental impact assessment review.

6901. A number of provincial departments are partnering, and dozens of representatives will continue to examine the project based on their respective mandates and fields of expertise.

6902. Their contributions will continue to be consolidated into one submission from the Government of New Brunswick, which is being coordinated by the Department of Environment and Local Government.

6903. I would now like to introduce my colleague Monsieur Pierre Doucet, who is the Project Manager in the Environmental Assessment Section of our Department of Environment and Local Government.

6904. Thank you.

6905. **M. DOUCET:** Merci. Bonjour et tel que mentionné pas Monsieur Van der Put, bonne fête des Acadiens à tout le monde.

6906. As previously mentioned, the Government of New Brunswick has been conducting a thorough, neutral, and science-based review of this project as the Applicant has been making project information available.

6907. Also, we've been having discussions with the Applicant on a number of issues during that time.

6908. Government experts have been reviewing the original project application which was submitted to the NEB in late 2014, as well as the supplementary reports that were subsequently submitted.

6909. We will be presenting detailed questions as part of the information request phase of the review later on.

6910. Also, some of the previous presentations by intervenors in Saint John

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- last week touched on several issues of concern to the Government of New Brunswick such as potential impacts to residents near the tank terminal and how employment opportunities might be maximized for New Brunswick. We'll save questions on those issues for the end of our allotted time this morning if there's still any time remaining.
6911. Furthermore, some of the subsequent presentations over the next two days in Fredericton will also raise shared issues of concern. For example, the City of Edmundston, it is our understanding, will ask questions regarding their protected watershed.
6912. However, the following questions are a sampling of some high-level questions on some of the major themes that will be broached during the information request phase. First of all -- and this was touched on a bit in the presentation given earlier this morning -- but what is the expected timeframe for the submission of emergency response plans? And will those plans be made available to provincial regulators for review and comment?
6913. Along those same lines, the project application refers to the supervisory control and data acquisition system, or SCADA, that will be used to continuously monitor and control pipeline operation. Is there a contingency plan in place should the SCADA system malfunction or shutdown?
6914. **MR. VAN DER PUT:** Good morning. With regards to the first question, the Energy East will complete its emergency response plan by mid to late 2018. That's three, four years in advance of the pipeline going into service.
6915. We're working on that emergency response plan with first responders in New Brunswick all along the pipeline route and also with the fire marshals. So those plans will be made available to provincial authorities for review and comment prior to completion.
6916. With regards to the second question, the Supervisory Control and Data Acquisition system is critical to ensure the safety of the system. It's our eyes on the system to ensure that it's in good condition. We have to be able to maintain that communication.
6917. If ever that communication were lost, then what would happen is that the system would automatically shut down in order to go into a safe mode. All of the pump stations would shut down in a controlled fashion.

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6918. Now, because clearly we want to maintain communication, critical communication with the system we have actually backup communication systems. The primary communication system is satellite. We also have cellular; we also have analog in order to maintain communication.

6919. We have a completely separate SCADA system on a different server in case the primary system were to fail. We have a separate console controlling our SCADA system. If the primary console were to be inoperable, then we could go to the second console.

6920. And as well, we have a completely separate backup operations control centre which is located about 20 kilometres away from the main operations control centre in Calgary, should we ever need to go to that alternative site.

6921. **MR. DOUCET:** Thank you.

6922. With regards to watercourse crossings, when will detailed site-specific watercourse crossing plans be available for view by the appropriate regulators, and will these plans include, among other things, appropriate mitigation measures to protect fish and fish habitat, as well as wildlife and wildlife habitat, including but not limited to wood turtles, a species at risk listed as threatened under both federal and provincial species at risk legislation?

6923. **MR. VAN DER PUT:** So site-specific watercourse crossing plans will be available once we've done detailed engineering. And we'll be working on detailed engineering in 2017, and it will be subsequent to that that detailed plans for watercourse crossings would be available. The plans will include mitigation measures, including fish and fish habitat and also including wood turtle.

6924. I'd like to ask Mr. Lees to describe briefly what those mitigation measures would entail.

6925. **MR. LEES:** Thank you.

6926. In the process of completing our various studies that we undertook as part of the assessment of the project, we completed detailed fisheries and wildlife habitat assessments and species-specific surveys. The information that we've gathered is all captured now in the environmental protection plans, and they're in Volume 21 of the ESA, and each of those plans has specific measures associated

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with each of the watercourses: the method of crossing, species that are identified that have been seen at that crossing, as well as additional wildlife information that may be associated with that crossing, including things like presence of wood turtles or other sensitive species.

6927. The environmental protection plans -- all that information is captured within the environmental protection plans in resource-specific mitigation tables, and that information is also overlaid onto the environmental alignment sheets that are part of the -- each of the individual environmental protection plans for both the pipelines as well as the pump stations. Those plans are all in their early stages of development and they will be reviewed with the regulatory agencies as we continue to move forward with the project.

6928. **MR. VAN DER PUT:** Thanks, Mr. Lee.

6929. **MR. DOUCET:** Thank you.

6930. The Government of New Brunswick recognizes and acknowledges that there is a duty to consult with First Nations about potential impacts through Aboriginal and treaty rights that may result from the Energy East Pipeline Project, and to accommodate where appropriate.

6931. The Government of New Brunswick will be engaging with First Nations in a coordinated, whole of government approach, and will seek to coordinate with the Government of Canada for these consultations. In the meantime, it is understood that traditional land and resource use studies are intended to be completed in cooperation with New Brunswick First Nations.

6932. What is the timeframe for the completion of these studies, and will any project-specific traditional land and resource use data eventually be made available? And also, have appropriate heritage impact assessment and archaeological impact assessments for heritage resources been conducted for the entire project footprint?

6933. **MR. VAN DER PUT:** Yes, sorry, thank you, Christian.

6934. With regards to the timeline for completing the traditional land and resource use studies, that's anticipated between September and December of this year. I'm going to ask Mr. Matossian to talk about the -- when the data will be available, and then I'll ask Mr. Lees to talk about the extent to which heritage

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impact assessment and archaeological impact assessment for heritage resources have been conducted.

6935. So Christian?

6936. **MR. MATOSSIAN:** Thank you.

6937. Once the studies are complete and the information comes in, we typically review that information with the participating communities and incorporate it into our environmental protection plans, our project design, our construction and project planning.

6938. That being said, the specific TRLU, or traditional land and resource use information will be made available only if the participating communities allow the release of the data, and subject to the provisions that we have agreed to on confidentiality and use of information in the TK or traditional knowledge agreements that we have in place with those communities.

6939. **MR. VAN DER PUT:** Thanks, Christian.

6940. Albert?

6941. **MR. LEES:** Thanks, John.

6942. With respect to archaeology, we have completed some of the studies and some are still ongoing. Potential effects on heritage resources has been assessed, in terms of potential adverse effects, and that's in Volume 16, part E of the -- section 3 of the application.

6943. The archaeological impact assessment work is -- was started in 2013 and is still progressing. We've completed a 95 percent walkover of the entire route and archaeological mitigation is -- has been initiated. And by that I mean the actual shovel testing program. And work is continuing and is being done in -- with cooperation of participating members from various Aboriginal communities.

6944. We are documenting that information under the permit conditions that have been issued through the Government of New Brunswick, and those results are provided to the government on an annual basis at the end of their fiscal year.

6945. **MR. VAN DER PUT:** Thanks, Albert.

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6946. **MR. DOUCET:** Thank you.

6947. It is noted that the consolidated application contains an ecological and human health risk assessment, which concentrates only on marine spills. Why wasn't such an assessment conducted for the rest of the project, including along the pipeline route in New Brunswick?

6948. **MR. VAN DER PUT:** You're correct that the ecological and human health risk assessment was done for a very specific purpose, but I do want to stress that human health effects, ecological effects, were assessed for the entirety of the pipeline route, and I just want to ask Albert just to expand on that a little bit.

6949. **MR. LEES:** Thanks, John.

6950. For an assessment of hypothetical spills and the effects on the environment and human health, our analysis involved two alternate approaches, both of which are acceptable for evaluating risk. Both are scientifically based and both included a qualitative and quantitative approach. For the terrestrial and fresh-water environments, we used one type that is commonly used, and that's been documented in Volume 19 of the assessment.

6951. And for the marine environment, in particular, the Bay of Fundy, we used an equally valid alternative approach, and those -- results of that are -- have been found -- you can find in Volume 24. Both approaches provide a scientifically-based evaluation of ecological and human health risks, and both can be used to inform decision-making as the project goes forward and emergency response planning.

6952. **MR. DOUCET:** Thank you.

6953. Regarding the three proposed construction camps in New Brunswick, it was noted that in Saint John -- last week it was mentioned that the construction camps might not be built. The first attempts will be to use what available lodging is in the area.

6954. I was just wondering, does that apply for all three proposed construction camps, not only the one in Saint John? And should any camps be deemed necessary, will appropriate measures be taken to address potential public

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health issues such as food safety, infection control, sanitary conditions, water supply, and waste water treatment?

6955. **MR. VAN DER PUT:** The specific needs for accommodation of a construction work force will be assessed once the prime contracts have been awarded for the construction of the various facilities on the project. The -- as you mentioned, we will maximize the -- or the contractors will maximize the use of available local accommodations to the extent possible, but to the extent that requirements exceed those, then that's where camps could be necessary.

