



PRELIMINARY HEARINGS INTO THE  
KITIMAT OIL PORT INQUIRY

(Before Dr. Andrew R. Thompson, Commissioner)

Kitimat, B.C.

May 4, 1977

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PROCEEDINGS AT PRELIMINARY INQUIRY

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*Vol. 1*

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Commission Counsel

Francis Saville, Esq., and  
Gareth Davies, Esq.,

Appearing for Kitimat  
Oil Pipeline Co. Ltd.

Alan McEachern, Esq., and  
Glen Irving, Esq.,

Appearing for Trans  
Mountain Pipeline Co. Ltd.

E. Robert A. Edwards, Esq.,

Appearing for the  
Department of the  
Attorney General,  
Province of British  
Columbia.

Marvin Storrow, Esq., and  
Gary Gallon, Esq.,

Appearing for the  
Kitimat Oil Coalition.

UNION OF B.C. INDIAN CHIEFS RESOURCE CENTRE

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1 THE COMMISSIONER: Ladies and  
2 gentlemen, I will call the Preliminary Hearing to order.

3 My name is Andrew Thompson.  
4 I have been appointed by the Federal Government of Canada  
5 to conduct an Inquiry into a proposed Kitimat oil port  
6 and west coast oil tanker traffic.

7 Until very recently, the  
8 crude oil requirements of west coast refineries in Canada  
9 and the United States were met from onshore supplies  
10 supplemented by occasional deliveries from small tankers.  
11 While the era of supertankers brought mammoth ships to  
12 the ocean lanes of Europe, Asia and Africa, they have not  
13 yet plied their trade along the western shores of North  
14 America.

15 Refineries in the Lower  
16 Mainland of British Columbia and in the Puget Sound region  
17 of the State of Washington have been supplied by crude oil  
18 from the fields in Alberta, transported through the Trans  
19 Mountain Pipeline system from Edmonton. But now the  
20 peaking of production in these Canadian fields has induced  
21 the Federal Government of Canada, through the National  
22 Energy Board, to initiate a phasing out of exports of  
23 Canadian crude oil to the United States. Very soon,  
24 probably by next year, exports to the Puget Sound  
25 refineries in the State of Washington through the Trans  
26 Mountain pipeline will have been reduced to a trickle.

1 Even now tankers in the class up to 125,000 tons are  
2 regularly bringing crude oil from Indonesia through the  
3 Strait of Juan de Fuca and the Gulf Islands to the docking  
4 facilities of these Puget Sound refineries. This traffic  
5 must increase in volume to replace the shut-off Canadian  
6 supply because there is presently no alternative source  
7 available.

8 The phasing out of Canadian  
9 exports of crude oil is affecting another region of the  
10 United States. Refineries in the midwestern States have  
11 been dependent on Alberta crude oil. Now they, too, must  
12 find alternative sources of supply in volumes even greater  
13 than the requirements of the Puget Sound refineries.

14 Meanwhile, large reserves  
15 of crude oil were discovered in the late 1960's at Prudhoe  
16 Bay on the north slope of Alaska. After prolonged hear-  
17 ings and much controversy, the United States decided that  
18 this oil should be delivered through a new pipeline which  
19 would cross Alaska from the north slope to a new deep sea  
20 port to be constructed at Valdez, Alaska. From this new  
21 port it would be moved by supertankers to supply markets  
22 in the United States. This Alaskan pipeline and port have  
23 been constructed and it is reported that they will be  
24 operational this summer.

25 These United States crude  
26 oil supply problems together with the new Alaskan oil



1 fields, have led to a number of proposals for new pipe-  
2 lines. Three of these directly affect Canada's west  
3 coast.

4 One is the proposal by Kitimat  
5 Oil Pipeline Co. Ltd. to build a deep sea oil port at  
6 Kitimat and a crude oil pipeline from Kitimat to Edmonton  
7 to connect with the existing pipeline system of Inter-  
8 provincial Pipeline Co. Ltd. This existing system now  
9 delivers Alberta crude oil to the midwestern United States  
10 but as these exports are phased out it will have surplus  
11 capacity. In this case, Kitimat Pipeline Co. Ltd. has  
12 applied to the National Energy Board of Canada for  
13 authority to build the proposed pipeline. Public hearings  
14 will be held by the National Energy Board beginning late  
15 in the summer. The Company has also applied to the  
16 Federal Minister of Transport for authorization to  
17 construct the proposed Kitimat oil terminal. Since the  
18 filing of the application, transport department officials,  
19 as well as officials from the Federal Department of  
20 Fisheries and the Environment and the Department of Public  
21 Works, have been conducting a detailed study of all  
22 aspects of the proposal and of the oil tanker traffic  
23 associated with it. This review procedure is known as  
24 TERMPOL. It is based on a code of recommended standards  
25 for the prevention of pollution at marine terminals which  
26 is administered by the Canadian Coast Guard. The results

1 of this review by government officials will be provided to  
2 this Inquiry.

3 The second proposal is made by  
4 Trans Mountain Pipeline Co. Ltd. which now operates the  
5 pipeline system that brings Alberta oil from Edmonton to  
6 the refineries in the Lower Mainland of British Columbia  
7 and in the Puget Sound region of the State of Washington.  
8 These are the exports to the Puget Sound refineries that  
9 will be phased out by next year. Trans Mountain Pipeline  
10 Co. Ltd. has a partner in its proposal, Atlantic Richfield  
11 Oil Co. Ltd. which operates a major refinery at Cherry  
12 Point and is also one of the major producers in the North  
13 Slope oil field in Alaska. This proposal is to enlarge  
14 the docking facilities at Cherry Point, just a few miles  
15 south of the Canada-U.S. border at Boundary Bay, so as to  
16 enable supertankers to offload there. This offshore oil  
17 would be supplied to the Puget Sound refineries and, in  
18 addition, would be delivered to the midwestern States by  
19 a reversal of the direction of flow of the Trans Mountain  
20 pipeline. In this case the company has announced that it  
21 will soon be filing an application with the National  
22 Energy Board for authority to undertake the engineering  
23 works which would enable the Trans Mountain pipeline to be  
24 operated in the reverse direction. To the extent this  
25 reversed system could meet the supply requirements of the  
26 midwestern United States, it is to be considered as an

1 alternative proposal to that of Kitimat Oil Pipeline Co.  
2 Ltd.

3 Third is a proposal that has been  
4 made in the United States to construct a new "Northern  
5 Tier" pipeline to carry offshore crude oil from a terminal  
6 in the State of Washington across the northern tier of  
7 States to the refineries in the midwest. It has been  
8 proposed that a new deep sea terminal be located at Port  
9 Angeles in the Strait of Juan de Fuca to supply this pipe-  
10 line from offshore.

11 As in the case of the Kitimat  
12 proposal, both the Trans Mountain and the Northern Tier  
13 proposal would generate oil tanker traffic from Alaska,  
14 Indonesia and the Middle East which would enter coastal  
15 waters affecting British Columbia.

16 Concerns about this oil tanker  
17 traffic and about the impacts on the regional economy of  
18 the construction and operation of the proposed Kitimat oil  
19 terminal led the Government of Canada to appoint me to  
20 conduct this Inquiry. My terms of reference in Order-in-  
21 Council P.C. 1977-597 dated 10th of March, 1977, are as  
22 follows:

23 WHEREAS a proposal has been made  
24 by Kitimat Pipe Line Ltd. for the construction of a  
25 marine terminal at the Town of Kitimat in the  
26 Province of British Columbia to form part of a new

1 pipeline system for the transmission of oil from  
2 Kitimat to the City of Edmonton in the Province of  
3 Alberta;

4 WHEREAS the marine terminal proposed for  
5 Kitimat will receive oil shipped to Kitimat by  
6 tankers from Alaska and other points;

7 WHEREAS proposals have been made to receive  
8 oil shipped by tankers moving along Canada's West  
9 Coast for transmission in other pipeline systems;

10 AND WHEREAS it is expedient that inquiry be  
11 made into and concerning the environmental and  
12 social impact and navigational safety aspects of  
13 the construction and operation of a marine  
14 terminal at Kitimat on Canada's West Coast  
15 designed to receive oil shipped by tanker from  
16 Alaska and other points.

17 THEREFORE, the Committee of the Privy Council,  
18 on the recommendation of the Minister of Fisheries  
19 and the Environment and the Minister of Transport,  
20 pursuant to Part I of the Inquiries Act, is pleased  
21 hereby to appoint Dr. Andrew R. Thompson, of the  
22 City of Vancouver in the Province of British  
23 Columbia, a Commissioner

24 (a) to inquire into and concerning and to  
25 report upon

26 (i) the social and environmental impact

regionally (including the impact on fisheries) that could result from the establishment of a marine tanker route and construction of a marine terminal (deep water oil port) at Kitimat, B.C.;

(ii) navigational safety and related matters associated with the establishment of a marine tanker route and construction of a marine terminal at Kitimat, B.C.;; and

(iii) the broader concerns and issues related to oil tanker movements on the West Coast as might be affected by the proposal; and

(b) to report upon representations made to him concerning the terms and conditions which should be imposed, if authority is given to establish a marine terminal at Kitimat, on the size, construction and operation thereof and on the size, construction and operation of tankers in the approaches thereto.

The Committee is further pleased to advise that

1 Dr. Thompson be authorized

2 (a) to hold hearings pursuant to this Order  
3 at such places in the Province of  
4 British Columbia and at such times as  
5 he may decide from time to time;

6 (b) to adopt such practices and procedures  
7 for all purposes of the inquiry as he  
8 from time to time deems expedient for  
9 the proper conduct thereof;

10 (c) for the purposes of the inquiry, to  
11 engage the services of such accountants,  
12 engineers, technical advisers, or other  
13 experts, clerks, reporters and assis-  
14 tants as he deems necessary or advisable  
15 and also the services of counsel to aid  
16 and assist him in the inquiry, at such  
17 rates of remuneration as may be approved  
18 by the Treasury Board;

19 (d) to exercise all the powers conferred upon  
20 him by section 11 of the Inquiries Act  
21 and be assisted to the fullest extent by  
22 Government departments and agencies;  
23 and

24 (e) to rent such space for offices and hear-  
25 ings as he deems necessary at such rates  
26 as may be approved by the Treasury Board.



1           The Committee further advises that Dr. Thompson  
2           be directed to report to the Minister of Fisheries  
3           and the Environment and the Minister of Transport  
4           before the end of the current year and to file with  
5           the Dominion Archivist the papers and records of  
6           the Inquiry as soon as may be reasonable after the  
7           conclusion thereof.

8           I have stated the background  
9           reasons for this Inquiry as I now understand the situation.  
10          But the very purpose of this Inquiry is to take a fresh  
11          look at the facts, hearing evidence from all sides and  
12          weighing it impartially. Therefore, early in the Inquiry  
13          these crude oil needs of the United States refineries and  
14          where the crude oil supplies will come from must be  
15          examined so that the need for a new west coast port and  
16          pipeline in Canada can be assessed. Also, the Inquiry must  
17          consider whether refineries in Eastern Canada and British  
18          Columbia may at some time become dependent on offshore  
19          supplies of crude oil delivered on the west coast, and how  
20          new conservation measures will affect these needs.

21          Soon after the Inquiry was  
22          announced I paid informal visits to the Town of Kitimat  
23          and to the Regional District of Kitimat-Stikine. Last  
24          weekend I held meetings in Queen Charlotte City, Skidegate  
25          and Masset. Yesterday I was invited to attend a Band  
26          Council meeting in the Village of Kitamaat. Next week I

1 will hold meetings in Vancouver and Victoria. The purpose  
2 of these visits has been to introduce myself, to explain  
3 the purpose of the Inquiry and to describe in general  
4 terms the procedures that are proposed to be followed,  
5 including the funding of participants. I intend to  
6 continue this practice of explaining the Inquiry in the  
7 communities that are affected. While the facts concerning  
8 the proposals and their environmental, social and  
9 navigational safety impacts must be brought forth in  
10 formal hearings, the views and concerns of citizens can  
11 best be expressed in less formal community hearings.  
12 Therefore I intend to conduct both formal hearings and  
13 community hearings during the Inquiry.

14 To the end that all interested  
15 groups can participate effectively in the Inquiry, the  
16 Government of Canada has asked me to make recommendations  
17 for funding those groups that do not have sufficient  
18 financial resources to enable them to take part in the  
19 formal hearings when evidence will be received and  
20 witnesses will be cross-examined. With the Notice of  
21 Preliminary Hearing I have published a set of guidelines  
22 for Participant Funding. The criteria for funding are as  
23 follows:

- 24 (i) There should be a clearly ascertainable interest  
25 that ought to be represented at the Inquiry.  
26 (ii) It should be clear that separate and adequate

1 representation of that interest will make a  
2 necessary and substantial contribution to  
3 the Inquiry.

4 (iii) Those seeking funds should have an established  
5 record of concern for, and should have demon-  
6 strated their own commitment to the interest  
7 they seek to represent.

8 (iv) It should be shown that those seeking funds  
9 to not have sufficient financial resources  
10 to enable them adequately to represent that  
11 interest and will require funds to do so.

12 (v) Those seeking funds should have a clear  
13 proposal as to the use they intend to make  
14 of the funds, and should be sufficiently well  
15 organized to account for the funds.

16 (vi) Coalitions of interest groups representing  
17 a broader interest will be encouraged so as  
18 to avoid duplication in the preparation and  
19 presentation of evidence.

20 These guidelines require  
21 those who wish to receive funding to advise the Inquiry  
22 at this hearing of their intention to apply for funds.  
23 I have already received notice of this intention from  
24 several groups who were represented at the meetings on  
25 the Queen Charlotte Islands.

26 Next, groups intending to

1        apply for funds must provide the Inquiry with an applica-  
2        tion containing a budget and a statement as to how the  
3        funds will be used and accounted for and of the extent to  
4        which the group will contribute its own funds and the  
5        services of its members to participation in the Inquiry.  
6        These applications must be given to the Inquiry by May  
7        11th. To assist applicants, members of the Commission  
8        staff will contact them by telephone to ensure that the  
9        applications are properly completed. The reason for  
10       imposing such an early deadline is so that speedy funding  
11       decisions can be made for those groups that are now  
12       organized and can begin to prepare for the Inquiry once  
13       they know how much financial assistance is available. In  
14       cases where it is not possible to meet this deadline,  
15       consideration will be given to later applications.

16                                The Commission also considers  
17       it a matter of great importance that information from the  
18       formal hearings be made available in the communities and  
19       that citizens be assisted in preparing their submissions  
20       to the community hearings. Therefore, I have appointed  
21       Arthur Pape, assisted by John Steeves, to arrange the  
22       community hearings and to assist those who wish to take  
23       part.

24                                Recently I caused a Notice of  
25       Preliminary Hearing to be published concerning this  
26       afternoon's hearing in the Town of Kitimat. The purpose of

1 this Preliminary Hearing is to invite submissions and  
2 suggestions concerning:

- 3 - the terms of reference and the scope of this  
4 Inquiry
- 5 - the organization of the formal part of the  
6 Inquiry into different phases to deal with  
7 different subjects and issues raised by the  
8 terms of reference
- 9 - the timing of the different phases
- 10 - the places where the different phases should  
11 be held
- 12 - the procedures to be followed by the  
13 participants in presenting evidence and  
14 submissions
- 15 - the provision of funding for participants  
16 in accordance with the guidelines that I  
17 have announced; and the
- 18 - places, times and procedures for community  
19 hearings.

20 This Inquiry has been established  
21 to help the Government of Canada decide how to respond to  
22 proposals to bring supertankers into West Coast waters  
23 so as to make offshore crude oil available in North  
24 American markets. We will conduct lengthy hearings into  
25 this complex issue. But I believe that hearings are a  
26 waste of time unless a lot of people are listening. Of

1 course I must listen so that I can understand the evidence  
2 of the experts and what members of the public are telling  
3 me. But that is not enough! Government and corporate  
4 officials, including Cabinet Ministers and company presi-  
5 dents must listen too for they will ultimately make the  
6 decisions. But most importantly the public must listen.  
7 That especially includes all of those who take part in  
8 this Inquiry. Only through listening with minds that are  
9 open will the kind of sound public opinion emerge that  
10 will lead to decisions we can all respect. I urge each of  
11 you to listen with open minds so that when this Inquiry is  
12 over you can tell yourself that you have left no page  
13 unturned and no voice unheard in the search for truth and  
14 understanding, and that is my commitment.

15 Now, I wish to introduce some  
16 of those who will be involved with the Commission. Back  
17 in the corner is Lori Lewis who is Secretary to the  
18 Commission and is the person to whom problems and com-  
19 plaints and other questions can be taken. Maybe you should  
20 stand up so you can be identified.

21 On my right are representa-  
22 tives of the Allwest Reporting Service. Since this is a  
23 Public Inquiry there will be a written record kept of all  
24 of the evidence and submissions that are made at the  
25 Hearings and it is the responsibility of Allwest Reporting  
26 to keep this record. Today we have Mrs. Alex Edlund and



1 Dennis Baylis as Reporters. There will be a typed trans-  
2 cript available next week covering today's session. The  
3 Commission will immediately notify by letter members of the  
4 public as to places where copies of the transcript will be  
5 available and can be consulted. When we reach the stage  
6 of the formal hearings, transcripts will be provided on a  
7 daily basis.

8 This afternoon there will be  
9 circulated among you lists which will comprise mailing  
10 lists and we invite everyone here who would like to be on  
11 the mailing list of the Inquiry to receive notices and  
12 other information to place their name and their address  
13 and phone number on the mailing list. In addition I am  
14 going to ask those here who are representing groups or  
15 interested parties to identify themselves and then when  
16 that has taken place I will invite people to make submis-  
17 sions on the matters with which this Preliminary Hearing  
18 is concerned.

19 Before doing that, I would  
20 like to introduce Counsel for the Commission or maybe I  
21 should say I will invite him to introduce himself. Mr.  
22 Anthony.

23 MR. ANTHONY: Mr. Commissioner,  
24 my name is Russell Anthony, I can be reached through the  
25 Inquiry Office at a Vancouver number and through my law  
26 firm in Vancouver at 689-1811. I have the pleasure, I

1 hope, of serving as Commission Counsel to this Inquiry.

2 I intend also to retain other Counsel to join the Commission  
3 Counsel staff as the Inquiry proceeds.

4 I would also like to introduce  
5 some of the members of the Inquiry staff that are here this  
6 afternoon, if I might, Mr. Commissioner. Again so that  
7 people can identify them I would ask them to stand. We  
8 have retained to this date Mr. John Millen who will be  
9 Environmental Adviser to the Inquiry, Dr. Marvin Shaffer  
10 who will be the Socio-Economic Consultant to the Inquiry,  
11 and Captain David Bremner who will be Marine Adviser to the  
12 Inquiry.

13 I suggest that participants  
14 wishing to communicate with the staff or myself communicate  
15 through the Inquiry Office and we will be pleased to talk  
16 with them and I will be perhaps elaborating on our roles  
17 a bit more when I have an opportunity to make our submis-  
18 sion to you.

19 THE COMMISSIONER: Thank you.  
20 Maybe you, Mr. Edwards, would like to identify yourself.

21 MR. EDWARDS: Thank you, Mr.  
22 Chairman. My name is Robert Edwards, I appear on behalf of  
23 the Attorney-General of British Columbia who participates  
24 on behalf of the Government of the Province of British  
25 Columbia.

26 THE COMMISSIONER: Could I ask

1 the other persons then who are present here on behalf of  
2 parties to identify themselves.

3 MR. CURRIE: Harvey Currie,  
4 Municipal Manager, District of Kitimat. His Worship Mayor  
5 Thom, Mr. Adrian Jones of the City Staff, and Doctor  
6 Derek Ellis, Consultant from the University of Victoria.  
7 Thank you.

8 THE COMMISSIONER: Thank you, Mr.  
9 Currie.

10 MR. SAVILLE: Mr. Commissioner,  
11 my name is Francis Saville, I appear as Counsel for  
12 Kitimat Pipeline Ltd. With me I have Mr. Gareth Davies  
13 of the firm of Owen, Bird & Company in Vancouver, and I  
14 might add that at appropriate stages there may be other  
15 members of both my firm and his firm who will act for the  
16 company. With me also, sir, I have Mr. Jack Cressy, the  
17 Vice-President and Project Manager of Kitimat Pipeline  
18 Ltd.

19 THE COMMISSIONER: Thank you,  
20 Mr. Saville.

21 MR. GALLON: Mr. Chairman, my  
22 name is Gary Gallon, I represent the Kitimat Oil Coalition,  
23 a coalition of 22 community environmental groups, Fisher-  
24 men Union, Native groups, and concerned citizens represent-  
25 ing about 70,000 people in B.C. With me on my left is  
26 Marvin Storrow, our Legal Counsel, and on my right, Chris

1 Hatfield, Environmental Consultant. There may be other  
2 people from time to time with us as the Hearing goes on.

3 THE COMMISSIONER: Thank you, Mr.  
4 Gallon.

5 MR. OVERGAARD: My name is  
6 Ralph Overgaard. I am the Administrator of the Skeena-  
7 Queen Charlotte Regional District. On behalf of the Board  
8 I have submitted to you, Mr. Commissioner, five copies of  
9 the brief.

