

Green Scene: Time to speak up on Kinder Morgan – if that’s allowed

by Elaine Golds

(published by the *TriCity News* - January 17, 2014)



An illustration of the proposed oil tanker facility at Kinder Morgan’s Westridge terminal on Burrard Inlet in Burnaby. *Rendering from www.transmountain.com.*

To no one’s surprise on December 16, Kinder Morgan filed a 15,000 page application (available at www.transmountain.com) which outlines their plans to essentially triple their capacity to pipe diluted bitumen from Alberta to Burnaby where a huge expansion of their Westridge terminal on Burrard Inlet is planned to facilitate shipment overseas. While the proposed new and larger pipeline will avoid some residential areas in Coquitlam previously disturbed by the 1953 construction of the first pipeline, there are still many people living or working close to the Trans Canada and Lougheed Highway routes the new pipeline will follow through Coquitlam.

Under new rules introduced by the Harper government, the National Energy Board (NEB) has been tasked with conducting an environmental review and (probably) approving the pipeline project. Just in case the three person panel appointed by the NEB comes up with the wrong answer, the Harper Cabinet has given themselves the final authority to approve this project – and no one doubts what their answer will be. Since the Enbridge proposal for the northern Gateway pipeline project was reviewed by the National Energy Board in 2012/13, the rules for public engagement have been altered and public input will be far more restricted. When I spoke to the NEB Enbridge Panel last January, I was taken aback by the heavy police presence and absolute prohibition on having any members of the public in the room (or even adjacent spaces) in the downtown hotel where I testified. This time however, it will be far worse. With the exception of those with intervenor status, no one will be allowed to speak face-to-face with the Panel this time around.

On Wednesday, January 22 at 7 pm, [Forest Ethics Advocacy](http://www.forestethicsadvocacy.com) is hosting a public meeting with guest speakers on the Kinder Morgan and Enbridge pipelines at Kyle Centre, 125 Kyle Street in Port Moody. This meeting is open to the public; all those who are concerned about the impacts of pipelines across BC are invited to attend.

For the Enbridge pipeline, any member of the public had the right to express their views to the panel. All that was required was a simple request form to be submitted to the NEB. No one who filled out the form correctly was refused. In addition to comments from the public, intervenors, mainly representing groups with special knowledge or expertise, were allowed a broader range of options to participate in the hearing. These options included interviewing sworn-in witnesses or bringing their own experts to provide testimony. Intervenors typically hire lawyers to represent them in these court-like proceedings.

For the upcoming Kinder Morgan Hearings, the only people who will be allowed to submit written comments will be those who submit a lengthy application which must prove how they will be directly impacted by the project or have special knowledge to offer. Such people will have to fill out a detailed application form with a deadline to submit by noon, February 12. People will be asked to explain how their concerns fall within the 12 issues listed as being acceptable ones on which to comment and will be allowed to submit up to 500 words on each issue. Issues forbidden for comment include all the environmental and socio-economic effects associated with upstream activities, the development of the oil sands, or the downstream use of the oil transported by the pipeline. Applications will be reviewed and approved or, possibly, rejected if the applicant fails to prove they would be directly impacted or have expertise to offer. Only those who are pre-approved by the NEB will be allowed to submit a letter of comment in writing. Frankly, I find these restrictions to be a total affront to the democratic principle of citizens being allowed to freely express their point of view.

Tight timelines will further restrict public input. While online submissions are encouraged, people will be able to submit by mail but the limited time frame is likely to cause problems. The application process was only announced on January 15 and will close forever on February 12. Many people may not even be aware of the Hearings until they actually starts at some undetermined point in the future – but, by then, it will be too late to participate. It's important to note that merely being opposed to the dramatic expansion of the tar sands this project will require is not considered to be a relevant reason to object to this project. The application form is onerous and requires setting up a special password account. People with email access can sign up or learn more about this Hearing process by registering at transmountainpipeline.hearing@neb-one.gc.ca. Once registered, you will also receive emails notifying you of upcoming deadlines. People without email addresses will have no opportunity to be kept informed other than to watch for the occasional notice in print media.

Because the Kinder Morgan project will require an expansion of the Westridge Terminal on Burrard Inlet and a huge increase in tanker traffic, I hope that people who recreate on Burrard Inlet by, e.g., boating or bird-watching will be considered by the Panel to be included in the group of people who could be directly impacted by a potential oil spill.

Frankly, I am aghast at the limited opportunity people now have to express their views regarding the Kinder Morgan project or other energy projects in Canada. It's no wonder that some people are resorting to protests which close roads now that more reasonable opportunities for public input are forbidden.