6956. To the extent that camps are established, Energy East will ensure that the camp provider is adhering or that their health and safety policies are in alignment with Energy East's health and safety policies. And that means zero tolerance for drug and alcohol abuse. That means complying certainly with all regulations regarding health, safety, and sanitation.

6957. It means of course the camp provider obtaining all of the necessary permits, and also Energy East would be periodically monitoring the campsite, the worksite, to ensure that the provider's health and safety systems are in fact functioning.

6958. **MR. LEES:** Do you mind if I just might still go on a little bit?

6959. **MR. VAN DER PUT:** Yes.

6960. **MR. LEES:** So camps will have onsite fresh water, onsite sanitary systems, including sewer water management, onsite food services, onsite solid waste management services. And we'll have first aid help services onsite as well, and they'll be open seven days a week and they'll be built in accordance with applicable building and zoning requirements.

6961. **MR. DOUCET:** Thank you.

6962. Given the limited time available, this will likely be the last question. Regarding land use on the pipeline, have the appropriate methods been used to properly identify agricultural land along the New Brunswick portion of the proposed route? And will there be any restrictions to agricultural activities on the pipeline right-of-way?

6963. **MR. VAN DER PUT:** Albert will touch on the methods that have

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been used to identify agricultural land usage, and then Mr. Siegel will touch on any restrictions to agricultural activities.

6964. Albert?

6965. **MR. LEES:** Thanks, John.

6966. Just -- in order to complete our studies associated with soils, we looked at a number of different data sources to be able to delineate agricultural soils along the line. The primary method of course was with a consultation from Energy East land agents in consultation with landowners to identify agricultural parcels.

6967. We used a combination of zoning where agricultural land may have been identified as -- through the zoning process. We looked at identifying agricultural lands through air photo interpretation, as well as we had field programs. Those field programs involved a complete walkover of the entire pipeline right-of-way. We also used Canadian Land Inventory and Classified Lands. We used lands classified as one to three that have high agricultural capability.

6968. We also recognized that there is a Farm Land Identification Program and we'll take that information as we move forward and apply that information to the -- how we handle soils as we move forward with planning for construction of the project.

6969. **MR. SIEGEL:** Our easement agreements and the NEB Damage Prevention Regulations to set out some restrictions with respect to ground disturbances in installations over the pipeline. Those are put in place to ensure the safe operation of the pipeline and the safety of the landowners.

6970. But ordinary farming practices are permitted over the easement. Cultivation to a depth of 45 centimetres is not considered ground disturbance. So some activities that would not be permitted include the erecting of permanent structures, digging of pits, the drilling of wells, altering the grade of the right-of-way which would impact the depth of cover, and any action that might limit the company's access to the right-of-way. But these restrictions would be set out in the Easement Agreement with the landowner.

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6971. **MR. DOUCET:** Thank you very much.

6972. As previously indicated, we intend to ask more detail questions during the information request phase, but thank you very much for your time this morning.

6973. **THE CHAIRMAN:** Thank you. Merci, Monsieur Doucet and Mr. Breckenridge.

6974. **M. WATTON:** Donc notre prochain intervenant est la Ville d'Edmundston.

--- (A short pause/Courte pause)

6975. **M. WATTON:** Monsieur Simard et Monsieur Duguay, pourriez-vous confirmer que vous étiez déjà assermenté ou affirmé?

6976. **M. SIMARD:** Oui.

6977. **M. DUGUAY:** Oui.

6978. **M. WATTON:** Merci. Allez-y.

--- REPRÉSENTATION ORALE PAR/ORAL PRESENTATION BY LA VILLE D'EDMUNDSTON:

6979. **M. SIMARD:** Merci, Monsieur le président, Membres de l'Office.

6980. Mon nom est Cyrille Simard et j'ai l'honneur et le privilège d'être le maire de la Ville d'Edmundston, une ville de 16,000 habitants, forte de nature, un carrefour économique social et culturel au cœur de l'Acadie, des terres et forêts, qui est un territoire transfrontalier qui comprend 100,000 habitants dans un rayon de 100 kilomètres à la ronde.

6981. Je me présente aujourd'hui devant vous en ma qualité de représentant et porte-parole de la ville. Et au nom du Conseil municipal et de l'ensemble de ses citoyennes et citoyens, je vous remercie d'abord de nous accorder l'occasion d'intervenir ici aujourd'hui, et dans les mois qui viennent concernant le Projet Énergie Est qui préoccupe particulièrement notre ville, nos partenaires, et tous ceux et celles à qui nous fournissons une eau potable de première qualité, incluant

nos amis et partenaires de la Première nation malécite du Madawaska.

6982. Sachez d'entrée de jeu que nous participons en toute bonne foi à la séance d'aujourd'hui, malgré le fait que nous sommes préoccupés par les informations publiques récentes qui me semble mettre en cause l'intégrité des audiences actuelles.
6983. Le temps qui nous est imparti étant très limité, je me contenterai aujourd'hui de réduire notre intervention à l'essentiel qui suit.
6984. Depuis 2013, la Ville d'Edmundston a mené un processus de diligence raisonnable à l'endroit du Projet Énergie Est, comprenant des analyses approfondies, des consultations et des rencontres qui visent à examiner les facteurs économiques, socio et environnementaux qui concernent spécifiquement notre communauté.
6985. Suite à ce processus, le Conseil municipal d'Edmundston a adopté le 26 avril 2016 la résolution 2016-026 en réunion publique, stipulant que la Ville d'Edmundston continue de protéger l'intégrité de sa source d'eau potable actuelle et ainsi s'oppose à tous les tracés d'oléoducs qui traversent le bassin hydrographique Iroquois dans son ensemble, incluant la partie située au Québec.
6986. À cette étape initiale du processus actuel, je suis donc ici aujourd'hui pour deux raisons.
6987. Premièrement, m'assurer que soit bien compris le caractère unique de la Ville d'Edmundston à l'échelle canadienne par rapport aux risques et impacts potentiels que le tracé actuel proposé pour le Projet Énergie Est représente pour notre eau potable, et qui a conduit à l'adoption de la résolution précédente.
6988. Deuxièmement, poser un certain nombre de questions spécifiques à l'intention du promoteur principal d'Énergie Est, c'est-à-dire TransCanada.
6989. S'agissant du caractère unique de la Ville d'Edmundston par rapport à son approvisionnement en eau potable, je veux que soit bien compris les éléments suivants.
6990. En tant qu'organisation municipale, la Ville d'Edmundston fournit de l'eau non seulement à l'ensemble de sa population, aux institutions, industries et commerces sur son territoire, ainsi qu'à son service de sécurité incendie, mais

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également aux résidents de la Première nation malécite du Madawaska qui sont nos amis et nos partenaires.

6991. Cette eau provient d'une source d'approvisionnement souterraine unique, composée d'aquifères constitués de couches de matériaux naturels accumulés et agencés depuis la période silurienne, c'est-à-dire qui date depuis plus de 400 millions d'années et qui filtre et emmagasine notre eau potable.
6992. Cette source d'approvisionnement souterraine unique ne nécessite aucune présence d'une usine de traitement de l'eau potable. Et advenant une contamination, ces aquifères seraient détruits et inutilisables pour toujours.
6993. Aucune autre source d'eau potable souterraine suffisante pour rencontrer nos besoins n'existe sur le territoire municipal et aucune autre source d'eau potable de toute nature n'est disponible dans l'immédiat sans nécessiter des investissements majeurs, tant sur le plan de la construction que des opérations, étant donné la nécessité de la présence d'une usine de traitement de l'eau.
6994. Comme vous le voyez sur l'image qui sera affichée à l'avant, nos aquifères sont alimentés par des bassins hydrographiques de la rivière Iroquois et du ruisseau Blanchette, qui sont situés à l'extérieur du territoire de la municipalité sur des terres ancestrales malécites.
6995. Le tracé de l'oléoduc Énergie Est traverse le bassin hydrographique Iroquois sur une distance de 18 kilomètres versant, comprenant évidemment la portion québécoise qui n'était pas affichée sur la présentation de TransCanada un peu plus tôt. Je parle notamment de la diapositive numéro 10.
6996. Le bassin Iroquois spécifiquement nous permet de fournir 2,000 gallons d'eau par jour sur les trois -- deux millions -- dis-je, sur les trois millions nécessaires à notre population en rechargeant nos puits qui sont situés en aval du passage de l'oléoduc.
6997. Vous pouvez changer la slide.
6998. Voilà en bref pourquoi l'ensemble de ces éléments confère un caractère exceptionnel à la Ville d'Edmundston dans le cadre du Projet Énergie Est. Et voilà pourquoi il est impératif pour nous de protéger notre source d'eau potable actuelle.