10 THE COMMISSIONER: Thank you, Mr.  
11 Overgaard.

12 MR. MCEACHERN: Mr. Commis-  
13 sioner, my name is Alan McEachern, I am with Mr. Glen  
14 Irving here today and we represent Trans Mountain Pipeline  
15 Co. Ltd. Perhaps at some stage we might have an opportu-  
16 nity to indicate what participation, if any, we will be  
17 taking in these particular proceedings.

18 THE COMMISSIONER: Yes, thank  
19 you, Mr. McEachern.

20 There is difficulty here, I  
21 will ask Mr. Anthony to stand up and identify himself to  
22 you. He is Counsel for the Commission. Then I think Bob  
23 Edwards you should stand up as well because the people  
24 haven't had a chance to see you. He is Counsel for the  
25 Attorney-General of British Columbia. Thank you.

26 MR. PATRICK: I am Archie

1 Patrick, I represent the Union of British Columbia Indian  
2 Chiefs.

3 THE COMMISSIONER: Thank you.

4 Union of British Columbia Indian Chiefs.

5 MR. HAGERMAN: My name is Douglas  
6 Hagerman. I am Librarian of the Kitimat Public Library.  
7 I wish to make a short submission on behalf of the Library  
8 with respect to funding and also a submission on the  
9 distribution of documents and information on Public  
10 Libraries.

11 THE COMMISSIONER: Very well, we  
12 will take these submissions after people have been intro-  
13 duced. Thank you.

14 MR. JENSEN: Mr. Commissioner,  
15 my name is John Jensen. I am here on behalf of VOICE,  
16 Victims of Industry Changing Environment, which is the  
17 Committee of the Prince Rupert and Kitimat and Terrace  
18 Labour Council.

19 THE COMMISSIONER: Thank you, Mr.  
20 Jensen. Because I was puzzling over your first name, I  
21 didn't get any note as to the organization, would you  
22 please state it again.

23 MR. JENSEN: The name of the  
24 Committee is VOICE, Victims of Industry Changing Environ-  
25 ment which in turn is the Committee of the Prince Rupert  
26 Labour Council and the Kitimat and Terrace Labour Council.

1 THE COMMISSIONER: Thank you very  
2 much, Mr. Jensen.

3 MR. NICHOL: Mr. Commissioner,  
4 my name is Jack Nichol, I am the President of the United  
5 Fishermen and Allied Workers' Union.

6 THE COMMISSIONER: Nichols?

7 MR. NICHOL: Nichol, N-I-C-H-O-L.

8 THE COMMISSIONER: Thank you.

9 MR. ANDERSON: Mr. Commissioner,  
10 my name is David Anderson. I am representing the British  
11 Columbia Wildlife Federation.

12 THE COMMISSIONER: That was Mr.  
13 David Anderson representing the B.C. Wildlife Federation.

14 MR. PEARSE: Mr. Commissioner,  
15 my name is Tony Pearse and I am a Director of the Telkwa  
16 Foundation which is an Environmental Research and  
17 Documentation Centre located in Telkwa, British Columbia,  
18 slightly east of here.

19 MR. WRIGHT: Jim Wright, Sierra  
20 Club.

21 MR. BRISEBOIS: My name is Jim  
22 Brisebois and I am representing the Canadian Association of  
23 Smelter and Allied Workers, Local 1 in Kitimat, representing  
24 approximately 2,000 workers in Kitimat.

25 MR. PARFITT: I am Ray Parfitt,  
26 I am representing Kitimat-Stikine Regional District.



1 THE COMMISSIONER: Ray Parfitt,  
2 Kitimat-Stikine Regional District, thank you.

3 MR. OLDING: Mr. Commissioner,  
4 my name is Rick Olding, I am a Director of the Save Our  
5 Shores Foundation, Prince Rupert.

6 THE COMMISSIONER: Could you give  
7 me your name, please?

8 MR. OLDING: Rick Olding,  
9 O-L-D-I-N-G.

10 THE COMMISSIONER: Thank you.

11 MR. MORTON: Mr. Commissioner,  
12 my name is David Morton and I am representing the Terrace-  
13 Kitimat Alliance Against Supertankers to Kitimat.

14 MR. BOWDITCH: Dr. Thompson, I am  
15 Dan Bowditch from the Coalition Against Supertankers on  
16 the Queen Charlotte Islands. We have already met so I  
17 won't hang around.

18 THE COMMISSIONER: Thank you.

19 MR. DENMAN: My name is Ron  
20 Denman, and I represent the Prince Rupert Access Centre.

21 MR. SIMPSON: Mr. Commissioner,  
22 my name is Gene Simpson and I represent the Prince Rupert  
23 Fish Exchange.

24 MS. STEWART: Dr. Thompson, my  
25 name is Cathy Stewart and I represent Clearwater from  
26 Duncan.

1 MS. CLARK: Mr. Commissioner,  
2 my name is Carol Clark and I represent Clean Shores in  
3 Nanaimo.

4 THE COMMISSIONER: That was Clean  
5 Shores in Nanaimo.

6 MR. HENLY: Mr. Commissioner,  
7 my name is Tom Henly, representing the Islands Protection  
8 Committee, Queen Charlotte Islands.

9 MR. OLAFSON: Mr. Commissioner,  
10 my name is George Olafson. I represent the Prince Rupert  
11 Fishing Vessel Owners Association.

12 MR. CARR: Mr. Commissioner,  
13 my name is Jim Carr. I represent the Hartley Bay Stop  
14 Supertankers Committee.

15 MR. LIPSETT: Mr. Commissioner,  
16 my name is Edward Lipsett. I represent the Prince Rupert  
17 Fishermen's Co-Operative Association.

18 MR. GREEN: Mr. Commissioner,  
19 my name is Pat Green. I am the President, Co-Operative  
20 Fishermen's Guild.

21 MR. PRITCHARD: Mr. Commissioner,  
22 my name is John Pritchard. I am employed by Kitimat Band  
23 Council.

24 THE COMMISSIONER: Thank you.

25 MR. STARR: My name is Loyd  
26 Starr. I am Spokesperson for the Haisla Environmental

1 Group, Kitamaat Village.

2 THE COMMISSIONER: Loyd Starr  
3 for the Haisla Environmental Group, Kitamaat Village.

4 MR. REESE: Mr. Commissioner,  
5 my name is Victor Reese from Prince Rupert, representing  
6 the House of Soogheget. The House of Soogheget is spelt  
7 S-O-O-G-H-E-G-E-T.

8 THE COMMISSIONER: Thank you.

9 MR. MCPHEE: Mr. Commissioner,  
10 my name is Norman McPhee and I represent the Prince Rupert  
11 Amalgamated Shore Workers and Clerks Union.

12 THE COMMISSIONER: I missed the  
13 group, Norman McPhee --

14 MR. MCPHEE: Yes, and the  
15 Prince Rupert Amalgamated Shore Workers and Clerks Union.

16 MR. CHEYNE: Mr. Commissioner,  
17 my name is Maxwell Cheyne, Eurocan Pulp and Paper.

18 A VOICE: The Kitimat Coalition  
19 for the Pipeline, Citizens Coalition for the Pipeline, and  
20 we would just like to serve notice that we would apply for  
21 funding.

22 THE COMMISSIONER: Thank you.  
23 Could you please give me your name?

24 MR. SERRY: Dave Serry,  
25 S-E-R-R-Y. Thank you.

26 THE COMMISSIONER: Thank you.

1 Thank you for introducing yourselves. I think it goes  
2 without saying that this Inquiry is to hear all sides and  
3 that all applications will be considered for funding,  
4 whether you are for the tankerport or against it or  
5 somewhere in between, and anybody who has presentations to  
6 make here will be heard with, I hope, the same courtesy  
7 and respect by everybody here.

8 Now, I will ask Mr. Anthony to  
9 begin with the submissions.

10 MR. ANTHONY: Mr. Commissioner,  
11 I will try to be as brief as possible given the obviously  
12 great number of people who wish to make submissions to  
13 you.

14 On April 20th I prepared an  
15 outline of the submissions that Commission Counsel will  
16 be making at the Preliminary Hearing, copies were made  
17 available to those who indicated intention to either  
18 participate or at least to obtain information about the  
19 Inquiry. I believe there are a few copies still avail-  
20 able.

21 Before reviewing the submission  
22 in detail, I would like to address a few comments on the  
23 functions of Commission Counsel as we perceive it. First  
24 and foremost we have been instructed by you, Mr.  
25 Commissioner, that this Inquiry is to be a full and fair  
26 one. The Inquiry staff and I are therefore available to

1 participants to assist and advise them on the Inquiry and  
2 on their participation in the Inquiry. In addition, I  
3 intend to meet regularly with the major participants or  
4 their counsel to discuss the progress of the Inquiry and  
5 consider how best the evidence can be presented for your  
6 consideration. I might also mention that at the Inquiry  
7 Office in Vancouver the staff has set up a public library  
8 where participants will find, not now, but in due course,  
9 many of the basic documents and charts and information  
10 they will require. In addition, we are going to ensure  
11 that this documentation is available at Kitimat and  
12 Prince Rupert, at Terrace and other localities where there  
13 is an expressed interest in obtaining this information and  
14 considering the information and making their views known  
15 to you.

16 Secondly, we have been instructed  
17 by you to ensure that all of the relevant evidence comes  
18 before this Inquiry. To assist us in that task we have  
19 brought together a staff who will be advisers to Commis-  
20 sion Counsel, the staff that I introduced earlier this  
21 afternoon. As a consequence of these instructions we  
22 perceive Commission Counsel's role as an active one. We  
23 intend to participate in the hearings by calling evidence  
24 and in cross-examining the evidence of other participants.

25 One further important point must  
26 be made. In pursuing this active role before the Inquiry

1 we see ourselves as independent of the Inquiry. Keeping in  
2 mind the guidelines that you have laid down for us that  
3 this be a fair hearing and all relevant evidence be  
4 brought before you, we shall call that evidence that in  
5 our view needs to be called before this Inquiry. The  
6 witnesses will be Commission Counsel witnesses, the  
7 submissions we make will be Commission Counsel submissions  
8 and the evidence presented by Commission Counsel should  
9 not be viewed in any way as having a special role solely  
10 because it is called by Commission Counsel. In fact, we  
11 can anticipate and view the possibility that we may be  
12 required to call inconsistent or even conflicting evidence  
13 if, in our view, both views should properly be before this  
14 Inquiry subject to the assessment and cross-examination  
15 of participants.

16 Commission Counsel will not,  
17 however, undertake to lead any particular evidence on  
18 behalf of any particular party. It shall be the obliga-  
19 tion of the participants in the first instance to satisfy  
20 themselves that their particular evidence of concern to  
21 them is called by them in a manner and at a time appro-  
22 priate. While we can foresee agreement that Commission  
23 Counsel calls certain base line evidence or certain  
24 evidence that by agreement should be before the Inquiry,  
25 no participant should assume that Commission Counsel will  
26 call their evidence for them.



1 Finally, on the question of the  
2 role of Commission Counsel, I should make it clear, as I  
3 have to the Government of Canada, that we are not here as  
4 the Government's lawyer. We see ourselves as free to call  
5 evidence from the Government of Canada as evidence contrary  
6 to the position taken by the Government of Canada. While  
7 Commission Counsel has a role to play in facilitating the  
8 presentation of Government reports, we do not regard  
9 ourselves in any way as charged with representing the  
10 Government's interests. So, for example, evidence arising  
11 out of the TERMPOL assessment which you referred to in  
12 your opening remarks, Mr. Commissioner, may or may not  
13 either in whole or in part be called by Commission Counsel.  
14 It will be treated as other evidence that is available to  
15 the Inquiry and available to all the participants before  
16 the Inquiry.

17 Now, I would like to direct my  
18 remarks to the submissions by Commission Counsel. I will  
19 follow generally the outline as provided in the submission  
20 of April 20th. You will see from that submission, Mr.  
21 Commissioner, that in paragraph one we make it clear from  
22 the outset your intention to conduct two forms of hearings;  
23 the Formal Hearings where evidence of experts, whether  
24 individually or in panels will be presented, will be  
25 subject to cross-examination and consideration by this  
26 Inquiry. At these Formal Hearings the participants will

1 be bound by the procedural rules adopted by this Inquiry.  
2 At the Community Hearings that you have indicated an  
3 intention to call, there will be no procedural rules, at  
4 least no procedural rules in the sense that we are discuss-  
5 ing here today, they will informal, they will be directed  
6 by the Committee and the Communities themselves, they will  
7 be held in a large number of communities, and I will  
8 address a few more comments with respect to Community  
9 Hearings at a later stage.

10 The procedural rules that I  
11 am discussing here today and the submissions we make to  
12 you, Mr. Commissioner, about procedure are intended to  
13 apply only to the Formal Hearings. As a general rule we  
14 feel that the Formal Hearings should be conducted in the  
15 region that has the greatest concern about the subject  
16 matters under review. Given the fact that this Inquiry's  
17 recommendations will have great impact on the people of  
18 the Lower Mainland of B.C. as well as this area, we have  
19 suggested that the hearings be held in either Vancouver,  
20 Kitimat or Prince Rupert. No doubt others here will have  
21 suggestions as to what particular evidence should be  
22 called and what particular location. I will elaborate on  
23 our suggestions as to the location of evidence when I  
24 discuss in the next section the order and phasing of the  
25 hearings.

26 We have made a submission

1 which I intend to elaborate on now, Mr. Commissioner,  
2 about the order and phasing of the Formal Hearings. It  
3 was our view that phasing would ensure all relevant  
4 evidence in a series of related issues could be heard  
5 together. We recognize that there inter-relationships  
6 and this may mean in some instances that witnesses may be  
7 required to re-attend at another phase of the Inquiry.  
8 However, we felt that the benefits of a Phase Inquiry  
9 outweigh this inconvenience.

10 I would like to elaborate  
11 then on the phases as we currently see them and in doing  
12 so will indicate the scope of the Inquiry as we see it.

13 We have suggested that  
14 Phase I be concerned with West Coast Tanker Traffic. We  
15 are proposing that the first phase deal with the broad  
16 issues regarding the West Coast Oil Tanker Traffic.  
17 This would include an examination of the implications of  
18 the proposed projects for the volume and origin of oil  
19 tanker traffic along the West Coast and a description of  
20 the International, National and Provincial Statutes and  
21 Regulations under which such tankers currently operate.  
22 This phase would involve an examination of Canadian, U.S.  
23 and West Coast demand for offshore crude oil and an  
24 examination of the factors, including conservation,  
25 allocation or other relevant policies affecting the  
26 extent and location of that demand. It would also include

1 alternative sources of supply and the incentives to  
2 supply through the proposed ports and further evidence on  
3 the planned initial and future capacities of the proposed  
4 facilities and on the planned destinations of the crude  
5 oil deliveries.

6 With respect to the Statutes  
7 and Regulations under which oil tankers currently operate  
8 the evidence would cover the relevant conventions,  
9 legislations or regulations and any apparent deficiencies.  
10 This would include the issue of Canadian jurisdiction over  
11 vessels of other Nations and requirements under the  
12 Canada Shipping Act and other relevant Acts and Regulations  
13 for the equipment, manning and operation of these vessels.  
14 The nature of the TERMPOL Code, the port control struc-  
15 tures would also be included in this phase. We are  
16 proposing this phase commence on July 11th. Because of  
17 the general nature of the material that would be addressed  
18 in this phase, we are proposing that this phase be heard  
19 in Vancouver.

20 Phase II, Facilities and  
21 Marine Operations. We propose that this phase deal with  
22 the proposed facilities and operational systems, navigation  
23 and navigational risks, the effects on other marine opera-  
24 tions and operational risks. We suggest that it start  
25 with the evidence by the Applicant or Applicants of their  
26 proposed projects, including discussion of proposed routes

1 and alternatives, the terminal facilities, which would  
2 include the docks, tank farms and so on and aspects of  
3 design, construction and operation of marine facilities.  
4 We anticipate that the Inquiry will also consider in this  
5 phase the expected makeup of the tanker vessel fleet,  
6 including such characteristics as size, age and national-  
7 ity of registry, matters pertaining to the navigation as  
8 vessels, and the risks involved in the movement of very  
9 large crude oil carriers and examination of various design  
10 features of tankers and their effect on the safe operation  
11 of the vessel and the possibility of limiting the extent  
12 of the pollution in the event of an accident. We expect  
13 that the Inquiry will address the navigational risks  
14 involved due to the ship's characteristics and limitations  
15 and to the constraints placed on the vessel by the nature  
16 of the area of operation, the conditions experienced  
17 within the area, and the accuracy of the information  
18 sources.

19 The effectiveness of differ-  
20 ent types of navigational aids will be considered,  
21 together with the provision of services such as vessel  
22 traffic management, pilotage and tug escorts.

23 In Phase II will also deal with  
24 the expected conflict with other ship traffic including  
25 the impact of the proposed tanker operations on fishing  
26 operations. We expect to deal here as well with the

1 adequacy of Marine Search and Rescue requirements related  
2 to tanker operation, with compensation for any damage that  
3 may arise from tanker operation and the effect on other  
4 shipping from the augmented services that would be  
5 provided for the tanker traffic.

6 The operational risks we  
7 anticipate will be covered here by those arising from an  
8 oil spill which may occur during the operation of the  
9 terminal, either in unloading or in association with the  
10 operation of the tank farm. Pollutant discharges which  
11 may occur enroute, including tank washing or bilge dis-  
12 charge and evidence of other pollutant discharges which  
13 may occur in port, such as sewage, stack emissions or  
14 from tank venting will also be heard at this time. In  
15 this phase we will also include consideration of alterna-  
16 tive port sites on the B.C. coast in light of the factors  
17 under consideration.

18 We propose that the project  
19 description part of this phase be held in Kitimat and that  
20 the navigation and operational risks part be held in  
21 Vancouver.

22 Phase III will deal with  
23 the Environmental Impact. In the first part of Phase III  
24 we anticipate dealing with the dispersal of spilled oil by  
25 physical forces of the environment and with the contingency  
26 plans proposed to contain and clean up any accidentally



1 spilled oil. We expect to hear evidence on the company's  
2 proposals, the Government agency plans and international  
3 arrangements. We anticipate that with respect to the  
4 impact on fish resources we will hear evidence on the  
5 resources at risk, including those species of fish that  
6 may be affected, the effect of oil spills on these fish  
7 resources, including the general effects on the marine  
8 echo systems and the effect on specific fish species.  
9 We expect to hear evidence on the control of damage from  
10 spills, on the effectiveness of oil spill counter-measures  
11 and on the side effects of clean-up methods and chemicals.

12 this phase evidence regarding Finally, with respect to the  
13 fish resources, we anticipate evidence on impacts of  
14 construction and operation of facilities and the effects  
15 of regulated pollutant discharges. The third part of the  
16 Environmental Phase would deal with the impact on resources  
17 other than Fisheries Resources such as the general  
18 ecological marine values, marine birds and mammals,  
19 recreational and heritage resources and air quality as  
20 they may be affected by oil tanker traffic for terminal  
21 projects. We anticipate hearing evidence on the effect-  
22 iveness of the proposed counter-measures to protect those  
23 resources from oil spills and other impacts on these  
24 resources from construction and operation of facilities  
25 and from regulated pollutant discharges.

26 the proposed development. We propose that evidence be

1 called in Vancouver except for the evidence with respect  
2 to the Fish Resources which we suggest be called in Prince  
3 Rupert.

4 Phase IV, Social and  
5 Economic Impact. We are proposing that the fourth phase  
6 deal with the Social and Economic Impact that would be  
7 felt by British Columbia, by the local areas and by the  
8 local Native Communities as a result of the construction  
9 and normal operation of the proposed facilities, and as a  
10 result of any oil spills, marine conflicts or other  
11 hazards associated with the project. We would expect in  
12 this phase evidence regarding impact on local industries,  
13 in particular on the fishing industry and impacts on other  
14 resource use. The economic and social significance of  
15 such impacts on the communities will also enter into here.  
16 We would expect evidence on the local and regional  
17 economies and how these economies will cope with, suffer  
18 from or benefit from the employment and expenditures  
19 associated with the construction and operation of the  
20 proposed facility. In this regard we would also expect  
21 evidence on the social as well as the economic pressures  
22 locally as a result of increased population and heightened  
23 business activity during construction.

24 This phase would also include  
25 evidence on local development plans or possibilities and how  
26 the proposed development might enhance or preclude other

1 development for the area.

2 With respect to the impact  
3 felt by the Native Communities, we would expect evidence  
4 on the extent and significance of impact on resources,  
5 particularly as they related to Native food and commercial  
6 fisheries, on construction and operation employment impact  
7 and on social disruptions due to construction employment,  
8 resource loss and additional local development.

9 We are proposing that this  
10 stage be located in Prince Rupert and the Terrace-Kitimat area  
11 with the Prince Rupert sittings focussing on the fishing  
12 industry impact and the Kitimat-Terrace sittings deal with  
13 the other impacts.

14 Those are the four phases  
15 as we see them, Mr. Commissioner. Perhaps I should make a  
16 comment here with respect to the question of alternatives,  
17 alternative proposals, alternative sites and so on. We  
18 believe it is important for the Inquiry to examine not  
19 only the current proposals for pipelines and related  
20 marine facilities, but also to look at alternatives.  
21 While the Kitimat and Trans Mountain proposals will provide  
22 the focus to the Inquiry, we believe it is only with  
23 reference to alternatives that the merits of these pro-  
24 posals can be fully assessed. Rather than have an  
25 alternative phase we are proposing that consideration to  
26 alternatives be given in each of the phases. Thus, in

1 Phase I on Crude Oil Demands and Supply, the implications  
2 for tanker traffic, broad alternative means of satisfying  
3 the oil requirement would be considered. In the Marine  
4 Phase, Phase II, alternative port sites and traffic routes  
5 or other specifications would be considered and so on.

6 Mr. Commissioner, perhaps  
7 this is the appropriate place to say a few words about the  
8 timing of the Inquiry, I know this is a matter of great  
9 concern. As I have stated, we have suggested that Phase  
10 I begin on July 1st, 1977. After you have heard our sub-  
11 missions and the submissions of others, you will then  
12 decide --

13 THE COMMISSIONER: Pardon  
14 me, what date did you say?

15 MR. RUSSELL: July the 11th.  
16 There is a sigh of relief I am sure, July the 11th.

17 We understand that following  
18 our submission and the submissions of others, that you  
19 will then decide when in fact the Inquiry should start  
20 its Formal Hearings. That is our submission however as  
21 the starting date for Phase I.

22 For our planning purposes,  
23 and keeping in mind the consideration of the Order-in-  
24 Council, we have assumed that the Hearings will be com-  
25 pleted by December 15th of this year. We are advised that  
26 the TERMPOL assessment by the Government of Canada will be

1 available to this Inquiry and to the participants by no  
2 later than June 1st. If the phasing proposal which I  
3 have outlined were to be adopted, we anticipate that Phase  
4 II on Marine Facilities would begin about September 1st,  
5 that Phase III on the Environmental Impacts would begin  
6 about October 1st, and that Phase IV on the Social and  
7 Economic Impact would begin about November 1st. We  
8 anticipate, and for our purposes have assumed throughout  
9 that the Inquiry will sit three weeks per month. This  
10 would mean, for example, Mr. Commissioner, that the impact  
11 on fish would be heard about the middle of October and the  
12 impact on the fishing industry, which we see as part of  
13 the socio-economic phase and the next logical step would  
14 take place approximately early November. Also the  
15 socio-economic phase which is of greatest concern in  
16 community interest in many ways would then take place  
17 sometime after November of this year.

18 Mr. Commissioner, we recog-  
19 nize the need for participants to have time to effectively  
20 participate. We also recognize that this is a very  
21 important element in the Inquiry. We also recognize that  
22 the Hearing must be timely and must recognize legitimate  
23 interests of all. In our view Phase I could begin on  
24 July 11th, especially since, in our understanding of this  
25 phase, Commission Counsel would have a great responsibility  
26 in bringing together and presenting this background evi-

1 evidence to the Inquiry.

2 I would like to now turn to  
3 the Procedural Aspects of our submission. These are found  
4 in Section C to G inclusive of the outline as submitted.  
5 I must re-emphasize here of course that these do not apply  
6 to the Community Hearings, they are quite unnecessary in  
7 that context.

8 The purpose of these Rules,  
9 I must emphasize, is not to create technicalities that  
10 hinder participation but rather come to an agreement on a  
11 simple set of rules for the fair conduct of this Inquiry.  
12 By discussing them and considering them at this Prelimi-  
13 nary Hearing it is our hope that the Rules that are  
14 ultimately established will be familiar to all the par-  
15 ticipants and will be a vehicle for their effective  
16 participation. I might add that we fully expect that  
17 some of these Rules will be varied by your order, Mr.  
18 Commissioner, as required to fairly deal with all the  
19 participants. The Rules therefore are not written in  
20 stone but we suggest they be adopted initially and then  
21 varied if necessary as experience dictates.

22 In paragraphs 5 and 6, Mr.  
23 Commissioner, I have outlined a definition of Participant  
24 before the Inquiry. It is likely in an Inquiry of this  
25 length and complexity that there will be a core of par-  
26 ticipants who will be active to varying degrees throughout



1 the whole of the Inquiry. These people we have identified  
2 as the major participants. In addition we expect that  
3 there will be others who merely wish to attend from time  
4 to time to make a formal submission or question experts  
5 called by others. These participants would then not be  
6 bound by all the formal rules that we are outlining at  
7 this time. Our proposals are that the major participants  
8 be identified by this Inquiry and be bound by the special  
9 procedural rules that follow. In addition the Inquiry  
10 will keep a list of all the participants as those who have  
11 indicated their intention to participate in the Formal  
12 Hearings, that list be maintained by the Inquiry Office  
13 as a matter of record to ensure that the participants are  
14 kept informed of the progress of the Inquiry and the  
15 timing of the various sessions of the Inquiry.

16 I would like to now refer to  
17 Section D under the heading "Production of Documents".  
18 To have a full and open Inquiry it is essential that all  
19 parties have knowledge of and access to all of the docu-  
20 ments relevant to the matters before this Inquiry. Our  
21 proposal is as follows:

22 That all major participants before the Inquiry shall,  
23 at an early date as determined by the Commissioner,  
24 file with the Inquiry and circulate to the other  
25 major participants a list of reports, studies or  
26 other documents within their possession or power

1 which are relevant to the subject matter of the  
2 Inquiry, including those for which privilege may  
3 be proposed to be claimed.

4 This indicates, Mr.  
5 Commissioner, our intention to obtain from the major  
6 participants a complete list. While drawing a strict  
7 line may be difficult, I think it is clear that reports,  
8 studies and other documents must receive a reasonable  
9 interpretation. Reports marked "Draft" are still reports  
10 while correspondence on related or relevant issues before  
11 the Inquiry are not the sorts of documents we have in  
12 mind in this section. We also mean, Mr. Commissioner,  
13 major participants to include the consultants to these  
14 major participants.

15 Paragraph 8 we state,  
16 The List of Documents shall be available for  
17 inspection by any participant before the Inquiry  
18 and, upon notice to Commission Counsel and to the  
19 participant filing the list, any participant may  
20 demand production of any document on the list.

21 Paragraph 9.  
22 Upon reasonable notice being given to the Inquiry  
23 and to Commission Counsel, any participant may  
24 bring before the Commissioner an application for  
25 production of any listed document if production  
26 has been refused or for a further or better List

1 of Documents. The participant may, in addition  
2 to the above, request production of any particular  
3 report, study or document known to him and in the  
4 possession or power of any other participant.

5 The last line, Mr. Commissioner, refers to those reports that we may know of  
6 but that through inadvertence have been omitted from a  
7 List of Documents.

8 I think it goes without  
9 saying, Mr. Commissioner, that it will be necessary from  
10 time to time for the parties to file supplementary lists  
11 as new reports come into our possession.

12 The final aspects of the  
13 production in paragraph 10 states that,

14 Commission Counsel shall solicit and file the  
15 List of Documents on behalf of the Government  
16 of Canada

17 and in view of the fact Mr. Edwards is now here on behalf  
18 of the Province of British Columbia, I will allow him to  
19 comment on Provincial documents. I perhaps can elaborate  
20 on that slightly. The Government of Canada has taken the  
21 position it will not be a formal participant in the  
22 Inquiry and therefore I have commenced discussions with  
23 key government departments to have a List of Documents  
24 available. This process, with the co-operation of the  
25 Government, has already started and we anticipate being in  
26

1 a position to commence production of these documents at  
2 a very early date. Many reports have already been made  
3 available to the Inquiry and we are seeking a complete  
4 list and production of the necessary reports so that all  
5 the participants will have an opportunity to examine those  
6 reports.

7 Perhaps I might also make a  
8 comment here, with respect to witnesses from the Govern-  
9 ment of Canada. Arrangements are now being completed  
10 whereby witnesses employed by the Government of Canada  
11 will be made available to give evidence before the Inquiry  
12 whether requested to appear by Commission Counsel or by  
13 one of the participants. The witnesses will appear at  
14 this Inquiry at the expense of the Government. Therefore,  
15 should any participant wish to call a witness employed by  
16 the Government of Canada, he should communicate his  
17 intention to myself and we will facilitate the contact as  
18 a matter of courtesy and then it's up to the participant  
19 to facilitate and prepare that witness to give evidence  
20 to this Inquiry.

21 Section E is called  
22 Discovery of Witnesses, which is a bit of a misnomer.  
23 The purpose of the recommendation here is to ensure that  
24 participants in a Formal Hearing are forewarned and also  
25 that they forewarn others of the evidence they propose to  
26 call so that the other participants can have the necessary

1 advisors with them and so that they can follow the  
2 witness' testimony intelligently and be in a position to  
3 cross-examine effectively and we hope more efficiently.  
4 We have therefore recommended that every participant,  
5 before giving evidence or calling witnesses on his behalf  
6 at the Formal Hearings shall file with the Inquiry and  
7 circulate to the major participants at least two weeks  
8 before giving evidence or calling such evidence a text or  
9 full synopsis of that evidence together with a list of  
10 any reports, studies or other documents to which the  
11 witness may refer or upon which he may rely.

12 Paragraph F refers to the  
13 order that evidence should be presented. In our view, the  
14 Applicant as the proponent of a scheme that has in many  
15 ways spawned this Inquiry should have the right and the  
16 obligation to present its evidence first as a general rule.  
17 Also, Commission Counsel which has been assigned the mop  
18 up operation, shall we say, of calling whatever evidence  
19 is not called by the participants, should, as a general  
20 rule, call its evidence last. We recognize however this  
21 is not a trial, it is an Inquiry, therefore we recognize  
22 that the order may be varied by agreement or if directed  
23 by yourself, sir. In some cases Commission Counsel may  
24 agree it should go first to present certain base line  
25 information, then after the other participants have called  
26 their evidence on that particular issue may perform his

1 mop up function of calling any additional evidence that  
2 should properly be before the Inquiry.

3 Paragraph 13 also suggests  
4 in the last part of that paragraph one of the possible  
5 ways in which evidence could be called and we are suggest-  
6 ing that in certain circumstances, either by agreement or  
7 as may be directed by you, the evidence on a particular  
8 matter may be presented by Commission Counsel on behalf  
9 of all the participants to enable varied and perhaps  
10 conflicting evidence to be presented together and allow  
11 the experts to discuss their evidence and question and  
12 probe each other's evidence before any cross-examination  
13 by the parties themselves. As I say that is merely one  
14 example of the type of structure that I think may evolve.  
15 We intend to be flexible, we intend to be creative to be  
16 sure that the best evidence is presented to the Inquiry  
17 in the most efficient way.

18 Section G of the Submission  
19 merely makes it clear that any of the participants may  
20 make an application to you for ruling on any matter that  
21 cannot be resolved by mutual agreement. As also, Mr.  
22 Commissioner, of course this Inquiry has the power of  
23 subpoena and an application can be made to compel the  
24 attendance of a witness or production of relevant  
25 documents.

26 The final section I wish to



1 deal with is the section on Community Hearings. We regard  
2 the evidence emanating from these Hearings to be as  
3 important as that in the Formal Hearings. However, the  
4 very nature of Community Hearings is that they must be  
5 conducted in a manner that is acceptable to the community,  
6 hence the procedures will vary from community to community  
7 and perhaps from time to time. We have recommended,  
8 therefore, that in addition to the Formal Hearings the  
9 Inquiry shall conduct Community Hearings in all of the  
10 communities requesting such hearings where, in the view of  
11 the Commissioner there is evidence that should properly  
12 come before the Inquiry. The Community Hearings shall not  
13 commence until the Formal Hearings are well underway so  
14 the communities will be informed as to the nature of the  
15 evidence before the Inquiry at the Formal Hearings. And  
16 the Inquiry and your Inquiry Staff accepts an obligation  
17 to communicate the information generated at the Formal  
18 Hearings to the communities to ensure their effective and  
19 informed participation.

20 We recommend also that the  
21 timing, the format and the structure of the Community  
22 Hearings be determined by yourself following discussion  
23 with the various major interveners and the communities  
24 themselves. The formal Rules of Evidence and Procedure  
25 will not apply with respect to the Community Hearings.  
26 Witnesses should be encouraged, however, wherever possible

1 to file a written submission with the Inquiry. All  
2 evidence will be presented orally and will not be subject  
3 to cross-examination.

4 Those, Mr. Commissioner, are  
5 the Commission Counsel's recommendations for your consider-  
6 ation. We invite comments and undoubtedly criticisms from  
7 other participants to ensure that whatever the procedure  
8 adopted by this Inquiry, it will be recognized by all as  
9 being reasonable and fair. Thank you, Mr. Commissioner.

10 THE COMMISSIONER: Thank you, Mr.  
11 Anthony. I am going to adjourn now for a break for  
12 fifteen minutes, I believe coffee is available at the back  
13 of the hall and we would like to stretch our legs. Thank  
14 you.

15 (PROCEEDINGS ADJOURNED FOR FIFTEEN MINUTES.)

16 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT.)

17  
18 THE COMMISSIONER: I am now going  
19 to invite those who indicated they wanted to participate  
20 this afternoon to come to the microphones and make their  
21 submissions. Before doing so I just want to remind you  
22 that this session will continue this evening from the point  
23 at which we finish this afternoon so that if you are on the  
24 list and you don't get a chance to speak this afternoon  
25 you will have the opportunity this evening. If necessary  
26 we will continue tomorrow morning.

1 I understand that the mailing  
2 lists have been circulated and if you haven't had a chance  
3 to put your name on the mailing list it's now available  
4 with the Secretary to the Commission and you can give your  
5 name to her. The list will also be circulated again this  
6 evening.

7 Now in making submissions  
8 this afternoon with respect to the subject of funding, all  
9 we would like to do at this time is to have notice, to have  
10 you tell us of your intention to apply for funding, we are  
11 not asking you today to give the details or budget or  
12 information of that nature. We will follow up your  
13 intention to apply for funding, we will follow that up  
14 later so that we have completed details by May the 11th as  
15 I indicated to your earlier. This afternoon with respect  
16 to funding it is our purpose only to receive notice of your  
17 intention to apply. If there are questions in a general  
18 way about funding they may be raised of course.

19 Mr. Edwards for the  
20 Attorney-General's Office of British Columbia.

21 MR. EDWARDS: Thank you, Dr.  
22 Thompson, I hope the microphone is working better than it  
23 was earlier, it seems to be.

24 THE COMMISSIONER: Can you hear?  
25 Thank you.

26 MR. EDWARDS: I would like first

1 of all if I might just to outline the intended nature of  
2 the Province's participation and then to make a few  
3 comments about the procedures proposed by my friend, Mr.  
4 Anthony. First of all, Mr. Chairman, British Columbia is  
5 not participating in this Inquiry to support or oppose a  
6 particular proposal or at this stage to take a defined  
7 position on any issue which the Inquiry might consider.  
8 However, we reserve the right to support or oppose a par-  
9 ticular proposal at a later stage of the Inquiry or to take  
10 a defined position in relation to any of the issues which  
11 might be considered by the Commission as the evidence  
12 develops.

13 The nature of British  
14 Columbia's participation was briefly outlined last week in  
15 a press announcement made by the Minister of Energy,  
16 Transport and Communications on April 28th by the Honourable  
17 Jack Davis and further he has provided me with a letter  
18 which I delivered to you today through Counsel outlining  
19 the Province's position in some further detail and I wonder  
20 if I might read that letter into the record, I think it  
21 would help to point out to those present exactly the  
22 position of the Province.

23 THE COMMISSIONER: Yes, please  
24 do that.

25 MR. EDWARDS: The letter is  
26 dated May 3rd, 1977, and it's directed to Dr. Andrew R.

1 Thompson, Commissioner, Kitimat Oil Port Inquiry, and it  
2 reads as follows:

3 "Dear Dr. Thompson:

4 On behalf of the Government of British Columbia  
5 I am pleased to offer our full cooperation in  
6 providing your Inquiry with documentary information  
7 and expertise brought together by the Energy  
8 Transportation Task Force of the Provincial  
9 Government. This Task Force is an inter-  
10 disciplinary group which has been organized to  
11 analyze the various project proposals which might  
12 come forward on West Coast oil delivery systems.  
13 Studies prepared by the Task Force have been  
14 based on information in the public domain or  
15 generated by provincial agencies. These studies  
16 are not complete due largely to a lack of hard  
17 information on a number of important environmen-  
18 tal and navigational considerations and to some  
19 extent by the absence of a clear national policy  
20 on the geographic pattern of crude oil delivery.

21 Because much remains unknown the  
22 Province has yet to take an official position in  
23 relation to the Kitimat proposal or any alterna-  
24 tive proposal. We hope that your Inquiry will  
25 bring forward a good deal of the hard informa-  
26 tion we regard as lacking and thereby allow for

1 "more informed and complete consideration of the  
2 Kitimat proposal.

3 The Province will make available as  
4 witnesses before the Commission knowledgeable  
5 personnel from the Task Force who will offer  
6 their own judgment and opinions of issues  
7 within their areas of expertise. These will  
8 of course represent the professional judgment  
9 of these individuals and will not necessarily  
10 represent official provincial policy on  
11 specific issues."

12 Signed:

13 "Yours Sincerely, Jack Davis, Minister."

14 As is pointed out in Mr.  
15 Davis' letter, British Columbia has established an inter-  
16 agency Task Force comprised of persons from the following  
17 Ministries and Agencies:

18 The Ministry of the Attorney-General, the British  
19 Columbia Energy Commission, the Environment and  
20 Land Use Committee Secretariat which is channeling  
21 input from the Ministries of Environment and  
22 Recreation and Conservation, the Ministry of  
23 Energy Transport and Communications, and finally  
24 the Ministry of Economic Development.

25 This Task Force has been  
26 chaired by Mr. Robert Green of the British Columbia Energy



1 Commission who is on my left and has been responsible for  
2 analysis of Environmental, Socio-Economic, Navigational  
3 and Energy Policy Aspects of the movement of crude oil from  
4 offshore through British Columbia.

5 That, Mr. Chairman, is an  
6 outline of the Province's intended participation and an  
7 outline of what the Province has done in relation to the  
8 issues which are before this Inquiry so far. I have a  
9 few comments now I would like to make which will further  
10 expand on how we intend to put forward material which the  
11 Province has at hand and make it available to the Commis-  
12 sion and other participants. These will relate as well to  
13 the procedures and as I indicated will, to some extent,  
14 respond to what Mr. Anthony has suggested in relation to  
15 those procedures.

16 First of all I would like to  
17 indicate that a List of Documents in the hands of and  
18 prepared by agencies constituting the Provincial Task Force  
19 to which I have referred and bearing on questions before  
20 this Inquiry is presently under preparation. We hope to be  
21 in a position to make that list available to the Commission  
22 very shortly. The materials referred to in this list will  
23 be made available to the Commission and will henceforth be  
24 regarded by the Province as in the public domain. This  
25 List of Documents will be comprehensive of all material  
26 generated by or relied on by the various agencies participat-

ing in the Task Force in the preparation of their studies and analyses. I would like to just stress again, if I may, that none of these documents represent Government policy. To a large extent they represent the attitudes and the initial views and analyses of individuals in the agencies concerned and to a very great extent they are preliminary assessment on a number of the issues. Some of these studies and documents have been put together on the basis of incomplete information, as I am sure you are not surprised to learn. None of the documents have been considered by any policy decision making body of the Government and none have been endorsed or rejected by the Government. It is our submission in relation to putting this material before the Inquiry and we depart here somewhat from what has been proposed by Commission Counsel, that the documentary information referred to in the Province's document list be put in the hands of the Commission to be released and disseminated by the Commission to those parties interested. It is our further submission that participants wishing to clarify aspects of matters dealt with in these documents should have the opportunity to do so in one or both of the following ways. First of all we would propose that such participants be permitted to file an interrogatory, that is, a written question with the Commission directed at the Province seeking clarification

1 on questions arising from the documentary material. The  
2 Province would then respond in writing to the interrogator-  
3 ies to the extent possible and copies of the interrogator-  
4 ies and responses could be made available to other parties  
5 as the Commission directed. Indeed, it's our submission  
6 that this interrogatory procedure might well be adopted in  
7 relation to all written material before the Inquiry by  
8 major participants.