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6999. Nous souhaitons maintenant poser un certain nombre de questions spécifiques au demandeur du projet, soit TransCanada.
7000. Considérant que le bassin hydrographique qui alimente notre source d'approvisionnement en eau potable inclut également un grand territoire qui est hors du Nouveau-Brunswick, c'est-à-dire au Québec, pourquoi les méthodes proposées d'installation de l'oléoduc diffèrent-elles entre le passage de l'oléoduc dans un cours d'eau au Québec et le passage du même oléoduc dans un cours d'eau du Nouveau-Brunswick dans le même bassin hydrographique?
7001. **M. VAN DER PUT:** Juste un instant, s'il vous plaît.
- (A short pause/Courte pause)
7002. **M. VAN DER PUT:** Vu que la question touche les méthodes de conception et de construction au Québec versus le Nouveau-Brunswick, Monsieur Siegel va répondre à la question.
7003. **MR. SIEGEL:** Thank you.
7004. Our process for selecting watercourse crossings and locations and techniques is developed using industry-accepted design and installation practices. And these have been upgraded to reflect site-specific assessments and DFO measures to avoid causing harm to fish and fish habitat and water resources.
7005. So our approach is to select the most practical construction method using the least adverse effect. Our approach is the same on the Quebec side as it would be on the New Brunswick side.
7006. Final crossing methods will be determined by a qualified team, which will consider engineering, constructability and protection of the environment. And we will ensure that we're following restoration practices through our post-construction.
7007. **M. SIMARD:** Deuxième question. Advenant qu'une fuite se produise dans un des secteurs où l'on retrouve l'un des six affluents qui alimentent la source d'approvisionnement en eau potable de la Ville d'Edmundston, et advenant que vous détectiez cette fuite sur le champ, et qu'aussitôt détectée vos équipes sur le terrain seront mobilisées, combien de temps sera-t-il nécessaire à ces équipes pour contrôler la situation?

7008. C'est-à-dire à la fois contenir le déversement, et surtout éviter assurément, entièrement et parfaitement la possibilité qu'un agent contaminant ne se rende dans l'un ou l'autre des aquifères d'où est puisée notre eau potable. Est-ce qu'un scénario comme ça est réaliste?
7009. Et est-ce que le temps requis pour réaliser une telle opération est inférieur au temps de concentration?
7010. **M. VAN DER PUT:** Nous travaillons actuellement à l'élaboration d'un plan d'intervention d'urgence spécifique à votre région. Et nous travaillons ce plan en collaboration avec la Ville d'Edmundston.
7011. Je vais demander à Monsieur Grenon d'élaborer, justement pour répondre à votre question concernant les délais de réponse en mettant en vigueur justement ce plan d'intervention.
7012. **M. GRENON:** Merci.
7013. L'objectif du plan d'intervention spécifique, bien sûr c'est de réduire le temps d'intervention nécessaire au minimum. C'est-à-dire d'intervenir le plus rapidement possible. Pour faire ça, on a déjà commencé le travail avec les gens de votre municipalité. On a fait les survols aériens.
7014. On a fait des validations de terrains de ce que nous on appelle des « points de contrôle tactique », c'est-à-dire des endroits où on va aller déployer de l'équipement en cas d'un incident. On en a identifié 21 dans la zone du bassin hydrographique de la rivière Iroquois -- de la Petite Iroquois. Et puis tous ces emplacements-là on les a validés. Puis par la suite, on détermine bien sûr comment on pourrait s'y rendre, comment on pourrait déployer l'équipement et de quelle façon.
7015. Dans un scénario comme vous l'avez dit, nous on envisage de positionner de l'équipement d'intervention à Edmundston pour s'assurer d'avoir une intervention rapide. On comprend bien la préoccupation par rapport à la protection de votre prise d'eau. Le temps d'intervention à ce moment-là va être réduit bien sûr, puisque l'équipement sera à proximité.
7016. Et une fois -- dépendamment des points de contrôle qu'on a identifié, la rivière -- avec les conditions de la rivière Iroquois et tout ça au niveau

- technique, généralement là on s'attend à ce que ça pourrait prendre une heure là pour déployer les équipements dans la rivière, c'est-à-dire mettre des points de contrôle, des barrages qui contiendraient pétrole, qui préviendraient le déplacement vers la source d'eau.
7017. Et puis ça c'est là qu'on va travailler avec vous pour identifier lesquels de ces 21 là vont être stratégiques. Si jamais y a un incident, on en déploie pas seulement à un endroit. On déploie à plusieurs endroits. Il pourrait avoir 10-15 points de contrôle où on retrouverait de l'équipement en cas d'urgence dans votre rivière.
7018. Donc la question aussi qui va être à raffiner au cours des prochaines -- des prochains mois, c'est vraiment lequel de ces points de contrôle-là va être prioritaire. Puis comment on peut s'y rendre, pis comment on peut intervenir plus rapidement, soit avec nos personnes, nos équipes d'intervention d'Énergie Est, soit des contracteurs locaux ou qui peuvent être dans votre municipalité. Ou soit même, on pourrait faire une entente avec les premiers répondants locaux pour déployer de l'équipement à certains endroits.
7019. **M. SIMARD:** Merci.
7020. Quel est le protocole prévu sur le plan de la communication et de la protection de la source d'approvisionnement en eau potable d'Edmundston, advenant un déversement dans l'un ou l'autre des quatre cours d'eau ou affluents qui sont situés au Québec et qui alimentent notre source d'approvisionnement en eau potable? Et quel est le temps de concentration pour chacun de ces affluents?
7021. **M. VAN DER PUT:** Monsieur Grenon, s'il vous plaît.
7022. **M. GRENON:** Donc on fait le même travail que je viens de décrire. On le fait également du côté québécois. Nous notre approche -- nos plans d'urgence spécifiques sont par bassin hydrographique. Ils ne sont pas le long des frontières si vous voulez entre une province ou une municipalité. Donc les 21 points de contrôle que je vous ai mentionnés, c'est également du côté québécois là dans le bassin hydrographique.
7023. En cas d'incident, on va avoir bien sûr une procédure de notification qui va être très précise, que l'on va développer avec nos partenaires, les premiers répondants. Donc les -- lorsque y a une fuite qui est détectée, on se met tout de

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suite en communication avec vos gens, particulièrement les opérateurs de la prise d'eau potable, autant du côté -- les municipalités impactées du côté québécois seraient avisées également autant celles du côté du Nouveau-Brunswick.

7024. Et puis nous ce qu'on veut faire dans les prochains mois, c'est de vraiment développer une procédure de notification avec vous pour s'assurer qu'on a la meilleure façon de vous informer qu'y a potentiellement un problème, et puis qu'on fait face à une situation d'urgence.

7025. **M. SIMARD:** Merci.

7026. En mettant là de côté les traditionnelles bouteilles d'eau, comment planifiez-vous fournir de l'eau potable à l'ensemble de la population d'Edmundston et de la Première nation malécite du Madawaska, aux industries, institutions et commerces advenant un déversement qui contaminerait notre source d'approvisionnement en eau potable? Et comment planifiez-vous offrir de l'eau pour la protection d'incendies dans une telle situation?

7027. **M. VAN DER PUT:** Dans le cadre de l'élaboration de notre plan d'intervention d'urgence spécifique, c'est notre intention de travailler avec votre municipalité justement. Travailler sur les plans de contingence, justement pour fourniture de sources d'eau alternatives en cas de besoin.

7028. Y a plusieurs moyens qui peuvent être envisagés, bien sûr la fourniture de camions citernes. On peut avoir des contrats avec des camions citernes pour fourniture d'eau. Y a aussi la possibilité de construction d'une canalisation temporaire qui acheminerait de l'eau d'une source d'eau alternative.

7029. Mais y a aussi des moyens de prendre des actions rapides pour protéger la source d'eau elle-même. On peut envisager l'installation d'équipements semi-permanents, comme des équipements de barrage, de barrière, l'utilisation des estacades. Comme par exemple, protéger la source d'eau potable dans la rivière Iroquois, pour ensuite protéger la source d'eau dans le ruisseau Blanchette.

7030. Alors y a plusieurs moyens qui pourraient être envisagés qui feront partie justement de ce travail.

7031. **M. SIMARD:** Merci.

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7032. Advenant une contamination souterraine de l'une ou l'autre des aquifères d'où est puisée notre eau potable, est-ce que vous avez déjà vécu une telle situation dans le passé? Existe-t-il selon vous des méthodes de remédiation complète d'un aquifère? Et si oui, quelles sont les coûts, les délais associés à un tel procédé? Et y avez-vous déjà eu recours dans le passé?
7033. **M. VAN DER PUT:** On parle dans le cas que vous venez de décrire de transport de pétrole par voie souterraine. Et oui, y a effectivement des moyens d'intervention.
7034. Je vais demander encore à Monsieur Grenon de vous décrire ces moyens.
7035. **M. GRENON:** Merci.
7036. Oui, dans le cas où y aurait une contamination de l'eau souterraine, premièrement c'est des situations dans des versements -- si on regarde l'historique des déversements, c'est des situations qui sont particulièrement rares parce que les pétroles transportés ont une faible pénétration verticale, ont tendance à s'amalgamer avec le sol. Donc le mouvement est quand même assez lent, ce qui permet d'intervenir pour prévenir qu'on ait une contamination.
7037. Ce que l'on fait dans ces cas-là généralement, on va procéder soit -- y a différentes techniques qui existent là. C'est soit l'excavation, bien sûr enlever les sols contaminés. Il peut y avoir également des techniques qui utilisent une décontamination in situ où on peut extraire des contaminants.
7038. On peut faire venir une usine de traitement portable pour -- on pompe l'eau dans un circuit si vous voulez, et puis on la remet après qu'elle soit décontaminée. On fait des points d'interception généralement dans le cadre de l'intervention pour prévenir justement la migration que je viens de décrire.
7039. On va faire des puits d'interception pour pomper à l'intérieur avant que le pétrole puisse atteindre les zones de l'aquifère. Donc c'est des choses qui existent. C'est souvent utilisé dans le monde environnemental, si vous voulez, dans les -- particulièrement dans les cas de stations d'essence là, la contamination à long terme. Donc on utiliserait des méthodes similaires.
7040. Puis bien sûr, comme John l'a mentionné dans la présentation, tous les coûts reliés à ce type d'interventions-là, décontaminations-là, et cetera, c'est la

responsabilité d'Énergie Est en cas d'incidents.