9                   Second, we propose that the  
10 Province will make available at appropriate stages of the  
11 Hearings witnesses to be cross-examined by other partici-  
12 pants in connection with matters dealt with in the  
13 documentary material. We would not intend to limit the  
14 evidence given by these witnesses to matters dealt with  
15 in the documentary material. Questions relating to all  
16 aspects within the witnesses area of expertise would be  
17 fair game. I would like to just interject there that in  
18 suggesting witnesses would be put forward in this way by  
19 the Province I am not conceding that we wouldn't put for-  
20 ward witnesses in support of a particular position the  
21 Province chose to adopt later on on an issue or in support  
22 or opposition to one or another proposal. We would  
23 suggest in relation to this system of interrogatories that  
24 if it is adopted by the Commission the Commission impose  
25 deadlines for the filing of and the responses to interroga-  
26 tories in order to clear the way for the various phases of

1 Hearings.

2 With respect to those phases  
3 and what we have heard from Mr. Anthony earlier today the  
4 Province has no submission to make and is prepared to deal  
5 with these phases in any sequence which commends itself to  
6 the Commission. The timing doesn't concern us either, we  
7 are satisfied with what Mr. Anthony has suggested. That's  
8 all I have at this time on procedures.

9 THE COMMISSIONER: Thank you very  
10 much, Mr. Edwards.

11 MR. GALLON: Mr. Commissioner,  
12 if I may make a point of information. During the break I  
13 was speaking with quite a few of the people in the back and  
14 these is some concern about smoking. Would it at all be  
15 possible for those here not to smoke in regards to the  
16 meeting and the pollution it would cause in this hall.

17 THE COMMISSIONER: Thank you, Mr.  
18 Gallon. Earlier when I noticed some people were smoking  
19 I thought that I would have the opportunity to make my  
20 first ruling and then I got distracted. I think as a  
21 matter of courtesy to everybody here that if someone wants  
22 to smoke they should excuse themselves out one of the  
23 doorways here and then there will be coffee breaks but  
24 apart from that there shouldn't be any smoking in the  
25 Hearing Room. Thank you.

26 Now proceeding with our list,

1 Mr. Currie. Excuse me, Mr. Currie, I will have to ask  
2 everybody who speaks to come to a mike so we are sure it  
3 reaches.

4 MR. CURRIE: Mr. Commissioner,  
5 the position of the Council of the District of Kitimat is  
6 very similar to that of the Province of British Columbia in  
7 that the Council has not yet taken a position with respect  
8 to this application. The Council is hoping that in the  
9 early stages of the Inquiry facts will be brought out by  
10 expert testimony on which it can make a decision.

11 The District of Kitimat is  
12 the only urban municipality that will be the location for  
13 the principal facilities of the Kitimat Pipeline Co. Ltd.  
14 and as such the Council intends to be a major participant  
15 and intervener in the application. It is the intention of  
16 the Municipality to ask for funds and it is the intention  
17 of the Municipality to invite you to hold Community Hear-  
18 ings at Kitimat. Thank you very much, Mr. Commissioner.

19 THE COMMISSIONER: Thank you very  
20 much, Mr. Currie. Mr. Saville.

21 MR. SAVILLE: Mr. Commissioner, I  
22 have listened with interest to the proposal as outlined by  
23 Commission Counsel and on behalf of Kitimat Pipeline Ltd.  
24 I wish to advise that the basic format that he has outlined  
25 as his recommendation is acceptable to us. I think I should  
26 add just one thing and that is that I think everyone should



1 realize right from the first, right from the beginning,  
2 that there are areas that you will touch upon that I don't  
3 think it necessarily follows that my client should be  
4 expected to take the lead. We are prepared to make our  
5 people available, our policy witnesses and our experts, but  
6 there certainly will be times when we will be prepared to  
7 lead and put forth our position and have our people avail-  
8 able. There will, however, be other cases where the  
9 control and jurisdiction of what happens in relation to  
10 for example the operation of the tankers on the coast is  
11 the legitimate function and within the jurisdiction of the  
12 Government of Canada and while we will make our people  
13 available and they will have a position to take as to how  
14 those kinds of operations should be carried out, neverthe-  
15 less we would expect that it was mainly the function of the  
16 Government of Canada to deal with those matters and that  
17 you would expect those people to come forward and provide  
18 the hard information that you require in order to assess  
19 this process. Thank you.

20 THE COMMISSIONER: Thank you, Mr.  
21 Saville. I think that your point is understood and that  
22 arrangements from time to time will be made with Commission  
23 Counsel as he suggested too as to who will take the lead  
24 in presenting evidence.

25 I am going to ask Mr.  
26 McEachern to speak next as representing the other pipeline



1 company. Thank you. Mr. McEachern.

2 MR. MCEACHERN: Mr. Commissioner,  
3 Trans Mountain's position is somewhat incongruous and  
4 difficult to state at the moment because we are in danger  
5 of being entrapped by a number of jurisdictional problems.  
6 Trans Mountain does not seek any license, permit or  
7 permission to build or operate any port facilities in  
8 Canada. The non-marine aspects of our proposal are to be  
9 considered in full by the National Energy Board in due  
10 course. The marine aspects of Trans Mountain's applica-  
11 tion to the National Energy Board are being considered or  
12 will be considered by the Energy Facilities Fight  
13 Evaluation Council of the State of Washington and other  
14 U.S. agencies. Trans Mountain therefore prefers to  
15 withhold any comment on the marine aspects of this proposal  
16 until it is known how the U.S. agencies propose to deal  
17 with the application which is now pending before them.  
18 It is expected, however, that that information will be  
19 in hand well before the proposed starting date of July  
20 11th, 1977, for your Hearings.

21 Trans Mountain does not  
22 consider that its application to the National Energy Board  
23 in any way depends upon a determination that Kitimat is or  
24 is not a suitable oil port. Trans Mountain does not  
25 presently propose to participate in this Commission's  
26 Inquiry into the suitability or otherwise of Kitimat as an

1 oil port. As I have mentioned, our project will be based  
2 upon its own merits and not upon the deficiencies, if any,  
3 of the Kitimat project.

4 For the reasons that I have  
5 stated Trans Mountain does not consider itself to be a  
6 major participant in the work of this Inquiry related to  
7 the suitability of Kitimat as an oil port and we are not  
8 yet ready to make a decision as to whether we are a major  
9 participant insofar as the marine aspects of our own  
10 proposal is concerned until clarification is obtained  
11 regarding the means by which Trans Mountain's proposal  
12 will be dealt with by the relevant U.S. agencies. As I  
13 have said that will be well known prior to July 11th.  
14 It's necessary therefore for us to say at this time that  
15 while we wish you well we are not sure the extent to which  
16 we will be participating in your Inquiry but I can assure  
17 you that we will cooperate with you in every way we can as  
18 long as in doing so it does not prejudice the total  
19 project that we have in mind for which application has been  
20 made to the relevant authorities.

21 We would like to discuss  
22 with Counsel for the Commission, as his convenience, the  
23 question of the extent to which we can cooperate in these  
24 circumstances and how we will assist him in the work that  
25 he will have to do and we would like however to reserve  
26 our agreement or concurrence with his proposed procedures

1 until our own role is more clearly defined. Thank you.

2 THE COMMISSIONER: Thank you, Mr.  
3 McEachern. Commission Counsel, do you have any comment you  
4 wish to make?

5 MR. ANTHONY: If it might assist  
6 the participants and other people who are here this after-  
7 noon to have at least one bit of clarification. Mr.  
8 McEachern, you have indicated that the marine aspects,  
9 information on marine aspects will be filed with the  
10 American agencies in the State of Washington and perhaps  
11 other Federal agencies, is it the intention of Trans  
12 Mountain to make that information available to this Inquiry  
13 at an early date or at least at the time that the material  
14 has been filed and properly processed through the American  
15 hearing process?

16 MR. McEACHERN: Well, Mr.  
17 Commissioner, I am sure the answer to that question is in  
18 the affirmative but I prefer not to make an assurance that  
19 it will be filed with the Commission because by doing so I  
20 may make myself a major participant. The language of your  
21 Counsel's memorandum leads me to be cautious but it will  
22 certainly be available.

23 THE COMMISSIONER: Do you have  
24 any any further comment, Mr. Anthony?

25 MR. ANTHONY: My only comment is  
26 I would anticipate the decision as to who was a major par-

1 participant will depend on the sort of information that they  
2 have in some part too, and I would hope whether or not  
3 Trans Mountain decides to attend on a regular basis to  
4 participate in the deliberations that they will ensure that  
5 the evidence that is required by this Commission is made  
6 available. I think that's what Mr. McEachern is telling  
7 you or I hope that is what he is telling you.

8 MR. McEACHERN: That is right.

9 THE COMMISSIONER: And as I  
10 understand the position, appreciating the difficulty you  
11 may find yourself in with having to respond to two  
12 jurisdictions, one in the State of Washington and this one,  
13 I understand the position you are taking but I think you  
14 understand too that it is my responsibility in this  
15 Inquiry to look into the Marine Traffic aspects, whether  
16 they have to do with traffic into the Port of Kitimat or  
17 traffic that would otherwise effect Canada's waters on the  
18 West Coast and that we will have to proceed in that  
19 respect whether Trans Mountain in the end decides to be a  
20 major participant or not.

21 MR. McEACHERN: We understand that.

22 THE COMMISSIONER: Thank you.  
23 I will now go back to following the list. Mr. Gallon.

24 MR. GALLON: Thank you, Mr.  
25 Commissioner. The Kitimat Oil Coalition has immediate and  
26 direct concern regarding the establishment of oil ports on

1 the West Coast, whether it be at Kitimat or Cherry Point or  
2 Point Angeles. Our concerns are in regard to the  
3 Fisheries, commerical, recreation or Indian Food Fisheries.  
4 Our concerns are in regard to the protection of water fowl,  
5 wildlife and wilderness, also the protection of the  
6 beautiful esthetics of the region, the livability, the  
7 enjoyment of both residents and visitors to the regions  
8 that would be affected possibly by tanker routes and oil  
9 spills. We wish to be a major participant.

10 In representing the 20 groups or  
11 the 21 groups I should qualify, they are as follows:

12 SPEC, B.C. Wildlife Federation, Federation of  
13 B.C. Naturalists, Greenpeace, Canadian  
14 Society of Environmental Biologists, The United  
15 Fishermen and Allied Workers' Union, B.C.  
16 Sierra Club, Telkwa Foundation, Smithers,  
17 Save Our Shores, Prince Rupert, TASK, Terrace.  
18 COAST for the Queen Charlottes. CLEARWATER for  
19 Duncan, Clean Shores for Nanaimo. Blue Peace  
20 for Victoria and Sooke, the West Coast  
21 Environmental Law Association, Kitimat SPEC,  
22 The Hartley Bay Environmental Group, CASE  
23 Victoria. The Kitimat Coalition Against the  
24 Pipeline, Kitimat. The Prince Rupert  
25 Amalgamated Shore Workers and Clerks' Union  
26 Local 1674, and finally, The Canadian

1 Association of Smelter and Allied Workers'  
2 Union.  
3 These represent about 70,000 people.

4 I must say here that we plan  
5 to represent them in the formal portion of the Hearings on  
6 an ongoing basis and that they themselves will be partici-  
7 pating possibly in the Formal Hearings from time to time  
8 as well as the Community Hearings.

9 We wish to discuss funding,  
10 timing of the hearing, place of hearing, and terms of  
11 reference. Now I will briefly submit to you the portion  
12 in regards to funding and then give you Marvin Storrow,  
13 our Legal Counsel, to discuss the other aspects we are now  
14 concerned about. It is clear by the very fact of the  
15 existence and creation of this Commission that the  
16 Coalition's concerns are important to the Government of  
17 Canada. The organizations represented by the Coalition  
18 are by and large the most active and vital of the  
19 concerned organizations in the Province of British  
20 Columbia. It is not disputed, however, that there are  
21 organizations who are also very aware of the issues and  
22 experienced in the topics and who are not members of this  
23 Coalition. It is the Coalition's view, though, that the  
24 combined effect of the members of the Coalition is such  
25 that as a unit it has the broadest interest base and the  
26 most dynamic position to put before this Commission.



1       The members of the Coalition as  
2       has been stated represent several thousand citizens in the  
3       Province and the Coalition members, for the most part, have  
4       been active for a number of years in Environment, Social  
5       and Fisheries affairs, and in the case of some of the  
6       members of the Coalition are devoted on a full-time basis  
7       to these matters.

8       It is understood that the  
9       anticipated length of the hearings is approximately 23  
10      weeks, a period of time of no less than eight weeks will  
11      be required by us to prepare for this hearing. It is  
12      clear also that in order to properly put before the  
13      Commission the position of the Coalition that a substantial  
14      amount of Government monetary assistance will be necessary  
15      to properly place before this Commission a sufficient body  
16      of evidence to thoroughly inform the Commission of the  
17      Ecological, Social and Fisheries issues and solutions.  
18      It will be necessary therefore for the Coalition to have  
19      Legal Counsel, both senior and junior, working full-time  
20      on the hearings and for there to be not only counsel  
21      constantly in attendance at the hearings but also for  
22      advisers to be with counsel throughout it.

23      It will be necessary for witnesses  
24      to be interviewed, for witnesses to be paid in some  
25      instances, and for offices to be established both in the  
26      Kitimat-Prince Rupert area as well as in Vancouver. For

1 these offices to be staffed and for transportation and  
2 living expenses to be allocated to the individuals operat-  
3 ing within the offices where necessary.

4 The members of the Coalition  
5 are almost exclusively organizations that depend on outside  
6 donations to maintain themselves. The Coalition has  
7 already devoted several hundred hours of time in preparing  
8 for the Hearing and has expended approximately \$6,000.00.  
9 The members of the Coalition are prepared to devote their  
10 time without charge to the ends of the Coalition but  
11 unfortunately the Coalition is almost entirely without cash  
12 resources and will depend exclusively upon the Government  
13 of Canada for monetary assistance.

14 The Coalition is highly  
15 organized and will have available if resources are provided  
16 a team of co-ordinators, accountants and scientists and  
17 lawyers who will ensure that any monies received will be  
18 properly and efficiently disbursed and accounted for.  
19 To this end we have arranged for the firm of Price and  
20 Waterhouse, Chartered Accountants, to manage and disburse  
21 any public monies received by the Coalition.

22 The anticipated money require-  
23 ments of the Coalition are attached in our application as  
24 Schedule B, and the monies are based entirely on the  
25 present knowledge and on the premise that the Hearing  
26 preparation time allowed will be eight weeks and that the

1 Hearings themselves will commence July 11th and run to the  
2 15th of December, a total of 23 weeks. So we are looking  
3 at about 31 weeks. In the event that the Hearings extend  
4 beyond the time anticipated, it will be necessary for the  
5 Coalition to make further requests for financial assistance.  
6 The amount that we seek will be \$456,000.00. We appreciate  
7 that the amount sought on behalf of the Coalition is large.  
8 We do submit, however, that the amounts are realistic in  
9 every instance and are essential if this Commission is to  
10 have before it a complete body of evidence to deal adequately  
11 ly with the Environmental, Social and Fisheries considera-  
12 tions that are inherent in the applications put before this  
13 Commission. That is our request for funding, Mr.  
14 Commissioner. You will have before you a detailed applica-  
15 tion outlining our request for funds.

16 Now I would like to give you  
17 Mr. Marvin Storrow, our Legal Counsel, to discuss the Terms  
18 of Reference.

19 MR. STORROW: Mr. Commissioner,  
20 we have eleven Terms of Reference points to make. I shall  
21 try to make them briefly and succinctly for you.

22 First of all, in answer to  
23 Mr. McEachern on behalf of Trans Mountain, it is our sub-  
24 mission that your Terms of Reference must include considera-  
25 tions of West Coast Port possibilities whether they be in  
26 Canada or not. In your document that is dated the 21st of

1 April, on page 2, you specifically refer to Cherry Point,  
2 Washington, and to Trans Mountain Pipeline's application.  
3 It is our position that this Inquiry must be concerned  
4 with that matter.

5 With respect to Mr. Saville's  
6 submission on behalf of Kitimat Pipeline Ltd. it is our  
7 submission to you that Kitimat Pipeline Ltd., being a  
8 proponent here must, in every instance, unless there are  
9 extraordinary circumstances, produce its evidence first.  
10 It is our position that they are here to show you that  
11 their proposal is worthy and justified and if they don't  
12 have to go first and call their evidence first, there  
13 might be a tendency to shift the onus on to others who are  
14 here to respond and perhaps criticize their application.

15 With respect to Mr. Edwards  
16 speaking on behalf of the Attorney-General of the Province  
17 of British Columbia, he seems to wish to put the Province  
18 of British Columbia into a special category from an  
19 evidentiary point of view and we take strong objection to  
20 this. First of all, your Terms of Reference allow you to  
21 call witnesses and to subpoena persons here and to sub-  
22 poena documents here. The Government of British Columbia  
23 is in no different a position than any other citizen in  
24 Canada in this respect and if you desire or anyone else  
25 desires to have subpoenaed a member of the Province of  
26 British Columbia Civil Service who is not a member of the

1 Task Force, and I don't think you should be in a position  
2 where you have to refuse this request and I think that you  
3 ought to make your position clear to the Government of  
4 British Columbia forthwith and you are not going to  
5 restrict witnesses from the Province to those selected by  
6 the Province. You are running the Commission, not Mr.  
7 Davis.

8 Now some of the other points  
9 that I am going to discuss have already been dwelt on here.  
10 We suggest and submit to you that the Terms of Reference  
11 that you deal with during your Inquiry ought to include  
12 marine and non-marine alternatives to the Kitimat Pipeline  
13 Ltd. proposal. We suggest that the major hearings be in  
14 Kitimat, Prince Rupert, Vancouver and Masset. We believe  
15 it desirable that some of the hearings take place in Masset  
16 in order that you can bring home to all parties concerned  
17 the area that could be the most affected if the oil tankers  
18 are allowed to proceed down the coast and I think it will  
19 be a way of giving everyone a visual concept of the  
20 situation in living colour. So we would like to add  
21 Masset to the possible places for hearings. Those are  
22 Formal Hearings.

23 We have a question of you, we  
24 would like to know your timing with respect to the informal  
25 hearings. Are you going to deal with the Formal Hearings  
26 first and then the Community Hearings following all the

1 Formal Hearings or do you intend to intersperse Formal  
2 with Community Hearings. We would like to suggest that as  
3 a procedural matter, and I believe you have this authority  
4 within your mandate, you allow Examination for Discovery  
5 of persons to take place at the request of interveners or  
6 parties to the application and Examination for Discovery by  
7 affidavit means of documents. We don't want to be in a  
8 position of taking handouts from the corporations or others  
9 involved, we want to know all of their documents, not just  
10 the ones they wish to tell us about.

11 As I understand it, the  
12 Berger Inquiry had a similar sort of procedure and if it  
13 didn't, if I am wrong, I suggest that you commence that  
14 sort of procedure. We would like you to include in your  
15 Terms of Reference --

16 THE COMMISSIONER: Pardon me, did  
17 you mean similar to Berger or similar to the one you just  
18 suggested?

19 MR. STORROW: As I understand it,  
20 the Berger Hearings had an Examination for Discovery like  
21 procedure similar to the one I suggested. I haven't had a  
22 chance to confirm that and I am saying if it didn't, you  
23 nonetheless should adopt this type of procedure.

24 We would like you to consider  
25 the ramifications of oil pipeline breaks and the potential  
26 problems that oil spills through the pipeline breaks could



1 cause to marine estuaries. Inherent in the application to  
2 tank oil down the coast of British Columbia is that there  
3 is a pipeline from British Columbia, Kitimat, or wherever,  
4 to another place. Once you work on the premise that there  
5 is going to be a pipeline I think you have to take into  
6 account the dangers inherent in spills from the pipeline.

7 ~~you by the Policy Council~~ THE COMMISSIONER: Do I take it  
8 you are referring specifically to the spills that would  
9 affect marine estuaries?

10 MR. STORROW: That is the primary  
11 concern, yes. As part of your Terms of Reference we  
12 would like you to consider oil spills in Canadian waters,  
13 the oil from which, because of currents that flow into  
14 American waters, probably the best example of this is the  
15 Alaskan Panhandle. We feel that that's a consideration  
16 although it might be something extra-territorial, I think  
17 that we owe the duty to our neighbour to consider the  
18 possibility of damaging their environment as well.

19 We would like to know from  
20 you, sir, if the transcripts of evidence on a daily basis  
21 will be available to interveners at no cost to the inter-  
22 veners. It's clear that these hearings will take a  
23 considerable amount of time to complete, there will be a  
24 large body of transcript evidence, it's likely that written  
25 submissions will have to take place following the comple-  
26 tion of the evidence, and as I think we all know it's

1       difficult to complete a written submission after several  
2       months without the benefit of transcript evidence.

3                               We have filed with you a  
4       letter dated the 3rd of May and that letter has two sub-  
5       missions within it. I should deal with the second sub-  
6       mission first. As I read the Terms of Reference given to  
7       you by the Privy Council on the 10th of March, you do not  
8       have the authority within your Terms of Reference to come  
9       to a determination that there ought to be no pipeline from  
10      Kitimat to Edmonton. At best, that authority is ambiguous  
11      and it is our suggestion and submission to you that you  
12      seek an amendment of your mandate to include the authority  
13      to find or to recommend and report upon the fact that you  
14      feel that there should not be or alternatively should be a  
15      pipeline from Kitimat to Edmonton. To that end we have  
16      drafted a proposed amendment and addition to your mandate  
17      and I will read that to you, it's on page 2 of the letter  
18      addressed to yourself.

19                           We would like you to add the  
20      following:

21                   to inquire into and concerning and to report  
22                   upon

23                   (i) whether or not a marine terminal and/or  
24                   pipeline should be constructed at  
25                   Kitimat, British Columbia.

26                   (ii) whether or not a marine tanker route

1 ought to be established at or near  
2 Kitimat, British Columbia.  
3 (iii) whether or not any other alternative  
4 routes, ports or pipeline proposals  
5 ought to be established .

6 It is our opinion, sir, and  
7 our submission to you that the Government of Canada has  
8 tied your hands here. They have asked you to embark upon  
9 an investigation but they have given you no authority to  
10 make any firm and conclusive findings and recommendations.

11 Lastly, we wish to state over  
12 great emphasis that we cannot be prepared to commence this  
13 hearing on the 11th of July, 1977, if we are expected to do  
14 a proper job on behalf of the Coalition that we represent,  
15 and secondarily and perhaps as part of that point, on  
16 behalf of yourself.

17 Some of our Coalition members  
18 are fishermen who won't be back into their towns and  
19 villages until sometime in October or November. The  
20 preparation that will be required to properly produce for  
21 you an acceptable body of evidence will take much longer  
22 than two months. This Coalition does not expect to know  
23 that from you for several weeks whether or not it can  
24 finance its position. Following that, of course, we have to give  
25 two weeks notice of any witnesses that we propose to call  
26 and give you a submission along with the other interested

1 parties, a submission of the evidence we intend to put  
2 before you. If this was a civil case and as large as we  
3 anticipate this matter to be, probably a year to two years  
4 would be the ordinary acceptable time for preparation. We  
5 are asking that you don't commence this hearing until the  
6 14th of November, 1977.

7 There are studies, as we  
8 understand it, that are presently ongoing that aren't ready  
9 that will be necessary to us and to you. And so, sir, we  
10 submit to you with respect that you seriously consider  
11 adjourning this hearing from the 11th of July, assuming  
12 that's the fixed date, to the 14th of November, 1977.

13 THE COMMISSIONER: Thank you, Mr.  
14 Storrow. There are a number of particular issues here  
15 that Mr. Anthony and Mr. Edwards may wish to respond to.  
16 As to the issue of the Terms of Reference, other parties  
17 here may wish to comment on their adequacy and so I would  
18 ask Mr. Anthony and Mr. Edwards to hold back any comments  
19 as to the Terms of Reference until we have heard further  
20 on that subject. However, there was a question about the  
21 procedure for Discovery of Documents and maybe you might  
22 have some comments on that now, Mr. Anthony, or maybe you  
23 would prefer to wait.

24 MR. ANTHONY: Mr. Commissioner,  
25 perhaps I could say one thing at this time, it is our  
26 intention and our understanding that the documents relevant

1 to the Inquiry will be provided to the Inquiry and we will,  
2 in the first instance, rely on the participants themselves  
3 to file that information and we will, in the second  
4 instance, assure that that information is forthcoming  
5 through subpoena if necessary. First of all I can say  
6 that the procedures suggested by Mr. Storrow was not the  
7 procedure adopted at the Berger Inquiry, for whatever that  
8 is worth. We are no way bound by their experience other  
9 than I might say the procedure that I have outlined in the  
10 submission I have made to you is in general terms the  
11 procedure followed at the Mackenzie Valley Pipeline Inquiry  
12 and that procedure worked. There was extensive Discovery  
13 of Documents and I can say as one who participated in that  
14 proceeding that I felt the Discovery procedure was adequate.  
15 It relies on, as I say on the first instance on the  
16 goodwill of the parties but I think we can expect that and  
17 if not we can certainly demand that.

18 The other questions raised  
19 by Mr. Storrow I think I have no particular comment to  
20 make on them now. The question of the mandate and  
21 Terms of Reference I do have something to say but I will  
22 defer that to a later stage.

23 THE COMMISSIONER: Thank you.  
24 Mr. Storrow made some comments as to the position to be  
25 taken by the Province of British Columbia and Mr. Edwards  
26 you might have some comments.

1 MR. EDWARDS: Well I just would  
2 like to clear that up, Mr. Chairman. It's certainly not the  
3 intention of the Province to attempt to constrain other  
4 parties in whom they might call from among the staff of the  
5 Provincial agencies. I was merely suggesting that since  
6 the members of this Task Force had been the ones who  
7 essentially directed themselves to the issues to date that  
8 they would be the logical witnesses but certainly if other  
9 parties wish to go beyond that and call others we have no  
10 objection to that.

11 THE COMMISSIONER: Thank you. I  
12 might comment on one point you questioned, Mr. Storrow.  
13 You asked about the availability of transcripts on a daily  
14 basis at no cost to interveners. It will be the intention  
15 of the Inquiry, within the limits that will be placed on  
16 us in terms of funding, to make transcripts available, so  
17 far as possible. By that I mean that we will certainly  
18 make daily transcripts available in certain localities  
19 where they can be seen on a regular basis and we will also  
20 try to make transcripts available to major participants.  
21 It may be that we will have to work out some sharing around  
22 because as I say of budget restraints, but we will make  
23 every effort possible to have them available to parties in  
24 the sense that you have mentioned.

25 By inviting some comment at  
26 this stage I am not intending to cut anybody off from



1 commenting as we go along and we will come back to this  
2 question of the Terms of Reference later.

3 Going down the list, Mr.  
4 Overgaard.

5 MR. OVERGAARD: I will be brief,  
6 Mr. Commissioner. The Skeena-Queen Charlotte Regional  
7 District brief lists two previously stated positions in a  
8 formal resolution of January 28th, 1977 objecting to the  
9 proposed pipeline for the reasons stated within the  
10 resolution. Two, that at least one Formal Hearing be held  
11 on the Queen Charlotte Islands and we support the Coalition's  
12 movement in that respect.

13 We are filing a notice for  
14 request for funding for a Public Opinion Survey. The  
15 rationale on that being, recognizing that the scope of such  
16 a survey could contain three elements:

- 17 (a) the transportation of oil via marine routes
- 18 (b) the location of the oil port
- 19 (c) the pipeline

20 The board submits that the need exists to determine the  
21 majority public opinion on the proposal. This can be  
22 accomplished by the Regional District through a grant  
23 approved by the Commission of Inquiry under mutually  
24 acceptable terms, or by the Commission itself.

25 Lastly, the Board files notice  
26 to intervene at future public hearings. Thank you.

1 THE COMMISSIONER: Thank you, Mr.  
2 Overgaard. Mr. Patrick.

3 MR. PATRICK: Mr. Commissioner.  
4 The mandate for the Executive of the Union of B.C. Indian  
5 Chiefs is very explicit. The resolution is only a week  
6 old and I would like to repeat that to you, that the  
7 Union of B.C. Indian Chiefs oppose this project which is  
8 the Kitimat Oil Port and any other major development  
9 project until Indian Land Claims in B.C. have been  
10 settled and implemented. The Union of B.C. Indian  
11 Chiefs support the opposition of the Indian people of  
12 Kitimat, the Queen Charlotte Islands, Prince Rupert and  
13 other Indian groups in the area to the proposal. That the  
14 Union of B.C. Indian Chiefs form a Committee to work with  
15 the concerned local communities in preparing a submission  
16 to the Thompson Commission for the funding of Indian  
17 participation in the Thompson Commission Hearings. That is  
18 itself very explicit and as I mentioned the thing is only a  
19 week old. The Executive is only a week old but these are  
20 some of the concerns that I see, feel that the Indian  
21 people see in regard to this Hearing.

22 I know that they won't put  
23 it quite in this way, but we are generating a lot of  
24 reading, interesting reading for the archives, the  
25 National Archives. A lot of my people feel this is a  
26 fait accompli. If I felt that way of course I wouldn't be

1 here and I would like to point out some of the people that  
2 I probably would have to represent whose opinions I have to  
3 take before you in further hearings. Some of these are the  
4 Indian people whose livelihood we are discussing at this  
5 very moment. They are in fact pursuing their livelihood  
6 out on the ocean.

7 I have a friend, Chief  
8 William George, who lives in Takla Lake about 300 miles  
9 north of Fort St. James and he shared with me several times  
10 what he calls the King of Fish, the Spring Salmon. Now  
11 this Spring Salmon goes through the Skeena River and if  
12 there is ever any disaster his diet or the diet of he and  
13 a thousand of his people will be severely curtailed. Now  
14 these are very far flung areas in which co-ordination is  
15 necessary and that is why we are seeking funding. Of  
16 course we don't have the esoteric sophisticated charts,  
17 graphs, hard copy that is the norm of the rest of the  
18 people here, so obviously we will need some help in that  
19 regard. Thank you.

20 THE COMMISSIONER: Thank you very  
21 much, Mr. Patrick. Mr. Hagerman.

22 MR. HAGERMAN: I will file this  
23 with the Secretary.

24 THE COMMISSIONER: Thank you.

25 MR. HAGERMAN: I wish to give  
26 notice to the Commission that the Kitimat Public Library

1 intends to apply for funds. At the same time we wish it to  
2 be understood that our position is neutral with respect to  
3 the matters of substance to be considered and thus we have  
4 not specifically referred to the criteria for participating  
5 funding in our submission. I also wish to give some  
6 brief comments on the submission by Commission Counsel,  
7 especially with recommendations -- especially with  
8 reference to recommendations number 7 through 11 which  
9 concern the distribution of documents. There is no  
10 mention which I can discern of the distribution of  
11 documents in such a way as to assure that they are  
12 generally available to the public or to the residents of  
13 the North Coast region of British Columbia.

14 In Counsel's submission there  
15 is also no mention of the distribution of documents or  
16 lists of reports or of any exhibits that are supplied, to  
17 be supplied by interveners to public libraries. Copies of  
18 the TERMPOL submission have been deposited at three public  
19 libraries, Kitimat, Prince Rupert and Vancouver in this  
20 Province. I would like to recommend to the Commission  
21 that they make arrangements to have all interventions, the  
22 exhibits where this is feasible and the record of proceed-  
23 ings deposited at the same libraries. I believe this  
24 action will help ensure the public and participants have  
25 ready access to the information presented at the Hearing.

26 With reference to the

1 distribution of information in the North Coast region by  
2 the Inquiry, I think you might consider use of the various  
3 public libraries in the small communities that are  
4 scattered throughout the region. There are small libraries  
5 there and I think perhaps work by your appointees with those  
6 small libraries could have very beneficial results.

7 I would also like to suggest  
8 or perhaps recommend that the Inquiry employ a trained  
9 librarian to organize and ensure the distribution of the  
10 materials in the region. This person, if a librarian, the  
11 could also assist and ensure that the public libraries in  
12 Kitimat, Prince Rupert and Vancouver properly classify and  
13 make available to the public such materials as they  
14 receive them from the Commission. I would like to point  
15 out at this point the Kitimat Library has previously been  
16 informed that we shall be receiving documents of this  
17 nature, that is, interventions and exhibits from the N.E.B.  
18 Hearings which may be running concurrently with your own  
19 hearing which will create a complex situation for a  
20 relatively small library such as ours. As a point of  
21 information for the Commission I would like to inform you  
22 as Vice-Chairman of the North Coast Regional Library  
23 Committee that there will be a meeting this weekend at  
24 which librarians and representative boards from various  
25 libraries in the communities will be in attendance. As you  
26 can well recognize having seen some of our region this is a

1 very rare occasion because of the cost and I would be  
2 happy to cooperate with the Commission if they wished to  
3 use this opportunity to help us set up a program of  
4 distributing information to the community. Thank you.

5 THE COMMISSIONER: Before you  
6 leave, Mr. Hagerman, what was the date of that meeting you  
7 referred to?

8 MR. HAGERMAN: The librarians  
9 will be meeting on the 6th of May in Terrace and the  
10 meeting will be at their Public Library. Members of the  
11 Board will be meeting on the 7th of May, this Saturday  
12 morning, also at the Public Library.

13 THE COMMISSIONER: It's certainly  
14 a matter of concern to the Commission as to how the  
15 voluminous documents that this Inquiry will generate can  
16 be made available to the public and we are aware of the  
17 fact that the TERMPOL application has now been filed with  
18 your library and with quite a number of others, including  
19 libraries on the Queen Charlottes and elsewhere. In fact  
20 we have a list of the distribution that the Kitimat Oil  
21 Pipeline Company has initiated. It's our intention to  
22 do everything we can to encourage this distribution and as  
23 I mentioned in my opening remarks, Arthur Pape will have  
24 direct responsibility in connection with getting informa-  
25 tion to communities and organizing Community Hearings and  
26 I would expect that there will be follow-up with you.



1 When I mentioned him and John Steeves I didn't have them  
2 stand up to be introduced to you so I will ask them to do  
3 that now, if they are in the room. Arthur? John  
4 Steeves on the left and Arthur Pape on the right.

5 Were there any specific  
6 responses that you would like Commission Counsel at this  
7 time to deal with this subject?

8 MR. ANTHONY: Mr. Commissioner,  
9 I think the submissions of Mr. Hagerman are consistent  
10 with the policy of the terms of the Inquiry and I have no  
11 comment other than to say there is nothing in his proposal  
12 of distribution contrary to our submission and we would  
13 look forward to that type of program of public information  
14 and public distribution as he suggests. That is the  
15 intent of our submission.

16 THE COMMISSIONER: Thank you, I  
17 appreciate your offer to be of assistance to us. Thank  
18 you very much.

19 Mr. Jensen. I understand  
20 you represent VOICE which is a Committee of the Prince  
21 Rupert and Kitimat Labour Council.

22 MR. JENSEN: That is correct,  
23 Mr. Commissioner, the Prince Rupert and the Kitimat-  
24 Terrace Labour Council. Perhaps I could just -- I  
25 haven't got a written submission at this time but we  
26 represent about 8,000 worker families in the Northwest and

1 we are thinking that that is important enough that we should  
2 be a major participant in the deliberations. We would be  
3 particularly interested in Phase I and Phase IV of the  
4 Inquiry. We would also try not to duplicate the effort  
5 being done by Local 1 which is basically doing the Health  
6 Study in Kitimat and also the United Fishermen's Union out  
7 of Prince Rupert who will be doing a particular thing, but  
8 we do think that the working people in the Northwest should  
9 have an input in the hearings. We have not at this time  
10 decided whether we require funding but we would like to  
11 keep that avenue open. Thank you.

12 THE COMMISSIONER: Thank you  
13 very much. Mr. Nichol.

14 MR. NICHOL: Thank you, Mr.  
15 Commissioner. As I pointed out earlier my name is Jack  
16 Nichol, I am with the United Fishermen and Allied Workers'  
17 Union. We have a written submission that we were going to  
18 present but rather than read it, your earlier comments were  
19 you just wanted some comments rather than indepth discus-  
20 sions and I will file these with Mr. Anthony.

21 THE COMMISSIONER: Thank you.

22 MR. NICHOL: We are making  
23 an application for funding as an organization but I should  
24 start out by explaining that as it has been indicated by  
25 Mr. Gallon that we are a member of the Coalition Against  
26 Supertankers. But however we feel that there is very much

1 a special economic interest in Fisheries involved in the for  
2 proposal for an oil port at Kitimat and since we are one of  
3 the largest organizations in the fishing industry, repres-  
4 enting fishermen fishing all types of gear and plant ing  
5 workers and the like, that we would be remiss if we didn't  
6 ensure that the Fisheries aspect of it was looked after to  
7 our satisfaction. We have had some discussion with the  
8 members of the Coalition on this and we felt that in their  
9 application for funding in some of the matters they were  
10 looking at perhaps that wasn't the case.

11 We make our application as an application  
12 application supplementary to the application for funding is,  
13 made by the Coalition and in that respect we feel that ther  
14 there are many aspects that are going to be covered that f  
15 if we made allowances in our application for funding for we  
16 some of the allowances they have made then it would be al  
17 simply duplication. For example, cross-examination of  
18 witnesses we feel that can be more than ably handled by  
19 Mr. Storrow. There are other aspects I think that are  
20 taken care of there and we would be looking at obtaining  
21 the services of someone to act as a co-ordinator and our  
22 researcher who could spend the time, devote the time to our  
23 these hearings from the beginning to the very end.

24 We note that you say that Coalitions  
25 should stay together and it's not our intention to depart  
26 from the Coalition, we are very much a part of that. How-

1 ever, our application, as I say, is a supplementary one for  
2 funding.

3 MR. I wasn't aware until the  
4 meeting last night that you had made a statement during  
5 your visit to the Queen Charlotte Islands that organiza-  
6 tions such as trade unions, and I think you named our  
7 union in particular, if they applied for funds at all  
8 should be prepared to expend a like amount. Whatever was  
9 granted they should be prepared to put up the same amount  
10 of money out of their own funds and if that's your concept  
11 then I would like to disagree because I think organizations  
12 such as ours, even though we have sources of funds, that is,  
13 dues from members, nevertheless it's a question of whether  
14 we should be compelled to expend a substantial portion of  
15 the membership's money in defending something over which we  
16 have no control. There is an application made to instal  
17 an oil port at Kitimat that is going to involve super-  
18 tankers coming into British Columbia coastal waters and  
19 therefore threaten fisheries. We feel that we have to  
20 respond to that and in so doing then to get the kind of  
21 technical expertise that we need in order to advance our  
22 case that we should have funds. And as we point out in our  
23 submission that certainly the cost of our intervention  
24 should be borne, if not by the state, then maybe by the  
25 oil companies who are making the application for the oil  
26 port in Kitimat, and that seems to be appropriate.

1 THE COMMISSIONER: Mr. Saville,  
2 you will note that invitation.

3 MR. SAVILLE: You notice, sir,  
4 we haven't applied for a subsidy.

5 THE COMMISSIONER: You haven't  
6 applied for a subsidy, indicating you are likely to, is  
7 that it?

8 MR. NICHOL: Just on the ques-  
9 tion of funding we have made reference to the amount that  
10 we would need in our written submission and that is now  
11 filed with the Commission but I note that the deadline for  
12 the application for funding is the 11th of May and I won-  
13 dered if there was any consideration by the Commission to  
14 give a blanket extension on that time because I believe  
15 there will be other organizations who will be making  
16 applications for funding that has to be done in some  
17 detail. There may be organizations that are just now  
18 considering that aspect. There may be some who even want  
19 to, after listening to the discussion here today, modify  
20 their original amount because we feel that certainly any-  
21 thing we are asking for is somewhat modest.

22 The final thing is that we  
23 have asked in our submission for a delay in the start of  
24 the hearings and I indicate that you already received a  
25 wire from a Standing Committee on the Environment that has  
26 recently been established by the Fishing Industry and I

1 think this Committee is something of a successor to a  
2 Fraser River Development Committee that the Ministry used  
3 to have, but now they are concerned not just with the  
4 Fraser River development but rather the impact on environ-  
5 mental changes and whatever on Fisheries and the two most  
6 important things that we have looked at thus far is the  
7 matter of the proposed McGregor River Diversion and the  
8 Kitimat Oil Port. While I am not in any way authorized to  
9 speak for that Standing Committee, there are some people  
10 here who represent fishing companies who are represented  
11 on that Committee and nevertheless it was that group that  
12 sent you a telegram asking that there be a delay in the  
13 start of the hearings to allow fishermen to complete their  
14 season and then have the opportunity to prepare to make  
15 representations to the Commission. I am aware of the  
16 remarks of Mr. Anthony earlier in the discussions today  
17 where he indicated that the Fisheries aspect probably  
18 wouldn't start until about the 15th of October, maybe later,  
19 and so fishermen will have completed their season by that  
20 time. But there will be a great deal of preparatory work  
21 that is necessary by our people who are going to co-  
22 ordinate our intervention in obtaining the best possible  
23 people we can from some of our 35 Locals all over the coast  
24 of British Columbia and that is going to take some time and  
25 I think these people are going to have to have some time to  
26 apply their minds to the things so they can prepare their



1 cases as best they can and we will want to prepare them for  
2 the more informal hearings you conduct as well. So we  
3 certainly support the Coalition's call for a delay in the  
4 start of the hearings. We suggested October 15th but we  
5 certainly have no quarrel with the date of November 14th,  
6 we would support that.