7041. **M. SIMARD:** Merci.

7042. Le PDG de TransCanada, John Soini, a indiqué le 28 avril dernier à Fredericton que TransCanada était ouverte à discuter d'un nouveau tracé, un tracé contournant complètement le bassin hydrographique alimentant notre source d'approvisionnement en eau potable. A-t-il été analysé avant ou depuis cette déclaration? Et si oui, pourquoi n'a-t-il pas été retenu ou été présenté?

7043. **M. VAN DER PUT:** Oui, effectivement, un scénario de tracé de pipeline qui contournerait complètement le bassin hydrographique Iroquois a été évalué.

7044. Je vais demander à Monsieur Siegel de décrire les résultats justement de cette analyse.

7045. **MR. SIEGEL:** Thank you.

7046. We had a lot of challenges routing in the Edmundston area and we spent a considerable amount of time and effort reviewing the different options in the Edmundston area. We tried to balance a number of factors in our routing analysis such as land, environment, wetlands, sensitive areas, engineering information, input from stakeholders and from Indigenous communities. And more detail can be found about routing in Volume 4 of the application.

7047. It was very difficult to avoid watersheds in New Brunswick in general, and in fact, in the Edmundston area, no route will avoid all watersheds. Our initial route was less than 500 metres overland from the city of Edmundston water intakes on the Iroquois River. And after review and consultation with Edmundston city leaders, we were able to address their concern taking into consideration all the factors I talked about earlier. And the route was moved 23 kilometres further away from the intakes on the Iroquois.

7048. The resulting route filed avoids eight of the nine provincially-regulated watersheds in the area. We did look at another alternative route to avoid the Iroquois watershed entirely. However, it has substantial increase in effects such as doubling the number of watercourse crossings from 10 to 20, eight of which are in the headwaters and upstream of the protected Rivière-Verte watershed which also has water intake for the Village of Rivière-Verte.

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7049. It would also disturb an additional 70 hectares of forest land and it would create an additional 13 kilometres of crossing of protected land use areas in Quebec.

7050. So after careful consideration and thorough review, the route that was chosen is the most appropriate from an overall balance of many important contributing factors.

7051. **M. SIMARD:** Merci.

7052. Alors c'est -- Membres du Comité, Monsieur le président, c'est ce qui conclut notre intervention d'aujourd'hui.

7053. Je veux que vous sachiez que la Ville d'Edmundston entend demeurer un intervenant engagé, sérieux, intègre et respectueux dans le cadre du présent processus d'audience. Et nous espérons qu'il en sera de même pour le demandeur du projet et l'ensemble des parties prenantes.

7054. Je vous remercie du temps et de l'attention qui nous a été accordé.
Merci.

7055. **LE PRÉSIDENT:** Je vous remercie, Maire Simard et Monsieur Duguay.

--- (A short pause/Courte pause)

7056. **LE PRÉSIDENT:** À ce moment -- sorry. At this moment we will take a 10-minute break.

--- Upon recessing at 10:26 a.m./L'audience est suspendue à 10h26

--- Upon resuming at 10:37 a.m./L'audience est reprise à 10h37

DONOVAN CASE: Resumed/Sous le même serment

STÉPHANE GRENON: Resumed/Sous le même serment

CHRISTIAN MATOSSIAN: Resumed/Sous le même serment

JOHN VAN DER PUT: Resumed/Sous le même serment

ALBERT LEES: Resumed/Sous le même serment

CARLOS PARDO: Resumed/Sous le même serment

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DEREK SIEGEL: Resumed/Sous le même serment

ANDREW CARSON: Resumed/Sous le même serment

7057. **THE CHAIRMAN:** Welcome back, everyone.

7058. Mr. Watton, please?

7059. **MR. WATTON:** Our next intervenor is the New Brunswick
Aboriginal Peoples Council.

7060. And Chief Wetteland and Ms. Blaney, I understand it's Chief
Wetteland who will be presenting this morning. So if I could just confirm that
you have already been sworn or affirmed?

7061. **CHIEF WETTELAND:** Yes, I did.

7062. **MR. WATTON:** Okay, thank you. Then please proceed.

**---ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR NEW
BRUNSWICK ABORIGINAL PEOPLES COUNCIL:**

7063. **CHIEF WETTELAND:** Thank you.

7064. Greetings. Welcome to unceded territory. My name is Wendy
Wetteland and I am the President and Chief of the New Brunswick Aboriginal
Peoples Council.

7065. On behalf of the Aboriginal people who live off-reserve in New
Brunswick, let me thank you for the opportunity to share our issues and concerns
and raise questions at this Panel to the Applicant and to the National Energy
Board about the Energy East Project.

7066. I would like to note that our regional body, the Maritime Aboriginal
Peoples Council, which is the intergovernmental leaders forum of the three
Maritime Native councils presented to the Panel last week, as well as our
community Local 10 in Saint John.

7067. Let me begin first by mentioning that this process is flawed; 15 to 20
minutes is not enough time to meaningfully engage with the Applicant and the
National Energy Board on this process. I have many questions with me today and

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I doubt that they will be meaningfully responded to during this time. I will leave them with the Chair and expect that they will be fully responded to during this process.

7068. So the New Brunswick Aboriginal Peoples Council, founded in 1972 as the New Brunswick Association of Non-Status Indians, established a self-governing body for the purpose of improving living conditions and increasing the involvement of members in the life of the province.
7069. At that time and still today, the problem areas are many: housing, unemployment, lack of educational opportunities, land claims, alcohol problems, and problems with the police and the courts. These people are all non-status Indians, those persons of Aboriginal ancestry who are not recognized as Indians under the Federal *Indian Act*.
7070. They include Aboriginal women who lost status by section 12(1)(b) of the *Indian Act*; Aboriginal people who never lived on reserve and were never registered under the *Indian Act*; Aboriginal people who had lost status by the voluntary or involuntary enfranchisement; the descendants of people above.
7071. It should be noted that while some of our members are status Indians now as a result of pressure on the federal government by Aboriginal groups such as ours to address the discriminatory practice of section 12(1)(b), for the most part they have not moved to reserves and are still represented by NBAPC. For 45 years, we have been an advocate on these issues for this community that resides throughout the traditional ancestral homelands outside of *Indian Act* created reserves.
7072. Is the Application aware of the *Constitution Act of Canada, 1982* and sections 25 and 35, the purpose of which is respectively the non-abrogation or derogation from Aboriginal treaty or other rights and freedoms that pertain to all Aboriginal peoples, and reconciliation and a mutually respectful long-term relationship?
7073. Is the Applicant aware that the Supreme Court of Canada decision on the *Harry Daniels* case -- it recognizes that section 91(24) of the *Constitution Act* includes all Aboriginal people regardless of status or where they live and puts to rest the arguments surrounding their participation in any decisions affecting the promise that is Canada.

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7074. The Supreme Court recognizes that reconciliation with all of Canada's Aboriginal people is Parliament's goal and calls for reconciliation through negotiations and consultations.
7075. The Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission also all indicate that reconciliation is Parliament's goal.
7076. Is the Applicant aware that the New Brunswick Aboriginal Peoples Council is a representative body of Aboriginal Peoples and that the duty to consult applies?
7077. In 2014, we contacted Energy East to request a consultation process. We were prepared to bring our members together. NBAPC does not have the capacity to spend days along the route in order to talk about this process.
7078. Does the National Energy Board know the Applicant did respond to our request, not politely so, indicating that they did not care? Energy East has refused to accommodate our request for a clear, meaningfully transparent consultation process with the community of NBAPC, which is spread through this province.
7079. The chiefs who presented last week to this Panel all raised the importance to meet with Aboriginal peoples. I'm in shock that you did not want to talk to us. What opportunity will there be for non-status and non-reserve rights holders to understand and make informed decisions, to raise any concerns, and to discuss how these concerns may appropriately be addressed by Energy East?
7080. NBAPC expects to be meaningfully consulted. What conditions will the Applicant propose to the National Energy Board about present and ongoing Aboriginal consultation?
7081. How will the Applicant share information that will be inclusive of all Aboriginal peoples in New Brunswick?
7082. Does the Applicant realize that excluding the Aboriginal people who do not have a band in the consultation process is discrimination?
7083. The National Energy Board is responsible for the oversight to ensure that consultation occurs. Where is the National Energy Board on consultation?

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7084. According to the National Household Survey of 2011, there are 30,655 people with Aboriginal ancestry that live off reserve in the province of New Brunswick. There are 15,295 people with Aboriginal identity who live off reserve in the province of New Brunswick. This represents a significant number of Aboriginal people who have more than a passing interest in the impact of such huge potential developments such as the proposed Energy East pipeline.
7085. In the Maritimes, the British Crown entered into treaties to encourage peaceful relations with Aboriginal Nations. These early peace and friendship treaties were strategic alliances.
7086. The Mi'kmaq, the Wolustukyik, and Passamaquoddy Nations have fulfilled their only agreement with the Crown to date; to remain friends and allies of the British Crown and to live in peace with all of His or Her subjects. This characterization of the treaty relationship was recognized and reaffirmed by the Supreme Court of Canada in *Simon v. Regina* 1985.
7087. Unlike later treaties between the Crown and Aboriginal peoples, the treaties signed in the Maritimes did not include the surrender of our land.
7088. We live on our traditional ancestral homelands and our members are treaty beneficiaries.
7089. We played a big role in the Native Council of Canada, currently the Indigenous Peoples Assembly of Canada, and the constitutional talks. In fact, we prepared the book titled "Our Land, the Maritimes" in response to the dispute that the Maritime region is a land claim.
7090. Your project will impact our Aboriginal and treaty rights; do you know how?
7091. The Maritime Aboriginal Peoples Council, on our instruction, has already raised issues and concerns with the marine terminal.
7092. The proposed Energy East Project application filed before the Energy Board contemplates a bitumen pipeline that would also cross hundreds of kilometers of the unceded territory of thousands of our members. The route of the proposed pipeline would traverse significant portions of lands in New Brunswick that our members continue to use for traditional activities, uses and practices, and

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for exercising various established Aboriginal and treaty rights.

7093. The areas that would be potentially impact by the project are also the areas that are used for food, social and ceremonial, and personal purposes, and claimed as traditional ancestral territories.
7094. As noted by Roger Hunka last week, we do have a communal commercial fishery in the Bay of Fundy as well as a food social and ceremonial and treaty fishery where our members harvest on the shores of the Bay of Fundy and in the lakes, streams, and rivers.
7095. Does the Applicant know how many communal commercial fishing licences we have?
7096. Does the Applicant know that NBAPC and the Department of Fisheries and Oceans signed an arrangement to work together under the Aboriginal Fisheries Strategy in 1991?
7097. Does the Applicant know how many species our members harvest under the Aboriginal Fisheries Strategy?
7098. Our members remain deeply connected to the land harvesting, gathering medical plants, camping, hosting ceremonial and communal gatherings, all customs and traditions that come from the land and that sustain us.
7099. The health of the land is central and it also gives us responsibility to care for us and future generations.
7100. What does the Applicant want from us and for what purpose?
7101. The proposed project has a high potential to adversely impact Aboriginal and treaty rights in New Brunswick. As a representative body for off reserve Aboriginal peoples in New Brunswick, NBAPC has an interest in how the proposed pipeline project may affect Aboriginal lands and Aboriginal and inherent rights and claims.
7102. Does the Applicant know what are the impacts or infringements that the project might have on those rights, including a right to land itself?
7103. As I mentioned above, NBAPC serves the needs and interests of

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people of Aboriginal ancestry who lived off reserve and who were referred to as “non-status”. A huge number of these included Aboriginal women who had lost status by Section 12(1)(b) of the *Indian Act*.

7104. Does the Applicant know how the proposed pipeline project will impact Aboriginal women in particular? Is information available about how Energy East will address those impacts and how the Applicant will mitigate impacts on Aboriginal women?
7105. Does the Applicant have a plan to respond to those impacts or infringements?
7106. Does the Applicant know who NBAPC will go to in order to seek redress in the event of an oil spill or a pollution of the rivers, lakes, or streams, or in the bays which cannot be accessed if there is an oil spill?
7107. It is important to state again that the proposed project area is on unceded territory of the Mi'kmaq, Wolustukyik, and Passamaquoddy peoples and thus impacts on our traditional territories, our claims to the title of the land, and our rights as Aboriginal peoples.
7108. Without the benefit of a consultation process with the members of NBAPC does the Applicant have any idea as to the number of Aboriginal people who will be impacted who live off reserve and reside in the province of New Brunswick, and what are their interests and concerns?
7109. Without the benefit of consultation how will the Applicant explain its plan to accommodate the interests and the needs and to mitigate any and all effects?
7110. Finally, what are the terms and conditions included in any recommendation or approval the Board may issue for the project and how will this information be shared with affected Aboriginal peoples that will assist in their understanding of the project, to provide opportunities to them to raise and understand any concerns and to discuss how these may be appropriately addressed by Energy East?
7111. In summary, NBAPC has an interest in how the proposed pipeline project may affect our lands and our rights.

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7112. The proposed project area proposes to cross unceded territory of Aboriginal peoples who live on their traditional ancestral homelands.
7113. NBAPC can inform the National Energy Board and in turn the Crown's assessment of the impact of the proposed pipeline project on Aboriginal communities and their inherent and constitutionally protected rights.
7114. NBAPC once again seeks a meaningful and transparent consultation process with Energy East on behalf of our members about the project and its impacts. Our members are very concerned about the impacts of the project on their territories and on their Aboriginal and treaty rights.
7115. NBAPC will seek intervention before the National Energy Board on the project and the opportunity to gather traditional knowledge from its members, assess the potential impacts of the project on its members, and inform its members about the impacts and proposed mitigation measures of the project prior to the upcoming hearings.
7116. Without meaningful engagement with all Aboriginal people a whole wealth of knowledge will be missing from the National Energy Board process.
7117. In closing, *wela'lin, merci*, and thank you.
7118. **MR. VAN DER PUT:** There were many questions in your comments, and thank you very much for your comments.
7119. We could offer to address specifically how Energy East intends to engage with New Brunswick Aboriginal Peoples Council, which I think would touch on a number of the questions you asked, as well as perhaps talk about assessment of impacts and mitigation measures.
7120. If you'd be amiable we could proceed in that fashion.
7121. Christian?
7122. **MR. MATOSSIAN:** Thank you.
7123. I should start by, you know, just reiterating that Energy East and TransCanada respects the legal and constitutional rights of Aboriginal peoples.

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7124. TransCanada typically engages with individual First Nation communities directly unless we're directed by those communities to engage with a delegated representative organization.
7125. That being said, we recognize the valuable role that organizations such as NBAPC play, and you know, we're committed to identifying and better understanding the nature of your members' interests and their project-related concerns.
7126. We have been engaging with NBAPC since 2013 with some information regarding major project milestones and there have been correspondence. I think we last left it at that we are open to meeting with the organization and look forward to an opportunity to again, better understand the interests of your members and to discuss project-related issues and concerns.
7127. Now, I should speak to the specific question of, you know, opportunities that exist for off-reserve and non-status members. With respect to off reserve, as I mentioned, our engagement program focuses on direct engagement with First Nation communities, unless we're directed otherwise. And we really -- we abide by the protocols of those communities and rely on them to ensure that the engagement program and associated activities that we have with them are open to and inclusive of all community members. And it's certainly been my experience that off-reserve members have participated in those activities.
7128. With respect to non-status members, we certainly recognize the role, as I mentioned, that's played by organizations such as NBAPC and we would, you know, are -- remain open to the, you know, to having a meeting with you as we last, I think, issued in a -- in correspondence in June of last year, to have a meeting. And I think that's one avenue for information that could be cascaded to non-status members.
7129. And there are -- and I know that this is not exclusive to, you know, the community of interest, but there are a wealth of opportunities across the province that are open to all members of the general public, Indigenous or non-Indigenous. And John referred to some of them in his opening remarks, where there were open houses, safety and emergency response days.
7130. And then of course, there are other avenues to receive information and to provide input, aside from face-to-face meetings, which is a -- obviously a very effective and impactful mode of engagement. But there are, you know, ways to

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get in touch with us for sure. And a lot of this is outlined in Volume 10, section 3.1, I believe.

7131. So I think we should probably just, in reference -- before John turns it over with the assessment of impacts, in that principle of inclusivity -- I know I spoke to off-reserve and non-status, but you know, within -- we are -- our engagement is aimed to share information with and gather input from all groups within members or within communities, including women, elders, youth.

7132. And so I just want to make sure that, you know, we underscore the importance of that inclusivity and making sure that we are capturing issues and concerns related to the project and all the groups within the community.

7133. **CHIEF WETTELAND:** Okay, well, just in response to that, we did attempt to work with you in response to your letter of engagement. We offered you some days where you can come and meet with us. None of those were -- I don't believe we heard from you since and it wasn't responded to, so I'll look forward to initiating that process again. Thank you.

7134. **MR. VAN DER PUT:** Thank you.

7135. **THE CHAIRMAN:** Thank you, Chief Wetteland.

7136. **MR. WATTON:** If I could just pick up on one of the points that the Chief raised about written questions and leaving them with the Board, I just want to remind all participants that we can only treat questions on the record that appear on the record. And I would encourage all intervenors that have remaining questions that they weren't able to get to during these panel -- these community sessions, to refer to the hearing order.

7137. The first round of intervenor information requests, which are written questions that go to the Applicant, which the Applicant is required to respond to -- the deadline for the first round is on the 10th of January. And certainly, if you have any questions about that process, you can speak with our process advisors at the front of the room or contact them by email or telephone at the Board office any time.

7138. **THE CHAIRMAN:** Thank you, Mr. Watton.

7139. **MR. HARPER:** Mr. Chairman, I had stood up, but in fact, I was just

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going to reiterate what Mr. Watton had just said, that we understand there is a process in January for written questions to be filed and we intend --we will respond to all the written questions that are filed at that time. That's our expectation.

7140. **THE CHAIRMAN:** Thank you, Mr. Harper.

7141. With that, I believe that that finishes our morning session, and we will reconvene at 1:00 p.m. this afternoon. Thank you, everyone.

--- Upon recessing at 10:59 a.m./L'audience est suspendue à 10h59

--- Upon resuming at 1:01 p.m./L'audience est reprise à 13h01

CARLOS PARDO: Resumed, Sous le même serment

DEREK SIEGEL: Resumed, Sous le même serment

ALBERT LEES: Resumed, Sous le même serment

JOHN VAN DER PUT: Resumed, Sous le même serment

CHRISTIAN MATOSSIAN: Resumed, Sous le même serment

STÉPHANE GRENON: Resumed, Sous le même serment

ANDREW CARSON: Resumed, Sous le même serment

7142. **THE CHAIRMAN:** Welcome back everyone to this afternoon's session here in Fredericton.