7 THE COMMISSIONER: Thank you.

8 Mr. Nichol, you referred to my comment I think in the  
9 Charlottes about the question of contribution to the fund-  
10 ing by a group such as your union. I had in mind the  
11 criteria that had been laid down referred to the ability of  
12 organizations to finance participation in the Inquiry. I  
13 haven't made any determination yet on the question you had  
14 raised. What was in my mind when I made the comment was  
15 that a union might be in a better position to contribute to  
16 funding than some other group that didn't have any direct  
17 and large supporting membership such as you have. That was  
18 the basis of the comment. As I say I haven't yet made  
19 any determination and I appreciate and understand the point  
20 that you have made. Thank you.

21 MR. NICHOL: I offer in our  
22 submission, Mr. Commissioner, to meet with you privately  
23 and present to you our last two annual audits and I think  
24 you will see the position.

25 THE COMMISSIONER: The other  
26 point about getting on with settling the details of funding,

1 as I mentioned earlier we intend to use the telephone to the  
2 extent that will assist in getting details together quickly.  
3 Our concern is not to impose a deadline but simply to get  
4 decisions made as soon as possible so that parties can get  
5 forward with preparations.

6 It's almost 5:00 o'clock so I  
7 think that we should adjourn now and we will reconvene at  
8 7:00 o'clock and David Anderson is the first on the list at  
9 that time. Thank you.

10 (PROCEEDINGS ADJOURNED AT 5:00 O'CLOCK.)

11 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT.)

12  
13 THE COMMISSIONER: Ladies and  
14 gentlemen, we will begin this evening's session. There are  
15 many people here tonight who were not here this afternoon  
16 and therefore I will take a few minutes just to recap what  
17 happened this afternoon.

18 My name is Andrew Thompson  
19 and I have been appointed by the Federal Government to  
20 conduct this Inquiry into the proposed Kitimat Oil Port and  
21 into the question of tanker traffic affecting the West  
22 Coast of Canada. This afternoon I introduced members of  
23 the Commission's staff and I will do that again very  
24 briefly. The Secretary is Lori Lewis, please stand up when  
25 I introduce you, and she will be responsible for the  
26 logistics and other arrangements for the Commission.

1                   The representatives who will be  
2     organizing Community Hearings and assisting in the prepara-  
3     tion for these are Arthur Pape and John Steeves. Arthur  
4     Pape is over there and John Steeves is at the back.  
5     Commission Counsel is Russell Anthony and he is sitting at  
6     this table over here. He introduced the people who are  
7     assisting him in preparation for the Inquiry, they are  
8     John Millen and David Bremner and Marvin Shaffer.

9                   Now this afternoon I asked those  
10    who were appearing for different groups to identify them-  
11    selves and as a result we have a list of about forty  
12    different persons who are going to be making brief submis-  
13    sions at this Preliminary Hearing on matters touching on  
14    procedures and timing and place of the hearings, on matters  
15    concerning funding and the terms and reference and scope of  
16    the Inquiry and matters of that kind.

17                  Now we have gone part-way through  
18    the list, we have heard from Counsel for the Kitimat Oil  
19    Pipeline Company and from Trans Mountain Pipeline Company,  
20    from the British Columbia Government and Counsel from the  
21    Kitimat Oil Coalition and a number of other representatives,  
22    the Fishermen's and Allied Workers' Union. We will carry  
23    on with the list soon but before we do I invite anybody  
24    here tonight who is representing a group and wants to make  
25    any submission now to this Inquiry concerning procedures  
26    or funding or what-have-you, I invite you now to identify

1 yourself, giving your name and the group you represent.

2 Are there any groups that were not present this afternoon  
3 or persons who want to make submissions now that are here  
4 tonight? All right, I guess we got everybody this after-  
5 noon then.

6 We are circulating a mailing  
7 list and we invite anybody who wants to be on the mailing  
8 list to receive notices and other information about the  
9 Inquiry to write their name and address and phone number on  
10 the list. It was circulated this afternoon but we will  
11 circulate it again for those people who weren't here  
12 earlier.

13 We established this afternoon  
14 the rule that there would be no smoking in the hearing room  
15 and we invite those who wish to, they can step out the  
16 doors on either side if they wish. There will be a coffee  
17 break about halfway through the evening's proceedings, we  
18 are being provided with coffee through the good work of the  
19 Auxiliary of the Legion, the Ladies Auxiliary.

20 Mr. Anthony, is there any-  
21 thing you might add that I have overlooked?

22 MR. ANTHONY: Nothing, Mr.  
23 Commissioner, unless you would like me to recap at all any  
24 of the issues raised with respect to procedure this  
25 afternoon.

26 THE COMMISSIONER: Maybe you

1 might just recap briefly what you talked about this after-  
2 noon.

3 MR. ANTHONY: This afternoon as  
4 Commission Counsel I indicated that we regarded our role as  
5 an independent role, a role independent of any level of  
6 government and as an active role, that we intended to be  
7 actively involved in the ongoing proceedings. I then sub-  
8 mitted proposals with respect to the procedures, timing and  
9 locating of the hearings. There generally is outlined in  
10 the submissions on procedure that was circulated to  
11 interested parties on April 20th, 1977. With respect to  
12 that the most important issue I think deals with the ques-  
13 tion of the order and phasing of hearings. We have sugges-  
14 ted that the hearings be conducted in four phases, the  
15 first one dealing with the general question of West Coast  
16 Tanker Traffic; the second phase dealing with Facilities  
17 and Marine Operations; the third phase dealing with the  
18 Environmental Impact of both the operation and any acci-  
19 dental oil spill; and the fourth phase dealing with the  
20 Social and Economic Impact of the project. We recommended  
21 that the hearings be commenced on July 11th, 1977, in  
22 Vancouver with Phase I and thereafter held in Vancouver,  
23 Prince Rupert or Kitimat following the general principle  
24 that the Formal Hearings should be held in areas where the  
25 matters under consideration are of the most direct concern.  
26 For example, the Socio-Economic Phase would be in this area,

1 the Fisheries phase would be in the area of Prince Rupert  
2 and so on. I think that's the main thrust of our submis-  
3 sion.

4 THE COMMISSIONER: Thank you. I  
5 might just briefly ask Counsel for the other parties and  
6 representatives to introduce themselves and if they want to  
7 state briefly the main points they were making, they may  
8 do so. Mr. Edwards.

9 MR. EDWARDS: Yes, my name is  
10 Robert Edwards. I am appearing for the Government of the  
11 Province of British Columbia. I indicated this afternoon  
12 that the Government was participating to the extent that it  
13 was making available all material which the inter-agency  
14 Task Force on Transportation of Oil had generated and con-  
15 sidered and that it would provide witnesses to the Inquiry  
16 as circumstances warrant during these various phases of the  
17 Inquiry.

18 THE COMMISSIONER: Thank you.  
19 Mr. Currie. You don't need to stand up, many people here  
20 know you, maybe you should stand up.

21 MR. CURRIE: Just speaking on  
22 behalf of the Council of the District of Kitimat, the  
23 Council has not taken a position for or against the pipe-  
24 line, it is hoping that in the first phases of the Inquiry  
25 that factual information by expert testimony will come out  
26 on which they can arrive at a decision. We are asking to be



1 considered as a major participant and we are seeking funds  
2 from the Commissioner for our participation. Thank you.

3 THE COMMISSIONER: Mr. Saville.

4 MR. SAVILLE: Mr. Commissioner,  
5 my name is Saville and I appear as Counsel for Kitimat  
6 Pipeline Ltd. All we have said is that we generally  
7 support the recommendation of Commission Counsel as to how  
8 the hearings might proceed. I might add, sir, that I hope  
9 that we can have a brief bit of time to make a further  
10 statement at the end after we have heard the comments of  
11 the other interested parties.

12 THE COMMISSIONER: Yes, there  
13 will be opportunity as may be necessary for parties to  
14 respond to issues that have been raised, thank you.

15 Mr. McEachern.

16 MR. MCEACHERN: Mr. Commissioner,  
17 my name is Alan McEachern, I am Counsel for Trans Mountain  
18 and I indicated that as Trans Mountain is not asking for  
19 any license or permit or for any marine facilities in  
20 Canada, that I was reserving the Company's position for the  
21 time being.

22 THE COMMISSIONER: Thank you.  
23 Mr. Gallon or Mr. Storrow.

24 MR. STORROW: My name is Marvin  
25 Storrow. I am the Solicitor for the Kitimat Oil Coalition.  
26 We made a number of points, probably too many to go through

1 again here. Essentially we wish some changes to be made  
2 in the Terms of Reference of the Commission. I believe  
3 they will be discussed later this evening so we don't have  
4 to go over them. We did perhaps gently criticize the  
5 Provincial Government's position, they would be producing  
6 witnesses of their choice to this Commission, assuming we  
7 interpret their position correctly. Our position of  
8 course there is that it isn't up to the Provincial  
9 Government to tell us what witnesses they will produce, we  
10 will be telling them which ones we want.

11 MR. EDWARDS: I thought I made  
12 that clear to my friend, perhaps if he would like me to  
13 reiterate, we have already indicated it will be their  
14 choice.

15 MR. STORROW: I was referring to  
16 your first very obvious inference. If your position is  
17 different now than then, perhaps we will agree with the  
18 new position, but your former position wasn't very clear  
19 and you indicated the Government of B.C. wanted to tell us  
20 what witnesses they made available.

21 MR. EDWARDS: Not at all.

22 THE COMMISSIONER: Mr. Overgaard  
23 appeared for the Regional District of Queen Charlotte-  
24 Skeena and he indicated that they would be applying for  
25 funding for a Public Opinion Survey and they asked for a  
26 Formal Hearing to be held someplace in the Queen Charlotte

1 Islands.

2 Mr. Patrick appeared for the  
3 Union of British Columbia Indian Chiefs and he stated that  
4 they had recently passed a resolution opposing any Kitimat  
5 development until Land Claims are settled. He indicated  
6 that the Union would be supporting Regional Indian Bands  
7 in their presentations to the Commission. He particularly  
8 noted that the Spring Salmon passed through the Skeena and  
9 so the Villages in the rivers upcountry are affected as  
10 well as the coastal communities, and he indicated that they  
11 would be applying for funding.

12 Mr. Hagerman spoke for the  
13 Kitimat Public Library and reported on the facilities that  
14 could be available through the libraries to get informa-  
15 tion out to the communities and on behalf of the Commission  
16 I thank them for this initiative.

17 Mr. Jensen represented VOICE,  
18 Worker Families in the Northwest, and he indicated that  
19 they have not yet decided but may be applying for funds at  
20 a later date.

21 Mr. Nichol who is the Presi-  
22 dent of the Fishermen's and Allied Workers' Union made a  
23 number of points. He indicated they are a member of the  
24 Coalition represented by Mr. Gallon and Mr. Storrow, but  
25 that they would be applying for funding on a supplemental  
26 basis to assist them in coordination and research with

1 respect to the Hearing. He made the point about the  
2 special economic interest of fishermen in this question and  
3 he asked for a delay in the start of hearings, referring to  
4 a Telex which had been sent to the Inquiry on behalf of the  
5 Environment Committee representing fishermen and that sort  
6 of rounds out where we got to this afternoon. Cherry Point

7 Next on the list is Mr. David  
8 Anderson but before I ask him to begin, I have been  
9 advised by Mr. Storrow on behalf of the Kitimat Coalition  
10 that they left something out in their submission and they  
11 would like the opportunity to complete that now, which is  
12 given. the Trans

13 MR. STORROW: Mr. Commissioner,  
14 Mr. Gallon will address himself to you on these next some  
15 points. British

16 THE COMMISSIONER: Thank you.

17 MR. GALLON: Thank you, Mr.  
18 Commissioner. Basically we are concerned about the with  
19 posture taken by Trans Mountain Pipeline in these hearings.  
20 We would like Trans Mountain Pipeline's full application  
21 and proposal to be discussed before this body and as such  
22 have them as major participants. While their proposed  
23 port is in the State of Washington, it is still a direct  
24 concern of the people of British Columbia because, one,  
25 the port itself at Cherry Point is less than ten miles  
26 south of the border of British Columbia and Canada.

1       Two, current and tide move any type of oil spills that  
2       would occur there northward. Example is the 1972 oil  
3       spill that occurred at Cherry Point from an off-loading  
4       operation from the tanker "WORLD BOND". Most of the oil  
5       went immediately to Crescent Beach in White Rock.

6       Fourth, the tankers that would be moving into Cherry Point  
7       would be moving along the International Boundary between  
8       the United States and Canada through the Strait of Juan  
9       de Fuca. As a result that port does pose specific threat  
10      of oil spills and major contamination of one of Canada's  
11      major spawning rivers for salmon, the Fraser River. So we  
12      would request at this time that all aspects of the Trans  
13      Mountain Pipeline proposal be considered by this Hearing,  
14      even if in view of the fact that the information and some  
15      of the jurisdiction lies outside Canada and British  
16      Columbia. We would hope that we would be able to get  
17      voluntary cooperation with the officials and experts in the  
18      State of Washington and United States to provide us with  
19      information here for a better decision to be made since  
20      Trans Mountain Pipeline is a competing proposal with  
21      Kitimat Pipeline Ltd. group. We would hope that the  
22      Federal Department of External Affairs would assist you on  
23      this matter. While this Oil Port Inquiry is called the  
24      Kitimat Oil Port Inquiry, it is very important for us to  
25      have considered equally the Trans Mountain Pipeline  
26      proposal. Thank you.

1 THE COMMISSIONER: Thank you.

2 I think this submission you have just made really touches  
3 on the question of the scope of the Inquiry and the Terms  
4 of Reference which it has and the extent to which they  
5 would include matters that are involved in the application  
6 which we understand Trans Mountain is to make. I think  
7 Mr. McEachern you made your position clear earlier and --

8 MR. MCEACHERN: I thought I  
9 did.

10 THE COMMISSIONER: Unless you  
11 have something to add I will take your point as relating  
12 to this question about the Terms of Reference and as I  
13 indicated earlier I am sure there may be other people who  
14 will want to comment about the Terms of Reference and then  
15 parties who we have gone past may want to -- I am referring  
16 to you, Mr. Saville, may want to make some comments to this  
17 question about Terms of Reference. We will have a full  
18 consideration of that question before we complete this  
19 afternoon.

20 MR. MCEACHERN: Well, Mr.  
21 Commissioner, may I just say that I thought that I had made  
22 my position and the position of my client clear and I don't  
23 understand the inquiry that has just been addressed to you.  
24 May I say that Trans Mountain's application, both to the  
25 National Energy Board and to the American authorities will  
26 become public documents in due course and they will certain-



1 ly be available to this Commission. I don't know if any-  
2 thing was intended by the reference to cooperation but I  
3 thought I made that clear as well, that there wouldn't be,  
4 in my view, any difficulty in that regard.

5 THE COMMISSIONER: Thank you.  
6 Now, Mr. Anderson.

7 MR. ANDERSON: Thank you, Mr.  
8 Chairman. My name is David Anderson, I am representing  
9 the British Columbia Wildlife Federation. We wish to  
10 welcome your appointment to this Commission which we feel  
11 will be a very important one in the future of British  
12 Columbia.

13 The British Columbia Wildlife  
14 Federation wishes to intervene individually before this  
15 Commission on behalf of its 140 member organizations and  
16 its total of more than 20,000 members. Our interests  
17 for intervention are specific, fish and wildlife. Our  
18 experience is over many years in British Columbia, our  
19 knowledge of Alaska and Washington State, Oregon and  
20 California makes us believe there is a need for these  
21 interests to be represented and considered separately from  
22 shoreline values, social and economic values, human values  
23 with relation to Indians and their special interests as  
24 well as the other people living along the route or  
25 commercial fisheries. We will cooperate in every possible  
26 instance with other participants and it is on that basis

1 and on that understanding that we have cooperated with the  
2 Coalition whose views were put to you earlier. However,  
3 like the United Fishermen and Allied Workers' Union, we  
4 have separate interests from many members of the Coalition  
5 and we feel these require separate representation.

6 The United Fishermen and  
7 Allied Workers' Union and ourselves no more expect to have  
8 only one viewpoint represented on the side of the so-called  
9 anti-environmentalists or people on that side than we would  
10 expect you to insist that all the companies get together,  
11 settle their differences and come to you as an industry  
12 coalition.

13 Mr. Chairman, I will now turn  
14 more specifically to the Notice of Preliminary Hearings.  
15 Specifically to the Terms of Reference and the Scope of  
16 the Inquiry and the Procedures to be Followed. The Funding  
17 of the Interested Parties, the documents you mailed to us,  
18 is we think perfectly clear and we have been in correspon-  
19 dence both with the Minister of the Environment and prior  
20 to your appointment and to your Commission and we will be  
21 dealing by letter with that. I might add at this time  
22 that we will be amending our request for funds to take into  
23 account the Steelhead Society's specific desire to complete  
24 some work on the estuary in this area and we feel their  
25 expertise is such that it definitely merits additional  
26 funding for our organization so that can be undertaken.

Turning to the Procedures to be Followed. We look now to paragraph (b)(ii), the Formal Hearings should be phased into the following subject matters. By the way we agree with the proposal that the Charlottes be added as a site for the Formal Hearings, that's in paragraph (a)(i).

Turning now to paragraph (b)

(ii) we come to Phase I, West Coast Tanker Traffic. We appreciate the outline put forward by Mr. Anthony, your Counsel, we wish him the very best in the brief time that he has made available. We realize President Nixon did not have an opportunity, perhaps preoccupied with other things to deal with the subjects Mr. Anthony would like us to deal with and we realize President Ford was perhaps intellectually incapable and we realize that President Carter hasn't had the time to do it and we certainly wish Mr. Anthony all the very best success in finding out about the volume and origin of tanker traffic that could be expected along the West Coast with regard to U.S.-Canadian and West Coast Crude Oil Import Requirements. Really, Mr. Chairman, what I am saying, it's quite unrealistic to go into this question on a short time frame from Canada only and I would like to pose a number of questions, perhaps outline some of them very briefly now and go into more detail in the future on this because we do not feel the time frame is realistic given the tremendous importance

1 of the questions that we are being asked to look into.

2 Now I realize, and I should mention this particular period  
3 in history many of these questions are coming up for  
4 decisions by President Carter and his energy advisers but  
5 if we succeed in the time frame that has been allotted to  
6 us by your Commission Counsel, all I can say is we will  
7 quickly lose your Commission Counsel because President  
8 Carter will need him as his right hand man. I just don't  
9 think it can be done given the time frame that we have.

10 The Commission Counsel in his  
11 presentation mentioned Eastern refineries for example.  
12 Well in terms of competitive Canadian pipelines with the  
13 Kitimat proposal it may well be that an Eastern pipeline  
14 going to Eastern refineries might indeed be the alternative  
15 to a Kitimat proposal on the West Coast and yet we note  
16 your Terms of Reference restrict you to hearing only in  
17 British Columbia. There are questions such as this that  
18 we think are going to lead to very very lengthy discussions  
19 and very great problems. In addition we would like to  
20 inquire as to how you intend to get information from the  
21 Federal Energy Administration in the United States. How  
22 indeed you are going to get this material so we can in fact  
23 have some basis for answering the questions raised in  
24 paragraph (b) (ii).

25 We would like to know what  
26 your relationship will be to the National Energy Board and

1 whether their people will be coming before us to tell us  
2 about such things as future deliveries to the Province of  
3 Ontario either from Alberta or through the proposed Kitimat  
4 Pipeline as has been outlined by Mr. Cressy of that company.  
5 We would like to know when the Sarnia to Montreal pipeline  
6 might be reversed which would suddenly give half a million  
7 barrels a day extra at Sarnia over the present situation.  
8 These are many questions which relate directly to the  
9 Kitimat proposal and we think that in answering the  
10 questions put, which should be put, which Mr. Anthony has  
11 correctly put down in (b)(ii), we are going to take a lot  
12 more time than he has allocated.

13 With respect to Phase II,  
14 Facilities and Marine Operations, we would like to know  
15 what indeed what approach we will be taking in this  
16 Commission. Is it the intention of the Commission to  
17 have a simulator study similar to the one done at Valdez  
18 Arm so there will indeed be predictions as to the size,  
19 number and magnitude of spills in that Arm and the  
20 approaches to Kitimat, if indeed the port site is chosen.  
21 We think it's most important that there be some real  
22 framework established here at Kitimat against which other  
23 ports can be compared and we suggest that the simulator  
24 work done at Valdez might be an excellent model for us to  
25 follow. We point out that there is some very dramatic  
26 changes in this probability. In the North Sea, for example,

four weeks ago they thought the possibility of a big blow-out was one in ten thousand. It's happened since then. They now believe that it's one in a thousand. Since then they have altered the Beaufort Sea, drilling problems, they thought it was probably in the neighbourhood of one in ten thousand, it's now talked about in the neighbourhood of one in three hundred. So we point out that when you are dealing with the very small figures, one in three hundred or one in ten thousand there can be some very dramatic changes and it is very important to get a good simulator model against which to compare it.