7143. Mr. Watton?

7144. **MR. WATTON:** Thank you, Mr. Chair.

7145. Just confirming the presence of someone; just bear with me for a moment.

7146. Our first intervenor is the Miramichi Valley Business Association. I have Mr. -- sorry, I can't see the second nameplate. I'm sorry.

7147. **THE REGULATORY OFFICER:** Lorne Amos.

7148. **MR. WATTON:** Mr. Lorne Amos, Bev Gaston, Mayor Douglas Munn, and Mr. Chris Hennessy. Thank you.

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7149. And I understand it's Mr. Amos who will be speaking on behalf of the group. So I would just like, Mr. Amos, if you could to please confirm that you were sworn or affirmed when you registered on arrival?

7150. **MR. AMOS:** Yes, I did.

7151. **MR. WATTON:** And please turn your microphone on and begin whenever you're ready.

7152. **MR. AMOS:** I'm going to use this one.

7153. **MR. WATTON:** That's fine, thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MIRAMICHI VALLEY BUSINESS ASSOCIATION INC.:

7154. **MR. AMOS:** Members of the Board, ladies and gentlemen, good afternoon.

7155. My name is Lorne Amos and at present I'm the Executive Director of the Miramichi Valley Business Association Incorporated. We represent about 60 plus members in the Miramichi River Valley along with three municipalities and several local service districts.

7156. I'm very pleased to have the three mayors with me this afternoon from those municipalities; and his worship Mayor Douglas Munn from the Rural Community of Upper Miramichi; and his worship Mayor Christopher Hennessy, Village of Blackville; and his worship Mayor Bev Gaston, Village of Doaktown.

7157. Also with me and just behind me is the Board Chairman of Miramichi Valley Wayne Fowler, who is also a councillor from the Village of Doaktown. And with Mr. Fowler is another one of our board members Ashley Underhill. Ashley is the only regular member in Atlantic Canada of the Canadian Pipeline Contractors Association. He has been involved in pipeline construction along with three of our other members who unfortunately couldn't be here today.

7158. I'm very grateful for the support of the mayors and our Board. Thank you.

7159. Obviously we, as an association, fully support the Energy East Project,

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as do the municipalities that fall within our jurisdiction. Our collective objective is to return the Miramichi area to a viable and vibrant economic area once again.

7160. To this end we have been following the various phases of the TransCanada project by attending public meetings and also doing our own research into the viability, sustainability, and safety of the pipeline when it becomes operational following the construction period, and of course during construction.
7161. Our concerns from the beginning have centered around several issues, including safety, land use and reclamation, emergency preparedness and response, and of course economic development.
7162. Could I have a glass of water there, please? Thank you.
7163. During the years since the project was first announced, we have investigated the safety issue and are convinced that a pipeline will provide maximum safety as opposed to transporting oil products by road and rail. To support that belief is the fact that rail lines and highways run through the centre of towns, cities, and populated areas, which increases the possibility of major damage and injury in the event of an accident or incident.
7164. On the other hand, pipelines mainly run through wooded and unpopulated areas, which minimizes the risk of major damage or injury in the unlikely event of a major spill or other event.
7165. We have looked very closely at the land use and reclamation issue and are convinced that TransCanada PipeLines have done due diligence and consultation with landowners here in New Brunswick. They met any concerns with responsible and acceptable amendments to the proposed routes and lift pump locations.
7166. The process of removing topsoil and subsoil separately and storing it for re-use during construction is totally acceptable to our members. We will monitor the construction activities in our area to ensure that the commitments made by TransCanada are being met.
7167. The issue of emergency preparedness and response is extremely important to our members and their families. We have attended the public consultations and information sessions presented by TransCanada as meeting the

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- requirements of timely and acceptable response in the event of an oil spill or other emergency. Their support and relationship with the emergency response teams in our area has met our concerns are acceptable to us. Our local response teams are now better equipped and trained by Energy East contributions, of which everybody is extremely grateful, of course.
7168. Our concern for the environment has been addressed somewhat by the emergency preparedness and response issue. Additionally, the type of construction using the latest and most current technology and techniques and immediate shut-off valve monitoring system that will be used to construct the pipe carrying the oil products, has addressed our concerns.
7169. We have no concern with an increase in tanker traffic on the Bay of Fundy due to the very low volume of ships currently using the Bay. We are not aware, however, of what the increased volume of ship movements will be, if any.
7170. The Energy East Project is one of the planned projects we are pursuing as a means of developing economic stability to our area. Traditionally, the entire Miramichi River Valley has engaged and invested in forestry operations. When the failure of the forestry industry occurred in 2004, there was no other industry in the area to employ all those people that lost their jobs from the mills and the forest operations. Consequently, many of them migrated to other provinces, especially in Western Canada.
7171. For instance, the population of the village of Doaktown fell from 1,100 to 750 just overnight, as well as the other municipalities and unincorporated areas who had the same migration of workers.
7172. We believe that the construction and operation of the pipeline will help restore some economic prosperity to our area. It could also bring home many of our residents who have gained valuable experience in the oil industry and wish to return to work in their home province. Those without that industry experience can find employment in the increased supply chain opportunities our member companies will experience.
7173. In conclusion, I will state that many of the statements being made -- this is in our opinion -- that pipelines are dangerous to the public, our water, and the environment are without facts or statistics to support these outlandish statements. If so, we haven't seen them. And we believe also that those statements are nothing but fear-mongering by people entrenched in the protest

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movement.

7174. I urge the Board to assess these statements in that context and approve this application from TransCanada PipeLines. And I thank you for this opportunity to present the views of our association. Thank you very much.

7175. I have five questions. Do you want them now?

7176. First off, we wish to know what are the economic benefits to our area as well as to all of New Brunswick?

7177. Secondly, what is the location of the closest lift pump to the Miramichi Valley?

7178. And what is the location of the closest work camp to the Miramichi Valley?

7179. What type of supply-chain activities will be available to our local business community?

7180. And in light of the recent announcement on the signing of an agreement with a national union, will there be any restrictions placed on non-union companies' personnel to participate in the construction of the pipeline?

7181. Thank you.

7182. **MR. VAN DER PUT:** Thank you. I'll take you through the questions in turn.

7183. To begin with, in terms of the economic benefits for all of New Brunswick, and then I'll speak to the local area, the Conference Board of Canada estimated economic benefits significant in the Province of New Brunswick. And I'll just remind us, in terms of jobs during the development and construction phase, 3,771 direct and indirect jobs and a peak workforce of 10,000; during the operations phase, 261 direct and indirect jobs.

7184. In terms of economic impact through the first 20 years of operations in New Brunswick, \$6.5 billion gross domestic product growth. In terms of tax revenues, \$853 million in total tax revenues in New Brunswick again through the first 20 years of operations. And then \$14 million per year province-wide in

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terms of property taxes.

7185. For the local area, it will be a part of the contracts with contractors that will be building the Energy East facilities, to maximize the use of local services and maximize the use of local labour.
7186. There will be three pump stations within a 100 kilometre radius of the Miramichi Valley, speaking of the Cumberland Bay, the Stanley, and the Plaster Rock pump stations, which would drive a certain amount of activity.
7187. The property taxes that the infrastructure for Energy East will pay will contribute to social services locally. And anywhere that TransCanada and Energy East has infrastructure where a significant part of the community, which means investing in the communities where we live.
7188. In terms of your question about the location of the closest pump station to the Miramichi Valley. The Stanley pump station is the closest. But as I mentioned, there's actually three stations that are within a 100-kilometre radius of the Miramichi Valley, like I mentioned, the other two being Cumberland Bay and Plaster Rock.
7189. In terms of the closest work camp -- and understanding that work camps will be defined further down the road as we award the construction contracts and as specific requirements in terms of lodging for the construction workforce are further defined -- those will be solidified. But at this point, our expectation is that there would be a camp in the Juniper area. So that would be the closest to the Miramichi Valley.
7190. In terms of the supply-chain activities that would be available to the local communities, there's a number of examples I could provide, so accommodations and equipment for construction camps, fabrication, small fabrication, snow removal; fuel supply, providing potable water, sewage removal. Providing security services might be another. Any type of -- and a variety of consumable products and office supplies would be other things as well.
7191. In terms of -- you know, you mentioned the agreement that we've recently signed with national unions, that are involved in the -- and construction contractor associations that are involved in pipeline construction. Your question with regards to any restrictions, given that, in terms of the use of non-union companies or non-union personnel, and with regards to that, I'd like for Mr. Siegel

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to address that specific question.

7192. **MR. SIEGEL:** Thank you.

7193. So yeah, as John mentioned, we did sign an agreement with several unions and unionized contractors related to the project, specifically for the pipeline construction, but we do realize that communities have a lot of local companies and opportunities to help out the big pipeline contractors that come through.

7194. As you know, that's a specialized work force with very large equipment and specialized equipment, but there's a ton of other services that could be provided. There's aggregate materials, there's all the items that John mentioned, all the different services -- the fuel services, the maintenance services -- and we recognize there's a lot of interest in working with our contractors.

7195. And as part of our contracting strategy, we make sure that we have a local benefit component to our supply chain strategies and to our actual contracts with the big contracting companies.

7196. So we make sure that, through engagement, we understand what kind of services are in the community. We meet with local businesses and we ensure that we kind of have a meeting between the contractor and those local services to maximize benefits to all.

7197. **MR. VAN DER PUT:** Maybe just to add one more thing; I did make mention earlier of the supplier or vendor portal that we have available on the Energy East website, and actually, many companies, suppliers, in New Brunswick have registered on that portal. It's about 350 or so.

7198. So certainly we would encourage, you know, businesses in the Miramichi Valley who might be interested in participating in providing services to Energy East to register through that portal.

7199. **MR. AMOS:** I guess that very effectively answers my questions. There we go. Easy. Yeah, I was going to say that effectively answers my questions and I thank you very much for that information.

7200. **THE CHAIRMAN:** Thank you, Mr. Amos, mayors, and others from

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Miramichi.

7201. **MR. AMOS:** Sorry, I didn't hear that.

7202. **THE CHAIRMAN:** I was just thanking you for your participation here.

7203. **MR. AMOS:** Thank you.

7204. **MR. WATTON:** If I could call then on our next intervenor, which is the Municipal Council of Plaster Rock, New Brunswick.

7205. And Ms. Fenner, if I could just have you confirm that you did either swear or affirm upon your registration?

7206. **MS. FENNER:** Yes.

7207. **MR. WATTON:** Thank you for that. You can turn on your microphone and proceed whenever you're ready. Maybe give Louise a moment to come back for the clock. Sorry.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MUNICIPAL COUNCIL OF PLASTER ROCK, N.B.:

7208. **MS. FENNER:** Members of the bar, ladies and gentlemen, good afternoon. My name is Alexis Fenner, and I'm the duly elected mayor of the Village of Plaster Rock, New Brunswick, and this is my second term as mayor, my third term on the council.

7209. Before I get into the nitty gritty, I'd like to state what my qualifications are and my knowledge of the oil. I'm a fully licensed International Transport Manageress from the U.K., licensed by the Board of Trade. I have five degrees and I'm also a marine master. My experience with oil comes from the U.K., international, and also, I worked in the oil patch in Saskatchewan.

7210. So the Municipality of Plaster Rock has a population of 1,135 people. Fifteen point two (15.2) percent of those people are living below the poverty line. That's 173 families in my community that are unable to find employment where they are able to provide an acceptable standard of living for their families. The village unemployment figures are running currently at 7.9 percent. That's a

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further 90 people with no work and no prospects for a productive future, in neither the village nor the province.

7211. As mayor of the village, it's my job to look outwards to find companies who are either willing to locate in the rural communities, or who are able to partially utilize the rural population of the unemployed people. Energy East or TransCanada is one such company that I know can offer hope for the future for the unemployed people of my municipality.
7212. It is also my duty to research and gain knowledge about the project, to understand the dangers and also the benefits the project can bring to the -- with the building of the pipeline
7213. My decision to support the building of the pipeline has not been made without thought and without research, and research into all aspects of moving oil over vast distances that the pipeline will stretch.
7214. After two train derailments in close proximity to our village -- one being an accident and the other one with sabotage -- both trains had passed through the village and with both accidents having the potential to have been a major disaster within the village limits, it's only common sense to look at safer methods of moving oil across this country. One only has to look at the aftermath of Lac-Mégantic disaster to understand the need for a safer method of moving oil to the east.
7215. Canada has the most stringently legislated safety and building laws for pipelines and oil movement, the most stringent and -- in the world, actually, and Energy East and TransCanada has an enviable safety record of over 60 years. It's proven to be four and a half times safer to move oil by pipeline than it is to move it by rail.
7216. I have listened carefully to the arguments presented by those that oppose the pipeline and their suggestions for so-called viable alternatives to the pipeline. I have also studied the way oil tankers are docked at the oil terminal in Saint John, and I found that the oil tankers use a four-tug system to berthing at the terminal. That's exactly the same what I used with my ships when we were docking in ports, which incidentally, Barry, in South Wales, is second only to Fundy, with a 52 foot high rise and fall of tide and a 12 knot current rate off of the entrance.

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7217. So we are looking at the way that the tankers are berthing in the terminal. It's the safest method for berthing large ships, well understood from my training at my time at sea.
7218. I have attended most all public information lectures, trade shows, seminars detailing the planning, routing, and the building of the pipelines through this province, and I've learned a great deal.
7219. People seem to be extremely concerned about the possible oil leaks polluting the water tables in this province when the pipeline crosses over or under water courses. May I point out that the trains pulling the rail cars loaded with crude and other potentially dangerous goods cross over the very same waterways, and the risk of accidents and pollution is four and a half times greater than the pipeline.
7220. How many people fully realize the benefits the pipeline will bring, not only to the province, but to all of Canada? Four and a half times safer than -- for the movement of oil; offering new, high-paying employment, both temporary and long term, high rates of property taxes along proposed pipeline route, approximately \$14 million dollars -- I know you've said this, sir. I'm sorry to repeat you, but I've researched it -- approximately \$14 million a year for this province, \$853 million a year for the country of Canada; royalty revenue on mining of the oil, which goes into the pipeline and that will increase.
7221. I know that is the western portion. That will only increase with time because of greater demand. And this will happen anyway whether the pipeline is approved or not that the demand for oil will go up.
7222. Increased GDP for this province by over \$6 billion a year. It will reduce greenhouse gases by 25 percent, or over 2 million tonnes of greenhouse gases moving -- is caused by moving the oil by rail and road.
7223. Currently over 29,000 rail cars carrying oil are sent east annually, and it is forecast that the demand will increase requiring over 36,000 cars by the year 2024.
7224. The building of the pipeline would drastically reduce the possibility of another disaster like Lac-Mégantic. Canada is a vast country -- sorry, I'm getting ahead of myself here. Canada has a vast amount of natural resources that are in demand throughout the world, and yet this country is not a leading figure in the

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world market.

7225. The pipeline will offer this country the opportunity to become a major player.
7226. New Brunswick has been a “have not” province for far too long. People have paid taxes to educate the youth of this province only to see them leave and utilize their education in other provinces and other countries, so we close the schools because of family migration. And then the top class teachers also move on to find employment in other provinces.
7227. Many opportunities to rebuild this province and to bring our lost generation home are being missed, passed over, or even ignored.
7228. We as a province can no longer afford to be only known for exporting our educated youth and workforce. We have a duty to whatever youth we have left to offer them the opportunity to find careers here at home where their roots are.
7229. Government figures from Stats Canada forecast the loss of 29,600 people between the age of 20 and 64, and an increase of 49,000 people of 65 years and older. This is a trend that we cannot afford to ignore.
7230. By government stats we are being told that by 2019 New Brunswick will have more deaths than births. We’re going to be an empty province at this rate.
7231. Building an industrial infrastructure will create a natural environment that will reverse the trend for migration to other provinces to obtain employment.
7232. Immigration is only a temporary solution as without gainful employment immigrants will only move on to other provinces where there are jobs and opportunities.
7233. Repatriation coupled with immigration will work, but only if there are employment opportunities in this province. Here I state that the Energy East pipeline is the first step along this road to recovery.
7234. From my personal research, I have deemed that the pipeline is environmentally sound and responsible. Jobs are long-term and well paying. The

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prospects of an economic upturn for this province are high, and our chances of offering a future for the youth of this province are greatly increased.

7235. All too often we condemn the youth for their lack of interest in the future. The truth is we have robbed them of their future, their will to compete to become the entrepreneurs who will develop and start new companies. Decisions of governments and of older generations who fear change and development have inhibited the growth, maturity, and the will to compete and succeed in the province and indeed the country that we can have a wonderful future on the world stage.

7236. Canada is a country dependent on fossil fuels as is the rest of the world, and until such time as a viable alternative is found that is as versatile as oil we must encourage and use safer methods of movement of such oils, the pipeline being such a method of transportation for oil.

7237. I must also state that not only does this pipeline bring oil it brings hope. It brings hope, hope for a better future, and gainful employments to the many people who wish to live, work, and bring up their families in this province.

7238. So in saying that, I thank you for listening to my presentation today. And it's my fervent hope that a favourable result of these hearings will be the first step in rebuilding this province.

7239. Now I did list five questions for you, sir, but I've answered my own questions with the research that I have done. I've spent a lot of time on the Internet, on my telephone and my questions were answered. And I also have spoken to people in world oil trade.

7240. And so allowing other people to get a chance I'll shut up and move on. And I thank you all very much for listening to me. Take care.

7241. **THE CHAIRMAN:** Thank you, Mayor Fenner.

7242. **MR. WATTON:** Our third intervenor this afternoon is the Rural Community of Upper Miramichi.

7243. And, Mayor Munn, if you could just confirm that when you arrived you did either swear or -- you were either sworn or affirmed when you registered?

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7244. **MR. MUNN:** Yes, I'm been sworn, affirmed.

7245. **MR. WATTON:** Okay, thank you. And you can proceed whenever you're ready.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR RURAL
COMMUNITY OF UPPER MIRAMICHI:**

7246. **MR. MUNN:** I'd like to thank everyone tonight for actually -- for giving me the time to come here, first.

7247. I will try to talk slowly. Us Miramichiers have a thing with speaking a little fast at times. It's hard to keep up with -- we are -- so I'm the mayor. I'm here representing the Rural Community of Upper Miramichi.

7248. First of all, I'll give you a little background on myself and our municipality. Back in 2008 we incorporated the whole central part of Upper Miramichi. We had 14 little town and we compressed them all into one rural community.