With respect to Phase III, Phase III is Environmental Impact. We feel it's quite impossible to deal with that until you have some basic work done on the expected spills, what type of oil might be spilled, their frequency and their size because of course there is some very tremendous differences in the effect of oil spilled when you are dealing with continuous spills in a certain area as opposed to spills spaced over a very lengthy period of time.

With respect to Phase IV, Social and Economic Impact. Our interest is that of fish and wildlife. The Federation does not extend beyond wildlife and fish but social and economics of wildlife and fish are important and we will be commenting upon the tourist industry relating to fish and wildlife and we will



1 be commenting also on recreation for local residents.  
2 In this we will be aided by local Fish and Game Associa-  
3 tions.

4 With respect to paragraphs  
5 3 and 4, Advising the Public, we think that's an excellent  
6 proposal. 4, Necessary Inter-relationships With Various  
7 Subject Areas, right to recall witnesses is obviously  
8 okay as well. But when we come to the Production of  
9 Documents, D, we begin to have questions again. The  
10 early date, Mr. Chairman, worries me very much. Only  
11 yesterday I requested my lawyers in Washington, D.C. to  
12 obtain two documents titled as follows:

- 13 1. Development of Mid-Western Petroleum  
14 Resources,
- 15 2. Supplying Oil Needs of the Midwest.

16 These documents were addressed to Mr. John O'Leery, the  
17 Administrator of the Federal Energy Administration, and  
18 the date was the 22nd of April. They were from the Vice-  
19 President of a major American oil corporation. In other  
20 words, Mr. Chairman, lots of new information is coming out  
21 at this time and to expect that it is possible at this  
22 stage to have an overall knowledge of all the documenta-  
23 tion is very very unlikely. And to adhere to early date  
24 requirements or to adhere to that two week rule we feel  
25 could be very difficult indeed. Documents may well come  
26 up later and we expect this Inquiry to be very generous in

1 interpreting the Rules liberally so we are not barred by  
2 rules, artificial legalistic rules from examining relevant  
3 information which we might not know about two weeks before.

4 With respect to the early  
5 date requirement, may I once more repeat that we don't  
6 think it's realistic. The British Columbia Wildlife  
7 Federation still does not know if financial support will  
8 be available from the Commission and as yet it's pretty  
9 difficult for us to put together the proper presentation.  
10 So the Commission cannot assume that our case, our  
11 information is already ready. We cannot assume that we  
12 can get everything together in a few weeks, it just cannot  
13 be done, Mr. Chairman.

14 E, Discovery of Witnesses.  
15 We trust once again that this will be interpreted  
16 loosely. We repeat what we have said to you by letter,  
17 this is not a lawsuit, the companies concerned are not  
18 prisoners in the dock or accused of any crime. It is an  
19 inquiry, it should be free ranging and free wheeling and  
20 we think the important thing is for information to come out  
21 as fully as possible and for legalistic Rules of Evidence  
22 to be ignored when in fact they may well impede such a  
23 free wheeling inquiry.

24 Orders for Examination, F.  
25 We fear that the order indicates an adversary system which  
26 once more by letter I believe we have objected to. For

1 example, Canadian and B.C. Government witnesses are the  
2 responsibility we feel of Commission Counsel. We feel that  
3 here, where the Commission Counsel speaks last, and if I  
4 may quote the Commission Counsel he said he would do a  
5 "mopping up operation", it indicates that they see their  
6 role as patching holes, we don't. We wish to be here as  
7 interveners. We feel Commission Counsel should, if I may  
8 again quote Counsel, be very active indeed. It's their  
9 job to ferret out information, it's your Terms of Reference  
10 and your duty, sir, to make sure all the information comes  
11 forward. We repeat as we have said before we do not see  
12 you sitting as a Judge with competing adversaries before  
13 you, someone on the Pipeline side and someone on the  
14 Environmental side. We wish that point to be well under-  
15 stood. So we think that the role of the Commission,  
16 because of the conflicting, probably accidentally conflict-  
17 ing statements of your Counsel, should be re-defined and we  
18 think the primary responsibility for examination for  
19 critical and rigorous analysis of company proposals remains  
20 with the Commission Staff and not with any other group  
21 however well it may be funded.  
22 We feel the role of the  
23 Citizens Interests Groups is not that of being a counter-  
24 applicant. We are here to cooperate with the Commission,  
25 we are here to cooperate with your Inquiry, we are here to  
26 cooperate with the Company to get information out. We do

We are worried, sir, about the Community Hearings. We appreciate the need for informality but we wonder why there is no questioning, perhaps Company Counsel are diffident about putting this point to you but surely they should have the right to question and indeed other people should have the right to question citizens who appear before you at these Informal Hearings. You certainly, sir, can protect them from the legalistic browbeating by high paid lawyers. There is no need to worry that they will feel they will be put in an uncomfortable position, an untenable position because of appearing before you. We feel that to restrict questioning at these Community Hearings would be a retrogressive step. In fact, we feel the distinction between Community and Formal Hearings seems much too wide. Surely many of the social and economic questions will come forward in these Community Hearings and if they are separated, the Community Hearings are separated out as more or less information giving and listening to the people sessions while the real work happens at Formal sessions, perhaps the very great importance that such community witnesses might have and the great information they could put forward would tend to be minimized.

Mr. Chairman, we believe the commencement date in addition to the time allowed we believe the commencement date is quite unrealistic. We

1 don't believe it's possible to have full correspondence in  
2 that period with potential interested parties who might  
3 wish to come or present papers or send information to us.  
4 It's been pointed out fishermen are at sea as I believe has  
5 been pointed out or probably will be later tonight the  
6 school holidays plays havoc with community groups and with  
7 citizens who might wish to testify. There is a school  
8 holiday problem. It has taken the Government and the  
9 Commission from mid-December to now to get to its first  
10 Preliminary Hearing date and yet it was common knowledge  
11 that the application would be made by the Company and it  
12 was indeed made in December last year. It's not the  
13 Company's fault it has taken so long for Commissions to  
14 get going and it's not your fault either, Mr. Chairman.  
15 The blame may well be elsewhere but the fact of the matter  
16 is there has been a great lapse of time. A Commission  
17 such as this could have been ready to go had people not  
18 been a trifle sleepy at the switch, it could have been  
19 ready to go in January. It could have been ready to go  
20 indeed in December, it could have been ready to go when the  
21 application came forward, and the fact of the matter was  
22 a lot of time has been wasted and we do not see that time  
23 being made up at the expense of substantive work of this  
24 Commission. In other words if the time has been wasted up  
25 to now that's tough but let's not try and get back on the  
26 track by cutting back on the real work of the Commission

1 which is going to take some time.  
2 Now one final thing, Mr. s,  
3 Chairman, or at least final on this page. We feel that  
4 before we can really put out a proper request for funding  
5 and this applies to other groups in the Coalition as well,  
6 we want to know what the full role of the Commission will  
7 be and the Commission Counsel will be. When we originally  
8 put in a request for funds we did not know you would be  
9 funding the Coalition. When we heard you would obviously  
10 we decided to ask for less because we can rely on their  
11 counsel to carry out the legal task. We don't know how  
12 much to ask for, we don't know what role you are going to  
13 assign to us, and we trust that in the relatively near  
14 future, certainly before the 11th of May, you indicated to  
15 us how much is going to be left to us, whether in fact we  
16 will be counter-applicants and almost adversaries in this  
17 arena or whether in fact we will be interveners in the  
18 traditional sense. Obviously we prefer the traditional  
19 intervener role.

#### 20 The Question of Funds.

21 We are quite willing in the Wildlife Federation to put up  
22 some thousand dollars of our own money into this, however  
23 the criteria we intend to use is this; if in fact we find  
24 ourselves cutting back on other worthwhile operations of  
25 the Federation we feel that's the point at which we should  
26 stop contributing money and the Government, and perhaps even



1 the Company, should start contributing to our costs. We  
2 feel one of the great problems of Commissions like this,  
3 which Mr. Nichol pointed out from the Fishermen's Union,  
4 is that they tend to divert attention only into one area  
5 when there are many on-going programs which are also  
6 deserving of funds. Now we are concerned about the  
7 statement that the Hearings on Fishing and the Fishing  
8 Industry will be in Rupert. With the estuary here and  
9 the Steelhead Society Report and Study which I have talked  
10 about, we feel it would be most important to have this  
11 aspect considered here in Kitimat.

12 We would like to suggest, Mr.  
13 Chairman, that in view of the fact that rights have been  
14 reserved by the British Columbia Government to take a  
15 position midway through or at the end of or subsequent to  
16 this particular Hearing, we would like to suggest that  
17 British Columbia Civil Servants appear here on subpoena,  
18 they be under oath when they testify. The problem is very  
19 simple, if indeed it happens that within the Government  
20 they know there is going to be a Government position coming  
21 out in a month hence and they have some suspicion as to  
22 which way it will go, obviously the Civil Servant concerned  
23 would be under some constraint when he came to testify in a  
24 manner which might indicate that he did not agree with a  
25 presentation which he expected in the future. Put him  
26 under oath, insist that he is totally protected from any

1 instruction and the problem would be overcome.  
2 to respond and answer any of Mr. Chairman, that is the  
3 extent of our application, I am sorry if it was somewhat  
4 lengthy. We do feel however that we have to know what you  
5 intend to do and what your counsel intends to do before you  
6 can in turn ask us what we intend to do or should do and  
7 before we define our role. Role definition is tremendous-  
8 ly important in this area. We think, as indeed the  
9 Minister of Fisheries of Canada, the Minister of the  
10 Environment of Canada said to me that the adversary role  
11 might well be played by Civil Servants, they are the  
12 people who are paid year in and year out to examine such  
13 things as proposals such as this, who have the background  
14 information. We see our role as intervener there to  
15 protect special interest or public interest and we would  
16 like to have questions such as this determined before we  
17 can really come through with definite request for funds or  
18 definitive idea of our own role. Given a difficulty of  
19 defining our own role, given the difficulty of knowing  
20 what we ourselves are to do and what money we should ask  
21 for, obviously we feel the dates you have set are wildly  
22 unrealistic. Thank you.

23 THE COMMISSIONER: Thank you,  
24 Mr. Anderson. There were a number of points raised that  
25 parties might like to respond to later, I think we should  
26 proceed with the submissions and Mr. Anderson, you can be

1 assured that I will give Commission Counsel an opportunity  
2 to respond and answer any of the questions he is now in a  
3 position to deal with.

4 Mr. Pearse, Tony Pearse, is  
5 he present tonight?

6 MR. PEARSE: Thank you, Mr.  
7 Commissioner. I am here tonight on behalf of the Telkwa  
8 Foundation and we wish to intervene as a participant in  
9 the Formal Hearings under Phase IV of the Inquiry. Our  
10 proposal involves a Socio-Cultural Impact Assessment of  
11 a North Coast Oil Port. We believe that the scope and  
12 content of this study would provide the Commission and the  
13 public not only essential basic sociological information  
14 but an insight analysis as well into the more human aspects  
15 of an oil port that would not be covered necessarily by  
16 any other presentation. We would like just briefly to  
17 emphasize the distinction between a socio-economic and  
18 a socio-cultural analysis. It's typical to carry out more  
19 conventional kinds of socio-economic impacts on projects  
20 of this kind and these are usually an approach that  
21 assesses sort of a very tangible effects in terms of  
22 dollars or some other concrete factors. A socio-  
23 cultural analysis on the other hand employs a more  
24 sophisticated methodology to assess what we might call the  
25 non-tangible impact to social systems such as beneficial  
26 and harmful effects to lifestyles, traditional values,

1 community integrity and so forth. All the other impacts  
2 that are usually weighed such as environmental, economic,  
3 political and so on ultimately boil down to questions of  
4 our quality of life and it is our great fear that no  
5 participant in this Inquiry will be making an attempt to  
6 assess this basic issue. How well the development of an  
7 oil port and pipeline delivery system on B.C.'s North  
8 Coast affect the wellbeing of those of us who live and  
9 work here? The answer to that question is, what our  
10 intended study is to provide. We have prepared a formal  
11 proposal and I would just like to hand this over to  
12 Commission Counsel when I am through here.

13 I might just say that in  
14 order to carry out our study, which is proposed for three  
15 months duration, we think that the Inquiry should be  
16 adjourned for the summer months because the kind of work  
17 that we would be doing, moving into the communities, would  
18 necessitate of course that most of the residents be present  
19 at the time and on the North Coast a lot of people are out  
20 fishing and so forth. So we would support the Kitimat  
21 Oil Coalition's request for a delay until November. That's  
22 it, thank you.

23 THE COMMISSIONER: Thank you, Mr.  
24 Pearse. Jim Wright, Sierra Club.

25 MR. WRIGHT: The Sierra Club,  
26 sir, is a member of the Coalition that is opposed to the

1 Kitimat proposal. We will take an active participant's  
2 part in conjunction with the Coalition. As far as funding  
3 is concerned, sir, we are not in a position to say yet  
4 until we have a little bit better idea as to how you will  
5 receive the request for funds that was put in by the  
6 Coalition so I will get back to you on that later.

7 THE COMMISSIONER: Thank you,  
8 Mr. Wright.

9 Mr. Brisebois, The Canadian  
10 Association of Smelter and Allied Workers.

11 Mr. Parfitt of The Regional  
12 District of Kitimat-Stikine.

13 MR. PARFITT: The Regional  
14 District is a statutory regional level of government  
15 through which both marine approaches and the actual pipeline  
16 itself will lie. Our responsibility primarily has been that  
17 of Regional Planning in a resource based region. The  
18 Regional District is represented by an elected Regional  
19 Board who represents the interests of the regional  
20 population. The goals and objectives of this Regional  
21 District have traditionally been to encourage intelligent,  
22 rational economic development with an eye to the region's  
23 role in terms of British Columbia and Canadian development  
24 needs, to also protect and preserve the region's critical  
25 fish and wildlife and aesthetic resources and also to  
26 encourage the intelligent development of the region's

1 unique outdoor recreational opportunities. The Regional  
2 District's planning function has been carried out by a  
3 small planning staff as well as working with the Regional  
4 Technical Planning Committee comprises field staff  
5 primarily of the different Provincial Government Resources  
6 and Servicing Departments. We would advise you that we  
7 will be intervening in the Formal Hearings with a particular  
8 eye to looking at the short run socio-economic impacts of  
9 such a development as well as a long-range view to the  
10 impact on regional development of such an oil port and to  
11 also properly record and map, if we can possibly do this,  
12 the information which will be brought forward at this  
13 Hearing. This is the basis of our request for funding.

14 I would like to more or less  
15 address an observation to Mr. Edwards that I think it's  
16 fairly important that the Provincial interest in this  
17 respect be represented by Regional Field Staff Personnel of  
18 various Government Departments, particularly Parks Branch,  
19 Fish and Wildlife. These sorts of Agencies that are  
20 responsible for the regional aspect of planning in the  
21 Province. You have mentioned so far the Provincial --  
22 the handling thus far had been at the Provincial level and  
23 I would hope that we might have a re-orientation of this  
24 to a regional level if we could for more intensive observa-  
25 tion and more local and wilful knowledge by the field  
26 people. We will be intervening as I said at the Formal



1 Hearings. -s not end until mid-September we feel we need at

2 THE COMMISSIONER: Thank you, Mr.  
3 Parfitt. Mr. Olding, SOS, Prince Rupert.

4 MR. OLDING: Mr. Commissioner,  
5 my name is Rick Olding. I am representing Save Our Shores  
6 in Prince Rupert and Paul Manson is here with me, he is  
7 also representing Save Our Shores, and we will be present-  
8 ing a proposal for participation in the Hearings.

9 Save our Shores is represent-  
10 ing over 7,000 citizens from different segments of the  
11 community in Prince Rupert. Today we would like to outline  
12 our proposal to participate in both the Formal and the  
13 Community phases of the Hearing.

14 From the start SOS has  
15 pressed vigorously for both Formal and Community Hearings.  
16 We represent grass roots opinion as a community that is  
17 dependent largely on the sea for its economic wellbeing  
18 and way of life. We feel as well that we are custodians  
19 of one of the last unexploited marine environments in this  
20 world. Before we outline our Funding Proposal I would  
21 first like to comment on some aspects of the Terms of  
22 Reference for these Hearings.

23 1. SOS recommends a delay in the start-up date  
24 of the Formal and the Community Hearings  
25 until November 15th.

26 In view of the fact that the fishing season in Prince

1 Rupert does not end until mid-September we feel we need at  
2 least two months to prepare quality briefs for the Hear-  
3 ing.

4 2. We would also urge that the Inquiry provide  
5 the suggest funding for all community groups that have  
6 unique as demonstrated an interest in participating  
7 in the community phase of the Hearing.

8 3. SOS would also urge that no Community B.C.  
9 Hearings be held until all Formal Hearings  
10 also be have been completed.  
11 This would enable all groups intervening in the Hearing to  
12 have a chance to digest and comment on all of the expert  
13 evidence.

14 4. SOS would also support Formal Hearings to be  
15 held in Vancouver, Kitimat, Prince Rupert and  
16 Masset on the Queen Charlotte Islands.

17 5. Some Groups in Prince Rupert have indicated  
18 to us that they have not had a chance to of the  
19 study the material relating to these  
20 Hearings presented less than two weeks ago.

21 Therefore, on behalf of these Groups, we would urge that  
22 the Funding Application deadline be delayed until one  
23 month after the final Terms of Reference are set and  
24 until such time as all questions have been answered.  
25 These are our main concerns regarding the Terms of  
26 Reference and at this point I will let Paul outline our

proposal. in fulfilling timeless needs of the people.

MR. MANSON: We say, Mr. Commissioner, the Terms of Reference for this issue is too small. The words "local" and "regional" seem to dominate the suggested Terms of Reference. We see this coast unique as a world resource and encourage a much wider perspective of the coast be taken as a current world resource and further recommend recognition of the B.C. Coast as a resource of incalculable value to the future also be given in the Terms of Reference. We will attempt to demonstrate the intrinsic value and diversity of the Coast as a current world resource through a photographic exhibit of selected portions of the 25,000 miles of coastline in B.C. The video presentation will attempt to distill and communicate the quality of life provided to its residents by the coast. Our point is that through a total lack of intelligent planning, token resource inventory and management, we don't have a clear picture of the value of this coast, particularly as it contributes or will contribute to life support on the planet in the future. Our concern is that premature allowance for construction of an oil port in the sensitive marine nurseries of the coast will effectively discard options for the future uses of the coast. Although that of the possible future options for use cannot be measured in 1977 dollars, these choices would undoubtedly be of extreme relevance to

1 posterity in fulfilling timeless needs of the people.  
2 One possible part of our proposal in our request for  
3 funding would be to try and identify some of the conceiv-  
4 able choices which might be of value to people say fifty  
5 years from now as to the uses of this coast were it not  
6 subjected to the life crippling effects of oil pollution in  
7 the 1980's.

8 The presentation of tapes  
9 and correspondence with people who have comprehensive  
10 world overviews of resource management, such as the World  
11 Games Institute. We will attempt to demonstrate the  
12 short-sided approach to uses of the tide waters of Canada  
13 which are currently being discussed.

14 In short local Community  
15 Groups and the like seem to be well represented here today  
16 and their interest guarantee consideration in this Inquiry.  
17 The interests and needs of the unborn generations who must  
18 live with the results of our decisions do not appear to be  
19 well represented. We ask that the scope of this Inquiry  
20 be extended to include the interest of these people.

21 We choose to not submit today  
22 a formal or written application or a budget, although we  
23 are now formally announcing our intention to apply for  
24 financial assistance to produce these presentations to the  
25 Inquiry. Thank you.

26 THE COMMISSIONER: Thank you,

gentlemen. caused oil terminal and tank farm and the damage

caused to the estuary system David Morton, TAASK.

MR. MORTON: Thank you, Dr.

Thompson. As stated earlier my name is David Morton and I am a representative of TAASK, the Terrace-Kitimat Group which is also a participant in the Kitimat Oil Coalition.

TAASK is the Terrace-Kitimat Alliance against Supertankers to Kitimat. Our organization represents a cross-section of the citizens of both these communities, including the Terrace Outdoors Club, The Northwest Chapter of the Steelhead Society, The Terrace Rod and Gun Club, The Kitimat Women's Organization, Kitimat SPEC, The Canadian Association of Smelter and Allied Workers, and other labour, church and community groups. We also represent the interest of approximately 1200 citizens who have signed the initial stages of a petition opposing the oil port proposal, which petition we are now circulating.