7249. Upper Miramichi encompasses 1800 square kilometres in central New Brunswick. Our boundaries run north just across the Renous Plaster Rock Highway, south to the Parish of St. Mary's, and between the municipalities of Doaktown and Stanley on Route 8.

7250. Our population is roughly 2,400 people. give or take.

7251. We have lost over 400 good paying local jobs over the last 15 to 20 years with the closure of our DNR, three forestry mills, and the sale of the old Miramichi lumber ground.

7252. And if you look on any map you can see we're in the direct route of the proposed Energy East pipeline.

7253. Being a seventh generation local boy brought up and raised on the beautiful southwest Miramichi, I can tell you there's nothing more dear to our hearts.

7254. I graduated from UMRHS in 1996; there were 50 plus kids in my

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- Grade 12 class. Now we share a high school with Doaktown, Central New Brunswick Academy, and between the two of us we had 30 some kids graduate this year.
7255. Of my graduating class of '96, I am maybe one of 10 left living in Upper Miramichi.
7256. I've lived through the forestry downturn, now the Atlantic salmon fishing retention closure, which has greatly affected families who have fought through these hardships just to call our area home.
7257. I have two children who I worry about, and see no future for them in this province unless something changes.
7258. I know what it's like to get up in the morning to wonder if there's enough money in my bank account to pay my bills, put gas in my vehicle for work, and to buy some groceries. Many people in Central New Brunswick are in the same position as myself.
7259. I'm here today to stand up for the majority of residents of Upper Miramichi and Central New Brunswick and put my stamp of approval on this project.
7260. Our main issues of concern are the environment, safety, support for domestic oil, and the economic benefits.
7261. There will be a day we aren't so reliant on crude and petroleum products but I predict it will be 20 plus more years give or take. New Brunswick is and always has mainly been a resource-based economy. It's plain and simple.
7262. Rural New Brunswick, and for that matter rural Canada, have been dealt one economic blow after another. We are slowly dying if something of economic value doesn't come our way.
7263. To be part of a solution we have to be part of an equation. As for this province, it's coming to the point there will never be any major investment in a project again if something doesn't happen with at least one of the major projects proposed here as of this date.
7264. Upper Miramichi relies heavily on many men and women, transients,

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who have the left the banks of the Miramichi River working in the oil fields out west, sending money home to loved ones, paying taxes or payments on their beloved family homes and properties.

7265. As mayor I see the contributions they still make to our community while away, and I appreciate it. They want nothing more than to move home to work, to live, and enjoy family.
7266. I've listened to a lot of input about tanker traffic and possible pipeline leaks. I look at it this way; whether tanker traffic may rise the positive side of things will be deleting foreign oil shipments from tyrants, countries with less than stellar human records, while cutting off demand for illegal oil financed from terrorists groups.
7267. It's simple economics. If you want to be a successful country you have to be an exporter and develop domestic resources while keeping jobs and money here.
7268. As to the worries of leaks, technology has grown with leaps and bounds. The pipelines seem to be the most safe and effective way to move crude from out west to here.
7269. For those who think stopping proposed Energy East Project will keep oil in the ground, they have another thing coming. It will either mean more tanker trucks on the road or mean more tankers on the railway. We have both running through our municipality and the incidents like Lac Mégantic or Wapske are real danger here also.
7270. I have one resident in particular tell me that the pristine waters of the Upper Miramichi area are the best in the world. But on the same breath, he also said, "It's not much good to you if you can't afford to buy a potato to boil in it." There has to be a balance.
7271. Being a local municipal leader, it upsets me to see certain people and groups who like to throw sticks in the spoke's progression. They are a very vocal minority.
7272. Each and every one of us here today arrived in some type of transportation that burns petroleum. If you look around in any protest in this province, be it shale gas, Sisson Brook mine or the proposed Energy East

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Oral presentation and Q&A session

Pipeline, you can snap a picture and most certainly it will be the same people in every picture.

7273. The proposed Energy Pipeline is in the interest of Upper Miramichi, it's in the interest of New Brunswick, and it is in the interest of the west, and it's in the interest of Canada.
7274. I will give TransCanada credit in consulting and having open -- local open houses. It was definitely the way to go, being transparent with locals while having experts on hand to answer questions on the construction, the pipeline route, new technologies, safety, adverse effects on the environment and economic benefits.
7275. We, the people of Eastern Canada, need a break.
7276. Thank you.
7277. I also had my questions ready. Mr. Amos has answered a lot of them. But I also like to thank TransCanada. Like I said, I had a lot of people come out; we had an open house in our community and it was really well done and a lot of the questions to be answered here tonight was done locally right at the town hall.
7278. So on that I would have to give a thumb's up, it was very good, very transparent. So thank you all.
7279. **THE CHAIRMAN:** Thank you, Mayor Munn.
7280. **MR. WATTON:** That's actually the last intervenor for this afternoon, but I do have a procedural matter I just wanted to bring to your attention and to everyone's attention. It's my matter and I appreciate Mr. Harper, the Applicant's counsel, for raising this with me at the break.
7281. You may recall that in Procedural Direction 4, which set out the parameters for these local panel sessions, the Board said that at the conclusion of the Panel session in each location, the Applicants will be invited to make any summary remarks or to deliver a short wrap-up presentation.
7282. And as Applicant's counsel has alerted me, in Saint John -- it was Mr. John Soini who came from the company, he was not a member of the witness

- panel, and so he was sworn in subsequently and spoke -- gave the closing presentation in Saint John.
7283. I understand that the desire of the Applicant here in Fredericton is to have Mr. John Van der Put give the closing presentation. This light complication of course is that Mr. Van der Put is currently a member of the witness panel.
7284. And Rule 38 of the Board's Rules and Procedures deal with communication with witnesses while witnesses are sworn. But it also says that communication can be permitted where with the consent of Board counsel and all parties present or with leave of the Board, it is to prepare to the witness for appearance on some panel for other reasons or prepare for cross-examination, deal with procedural matters, et cetera.
7285. So I would suggest that this falls within that gamut of dealing with procedural matters or preparing for subsequent presentation. So we can deal with this in one of two ways.
7286. Either I can ask if the parties in the room have any objection to counsel being able to speak with Mr. Van der Put, limited to his presentation preparation for tomorrow. If there is no such consent, then I would suggest we hear from parties and let the Board decide whether it wishes to grant leave.
7287. So if you're okay with that, I thought I would just maybe ask the parties in the room if they had any objections.
7288. **THE CHAIRMAN:** Yes, we'd like to hear from other parties, counsel, on this matter.
7289. **MR. WATTON:** Perhaps I should first call upon the Applicant's counsel to make sure I've characterized the point he was raising properly.
7290. **MR. HARPER:** Yes, you have. We're in a bit of a quandary; we are allowed to -- we're invited to make some remarks at the conclusion of the presentations. This is not like a normal hearing. Normally you'd have -- we would have a panel sworn, they would be released; there would be other evidence that comes up and then we could make reply evidence or some type of final presentation.
7291. The way this procedure is set up, we finish our -- if all the

- presentations are made, then our panel is released. And only then are we able to talk to the Panel Members.
7292. So, you know, we are -- from a procedural point of view, all we're seeking is the ability to talk to Mr. Van der Put in advance of the close of this presentation -- or these presentations tomorrow for purposes of solely dealing with his final presentation and nothing else.
7293. Because we are cognizant of Rule 38, we did not want to overstep our bounds. So we thought it was better to raise it here and address that issue.
7294. **THE CHAIRMAN:** Thank you for clarifying for me anyways, that it's strictly related to closing remarks tomorrow.
7295. **MR. WATTON:** So I'll ask then if I have the consent of any parties who are present in the hearing room to allow counsel to speak with Mr. Van der Put in advance of his preparation of the closing statement for tomorrow afternoon?
7296. Heads nodding and I don't see any objections of any sort.
7297. So on that basis -- I'm not sure that it has to go to you for leave, I believe we do have consent in the room. So limited to preparation for the presentation, you'll be permitted to speak with the witness afterwards.
7298. **MR. HARPER:** Great. Thank you very much and thanks everybody in the room for acknowledging that we're kind of stuck between a rock and a hard place because of the procedural rules. But I appreciate that and we will definitely limit it solely to discussing the closing presentation.
7299. **THE CHAIRMAN:** Yes, and the Panel does have discretion on procedural matters of that nature. But we do want to hear from other parties to see if there is anything we haven't seen in terms of maybe some issue that they might have.
7300. **MR. WATTON:** I think that's all we have for today.
7301. **THE CHAIRMAN:** Thank you, Mr. Watton.
7302. **MR. WATTON:** I believe we've got the consent of the room, so I

think we're ready to -- that's the end of intervenors for this afternoon, so that's -- I'll turn it over to you.

7303. **THE CHAIRMAN:** We're playing with the buttons here. Sorry, for cutting you off.

7304. Ladies and gentlemen, that is our last intervenor presentation for today, and barring any other matters, we will adjourn until tomorrow morning at 9:00 a.m.

7305. On behalf of my colleagues, I would like to thank everyone who appeared before us today. Those intervenors that are appearing tomorrow are asked to please arrive half an hour before the beginning of your morning or afternoon session, and to check in with our process advisor.

7306. And there are no other matters, so since there aren't anything further, the Panel session is now adjourned until 9:00 a.m. tomorrow morning.

7307. Thank you.

--- Upon adjourning at 1:43 p.m./L'audience est ajournée à 13h43