Our Alliance has been gathering information and conducting research and information programs for several months and as a result of the demonstrated general community concern we have determined to take an active role in the Oil Port Inquiry. We propose to present a brief on the Socio-Economic Impact of the Proposed Port Development and the Health Hazards associated with both tanker traffic and the construction and the use

of the proposed oil terminal and tank farm and the damage caused to the estuary system.

We would emphasize that we have already conducted specific research projects on these subjects and we respectfully submit the broader research program we will be undertaking with the assistance made available to our Alliance by the Inquiry will be a fundamental and vital nature and will make an important and substantive contribution to this Inquiry.

We have already notified the Inquiry Office of our intention to apply for funding and we will have our formal proposal delivered to the Inquiry Office by the designated date. In that connection we would like to make a specific request for additional time in which to prepare our Funding Proposal. We feel this can be prepared to our satisfaction only if an additional four to five weeks time is granted for this purpose.

Community Hearings. Finally, the TAASK Group wishes to endorse the request put forward on behalf of member groups of the Kitimat Oil Coalition, namely, that we request Community Hearings be held in Terrace, that the Terms of Reference of the Marine Phase of the Inquiry include the risk of pipeline breaks which would pollute the estuary system, inland spills will substantially effect the marine environment, that Dr. Thompson personally attend all Formal and Community Hearings and finally that for the



1 reasons submitted by the Coalition and particularly by the  
2 U.F.A.W.U. and because we wish to exercise the responsi-  
3 bility we have undertaken fully and effectively that the  
4 Hearings not begin before November 14th, 1977. Thank you,  
5 Dr. Thompson.

6 THE COMMISSIONER: Thank you, Mr.  
7 Morton.

8 Dan Bowditch of COAST Queen  
9 Charlottes.

10 MR. BOWDITCH: Mr. Commissioner,  
11 COAST, short for the Coalition Against Supertankers, is a  
12 Coalition of concerned citizens of Community Indian  
13 Environmental, Church, Trade Union and other organized  
14 citizens groups on the Queen Charlotte Islands. First,  
15 we support the presentation of Messrs. Gallon and Storrow  
16 on behalf of the Kitimat Oil Coalition as well as Mr.  
17 Anderson's concern for lack of questioning in the  
18 Community Hearings. COAST has already given Notice of  
19 Intent to apply for participant funding. We request an  
20 extension of the deadline for participant funding submis-  
21 sions until sometime after the final Terms of Reference  
22 have been set. It's very difficult to prepare budgets  
23 until we are at least aware of the number and locations of  
24 the Formal Hearings.

25 Mr. Storrow raised the ques-  
26 tion of timing of Community Hearings. We want to see

1 these Hearings not commence until all phases of the Formal  
2 Inquiry have been completed. Time should also be allowed  
3 for public dissemination of all formal testimony. This I  
4 am sure you will agree is in the best interests of  
5 accurately informing those people who will desire to appear  
6 at the Community Hearings.

7 We would further offer our  
8 support to the Kitimat Oil Coalition, B.C. Wildlife  
9 Federation, and the Skeena-Queen Charlotte Regional  
10 Districts in their desire to have Formal Hearings held in  
11 Masset on the Queen Charlotte Islands. We feel this is a  
12 realistic proposal because it would allow the Commission  
13 and proponents of the pipeline a first hand look at the  
14 communities and environment most likely to be affected by  
15 a major oil spill. Also air fares to the Charlottes from  
16 Vancouver are the same as to Kitimat or Prince Rupert and  
17 adequate accommodation within the community of Masset are  
18 assured.

19 In closing we would like to  
20 extend a welcome Island's invitation to the Commission and  
21 its major participants and witnesses. Thank you.

22 THE COMMISSIONER: Thank you, Mr.  
23 Bowditch.

24 Mr. Denman, Prince Rupert  
25 Access Centre.

26 MR. DENMAN: Thank you, Mr.

1 Commissioner. I am representing at last count twelve  
2 Prince Rupert organizations who support the concept of the  
3 Prince Rupert Access Centre. These groups are:

4 Save our Shores, City of Prince Rupert; Prince  
5 Rupert Rod and Gun Club; Prince Rupert Lions  
6 Club; Prince Rupert Amalgamated Shore Workers  
7 Union; United Fishermen and Allied Workers'  
8 Union; Pulp and Paper Woodworkers; Prince  
9 Rupert Labour Council; Prince Rupert Options  
10 For Women; Prince Rupert Coffee House; Royal  
11 Canadian Legion No. 27; and the Prince Rupert  
12 District Teachers Association.

13 We have prepared a presentation to present to this Inquiry  
14 concerning today, this Preliminary Hearing, concerning the  
15 functions of the Centre which I will read in part to you.  
16 We will not be presenting any written submission to the  
17 Inquiry at this time but however will endeavour to send  
18 this proposal to you as soon as possible.

19 To ensure that local Commu-  
20 nity Hearings by the Kitimat Oil Port Inquiry are comprehen-  
21 sive and efficient and to allow the Inquiry to hear the  
22 grass roots opinion of the people at Prince Rupert and  
23 area, we are proposing that the Commissioner provide  
24 funding to set up a Prince Rupert Access Centre.  
25 Individuals and Community Groups in Prince Rupert and area  
26 must be well prepared to submit quality briefs to the

1 Inquiry Community Hearings. We feel that what is necessary  
2 is a clearing house to collect, compile and distribute  
3 information on the Kitimat Terminal Proposal, to research  
4 the local effects of the proposal and to act as a Centre  
5 to motivate and prepare people for submitting briefs.  
6 Lack of access to information on the Terminal Proposal,  
7 inexperience in preparing and presenting briefs, and  
8 restrictions of time and money could severely restrict  
9 individuals and groups in this area from participating in  
10 the Community Hearings. Establishing the Access Centre  
11 would provide the services, facilities and manpower to  
12 avoid this situation. It would eliminate unnecessary  
13 duplication and overlapping of research, time and funding.  
14 If the Access Centre is not established we see no other  
15 group within this community providing this service. The  
16 Community Hearings would not then be truly representative  
17 of the interest and opinions of the people of Prince  
18 Rupert. Thank you.

19 THE COMMISSIONER: Thank you,  
20 Mr. Denman.

21 MS. We will adjourn now for a  
22 short break and there is coffee available at the back  
23 of the hall.

24 (PROCEEDINGS ADJOURNED FOR FIFTEEN MINUTES.)  
25  
26

1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT.)

2  
3 THE COMMISSIONER: Ladies and  
4 gentlemen, please take your seats, we will begin again.  
5 The first person I will call on is James Simpson.

6 MR. SIMPSON: Mr. Commissioner,  
7 a very brief comment at this time. We, the Prince Rupert  
8 Fish Exchange representing the private fish companies in  
9 the Prince Rupert area are against the Kitimat Pipeline  
10 Proposal if there is a danger to the environment which  
11 controls our Fisheries Resources. It is our contention  
12 that the benefits both now and in the future to our  
13 citizens, fishermen and shore workers from an on-going and  
14 expanding fishing industry is far more important than a  
15 pipeline to supply oil. We would like the privilege of  
16 attending future Inquiries. We will present ourselves  
17 with an open mind and will probably be represented by the  
18 Fisheries Council of Canada. Thank you very much.

19 THE COMMISSIONER: Thank you, Mr.  
20 Simpson. Kathy Stewart of Clearwater.

21 MS. STEWART: Clearwater, a  
22 Kitimat Oil Coalition Member, is a Cowichan Valley based  
23 Citizens Group formed earlier this year. We are concerned  
24 in working on the issues of the environmental effects of  
25 the proposed pipeline and the oil tanker traffic. As part  
26 of the coast of B.C. we would realize indirect results of

1 the Kitimat Pipeline and tanker traffic. We are anxious  
2 that more focus be put on the proposed Cherry Point Super-  
3 tanker Port which will, in our minds, bring possibilities  
4 of severe risk to the Gulf of Georgia and Fraser River  
5 Estuary. I would like to notify the Commission of  
6 Clearwater's intention to apply for funding in order to  
7 present a brief to the Formal Inquiry.

8 One question I would like  
9 some clarification on is, I am not sure if there is going  
10 to be funding available for the Community Hearings or not.  
11 Could you talk a bit about that, please? It's my under-  
12 standing the funding is just for the formal aspects of the  
13 Inquiry.

14 THE COMMISSIONER: I am glad you  
15 raised that question because it hasn't been raised pre-  
16 viously. The applications that are being taken for  
17 funding now are for the Formal Hearing. Now we haven't  
18 fully determined a number of aspects with respect to the  
19 Community Hearings and we haven't yet developed a program  
20 for those. As I mentioned that Mr. Arthur Pape is responsible  
21 for developing ideas there, he has only just come on the  
22 staff and so I am really not in a position to respond very  
23 clearly to the question you have asked. I am just going to  
24 have to ask you to please wait and see. Thank you.

25 Carol Clark, Clean Shores.

26 MS. CLARK: Mr. Commissioner,



1 Clean Shores - Nanaimo will be submitting an application  
2 for funding as we intend to participate from time to time  
3 in the Formal Hearings on our behalf and also as a member  
4 of the Kitimat Oil Coalition. We feel the deadline for  
5 May 11th is too early as a deadline for our application  
6 as definite Inquiry procedures have not yet been estab-  
7 lished. Our plan to co-ordinate and plan with our local  
8 groups for our presentation to the Hearing must be  
9 budgetted according to the decisions following the  
10 Preliminary Hearing. We ask that the May 11th deadline  
11 be extended until the Terms of Reference have been  
12 established.

13 Clean Shores would like to  
14 ask at this time for a Community Hearing to be held in  
15 Nanaimo with yourself, Mr. Thompson, in attendance. In  
16 addition to Clean Shores, four local groups in the Nanaimo  
17 area have contributed to my travel expense to attend the  
18 Preliminary Hearing to establish a request as early as  
19 possible, namely, the Nanaimo SPEC, Janis Rogers - President;  
20 Oil Spill Awareness, Jane Warrington - Co-Ordinator; the  
21 local NDP strongly verified by Tommy Douglas, David Stupich  
22 and Bill Duncan; the Nanaimo Fish and Game Club, President  
23 Bob Morris. In addition to these sponsors, over eleven  
24 citizen organizations have sent me either verbal or  
25 written support of the request. These Groups include  
26 Gabriola Island Trust; The Nanaimo Regional Board; Central

1 Island Community Development Corporation; Nanaimo Branch  
2 of the B.C. Wildlife Federation; SPCA Nanaimo; Nanaimo  
3 Branch of the Canadian Wildlife Federation; Nanaimo Video  
4 Programming; Nanaimo Branch of the B.C. Federation of  
5 Labour; Concerned Citizens Group; Nanaimo Communications  
6 Society; Conservation Awareness Program; and Nanaimo  
7 Association for Intervention and Development. Additional  
8 participation has come from outside the area that agree  
9 that the major City on Vancouver Island, Nanaimo, would be  
10 one choice for location of a Community Hearing. Duncan  
11 and Ladysmith and the various Gulf Islands, they share in  
12 Clean Shores concern to be allowed public participation in  
13 decisions to be made on a location for an Oil Port,  
14 Pipeline and Tanker Route anywhere on the coast of British  
15 Columbia. They ask if they so desire to be heard within  
16 or near their own communities to allow maximum public  
17 input and to delete time and wage loss, travel cost and  
18 the possibility of miscommunication or misrepresentation.

19 I might also mention this  
20 matter has been given extensive press coverage in the  
21 Nanaimo area. As spokesperson for Clean Shores I represent  
22 only a small number of the total Nanaimo population. My  
23 statement and request from them is as follows:

24 "The members of Clean Shores - Nanaimo have  
25 unanimously agreed that a Community Hearing as  
26 part of Andrew Thompson's Commission Inquiry on

1 Kitimat as a proposed site for Supertanker Port  
2 should be held in Nanaimo. We are concerned  
3 about the security of the tourist, recreation  
4 and fishing and logging industry in the  
5 Nanaimo area and if they would be affected by  
6 the location of an oil port anywhere in B.C.  
7 and the consequent supertanker traffic along  
8 the B.C. Coast. We feel that along with  
9 groups and organizations as well as private  
10 citizens we should have a say in any decisions  
11 that may affect the high aesthetic and social  
12 economic values that are held for the Nanaimo  
13 area as well as the rest of the B.C. Coast."

14 Signed:

15 "Pat Backlund, President, Clean Shores - Nanaimo."

16 As for the organization, the  
17 Mayor of Nanaimo supports their request in a letter that  
18 reads as follows:

19 " As Mayor of the City of Nanaimo I give my  
20 consent and support in holding a Community  
21 Hearing in Nanaimo during the Andrew Thompson  
22 Commission Inquiry into Kitimat as a proposed  
23 site for a Supertanker Port. I agree that  
24 concerned groups and individuals in the  
25 Nanaimo area should have input into decisions  
26 made on the marine transport of oil along the

1 British Columbia Coast. Peter Swan, Eagles and Whales

2 We hope to draw together Yours very truly, most knowledge-

3 able with the Queen Charlotte Islands. Frank J. Ney Mayor."

4 Thank you. If their testimony may enter the Hearings. We

5 also hope to accept the THE COMMISSIONER: Thank you.

6 Maybe I should just mention that I certainly intend to be  
7 present at all of the Hearings of the Inquiry, both the  
8 Formal and the Community ones, God willing that I can last.  
9 I certainly do intend and we also intend as I say to hold  
10 Community Hearings where there is such a strong interest  
11 presented as has clearly been shown on behalf of Nanaimo,  
12 so certainly Nanaimo will be on our list and we will  
13 endeavour to hold Community Hearings as I said in all of  
14 those communities that feel that they are affected by this  
15 proposal.

16 Tom Henly, Islands Protection  
17 Committee, Queen Charlottes.

18 MR. HENLY: Mr. Commissioner,  
19 Islands Protection has been an active Environmental Group  
20 on the Queen Charlottes during the past three years. We  
21 have already given notice of our intention to apply for  
22 participant funding at the Preliminary Hearing in Masset  
23 and we will present a detailed brief in due course. One  
24 of our primary goals will be to assess wildlife values  
25 that will be threatened by oil spills along the North Coast,  
26 with special emphasis on rare and endangered species,

1 peregrine Falcons, Trumpeter Swans, Eagles and Whales.  
2 We hope to draw together those scientists most knowledge-  
3 able with the Queen Charlotte Archipelago to update  
4 surveys that their testimony may enter the Hearings. We  
5 also hope to assess the same values from the testimony of  
6 local residents who in many cases are the only real  
7 experts. An example already pointed out at the Masset  
8 Preliminary Hearings is the existence of a resident  
9 population of gray whales off the northeast coast of the  
10 Queen Charlottes that has not yet been acknowledged by  
11 scientists. The amount of environmental research that must  
12 be carried out on the Queen Charlottes alone is immense.  
13 The mid-November date suggested by the Coalition would  
14 seem the absolute minimum time period in which to assess  
15 wildlife values in this area. Thank you.

16 THE COMMISSIONER: Thank you.  
17 George Olsen, Prince Rupert Fish and Vessel Owners  
18 Association.

19 MR. OLSEN: Thank you, Mr.  
20 Chairman. My Group feels that we are definitely going to  
21 lose regardless of what happens with the Oil Port and  
22 Tanker Traffic, we are not going to gain anything but we  
23 would like to get this postponed if possible or adjourned  
24 until later in the season. As you know we are all out  
25 fishing, I am the only one of the Group left in town right  
26 now so we would like to get an adjournment, but failing

1 that, we will definitely like to get a brief into you and  
2 the impact on our fisheries. Thank you.

3 THE COMMISSIONER: Will your  
4 Group be applying for funding?

5 MR. OLSEN: I couldn't tell you  
6 for sure right now, we will let you know by the 11th, thank  
7 you.

8 THE COMMISSIONER: Thank you.  
9 Jim Carr, Hartley Bay.

10 MR. CARR: Mr. Commissioner,  
11 and Commissioner's Staff: I first would like to say it  
12 gives me a great deal of faith that this Inquiry is even  
13 being held. I had the feeling that perhaps as short a  
14 time as ten years ago an undertaking such as this Kitimat  
15 Pipeline Project would have been done with no expected  
16 input from the people and no opportunity from input.  
17 I'm glad it has gotten this far. I hope that you will use  
18 the information that you get, that your recommendations  
19 will be adhered to and I also hope that the decision has  
20 not already been made regarding this project. If that's  
21 the case it would be very disappointing as it would make  
22 this a sham.

23 It would appear that time is  
24 an extremely important matter in this series of Hearings.  
25 Obviously the proponents of the Pipeline wish to get their  
26 project underway as soon as possible, maybe for a couple of



1 different reasons.

- 2 1. To beat the competition,
- 3 2. To keep up with their probably very sophisti-
- 4 cated critical past methods of production.

5 On the other hand I believe as much time as possible  
6 should be taken in order to ensure that all information  
7 and evidence be as complete as possible. For this reason  
8 and others which I shall clarify I am suggesting that the  
9 Formal Hearings be delayed for at least one full year.  
10 This may seem like an unusually long length of time but  
11 let's look at the situation in realistic terms. The  
12 marine and estuary environment is a highly seasonal area.  
13 A large variety of birds and fish migrate through much of  
14 the area of the proposed tanker route and pipeline route.  
15 In order to establish accurate baseline data on the  
16 flora and fauna I feel at least one year of observing all  
17 the different seasons would be required.

18 The Native Indian Groups must  
19 also be considered in regard to their relationship with the  
20 seasonal environment. They rely heavily on the sea as a  
21 source of food and income. There is no question about that,  
22 but to what degree? To accurately establish how much,  
23 would require careful monitoring of all food consumed for  
24 at least a year. I feel that this the kind of carefully  
25 gathered accurate information which this Inquiry needs to  
26 make its decisions and recommendations.

1 Still on the point of time  
2 and information lag, I would like to point out the problem  
3 of getting and giving information. The information  
4 packet which your Commission mailed to me was dated  
5 April 20th. I received it this past Friday, April 29th,  
6 nine days from Vancouver. I don't wish to indict the  
7 Post Office but I think you see the problem of getting and  
8 giving information in a short period of time. I wish to  
9 inform the Commission that the Hartley Bay SST Committee  
10 will be applying for funds and request that the May 11th  
11 deadline be extended to some future date acceptable to the  
12 Commission. I would suggest another full month on that  
13 issue to perhaps June 11th. You can see that taking nine  
14 days to get an information packet to me has left me very  
15 little time to prepare any kind of formal proposal or to  
16 study any detailed plan of budget needs.

17 In closing I would also  
18 request that Community Hearings be held in at least these  
19 Indian Villages;

20 Hartley Bay; Kitkatla; Butedale; and Port  
21 Simpson.

22 They are the ones that I feel are the most directly  
23 affected. They are the ones by the way that I think one  
24 of the members of the British Columbia Government does not  
25 seem to recognize people. We are people, believe it or not.

26 In closing, Mr. Commissioner,

1 I wish you the best of luck with your Inquiry and I look  
2 forward to seeing you in Hartley Bay as soon as possible.  
3 Thank you.

4 THE COMMISSIONER: Edward Lipsett.

5 MR. LIPSETT: Mr. Commissioner,  
6 I am here on behalf of the Prince Rupert Fishermen's  
7 Association. We have no formal brief to present at this  
8 time, we would like to repeat what the Kitimat Oil  
9 Coalition said and for once we agree with the United  
10 Fishermen and Allied Workers' Union. Particularly in  
11 regards to holding the Hearings at a time which are con-  
12 venient to fishermen as we will all be starting fishing  
13 now and will be out until the last couple of weeks in  
14 November. We don't feel it's appropriate for us, as a  
15 commercial enterprise, to apply for funds, we would like to  
16 leave those for the people who have no source of income.  
17 We must strongly disagree with Mr. Anderson on his state-  
18 ment or his request that the Inquiry into the Fisheries  
19 aspect be held here in Kitimat. Prince Rupert is the  
20 centre of the North Coast Fishing Industry and has been so  
21 since 1913 or thereabouts and we feel that any Inquiry  
22 into the commercial fishing aspect should be held in  
23 Prince Rupert and if it's felt another site is needed,  
24 Vancouver, as many of the northern fishermen now live down  
25 there.

26 We will be submitting briefs

1 on two phases. For the Formal Hearings our briefs will  
 2 be submitted for us by the Fisheries Council of Canada and  
 3 we will submit briefs on our own behalf for the informal  
 4 Community Hearings. Thank you.

5 THE COMMISSIONER: Thank you.  
 6 Pat Green.

7 MR. GREEN: Thank you, Mr.  
 8 Commissioner. I am from the Co-Operative Fishermen's  
 9 Guild, we represent crews of draggers, seiners, long  
 10 liners on Prince Rupert Vessel Owners' boats as well as  
 11 many trollers and gillnetters. We are against the  
 12 Kitimat Pipeline and the tankers on our coast and we also  
 13 support a date of November the 14th so most of us will be  
 14 back in port from Johnstone Straits and southern fishing.  
 15 We will be applying for funds at a later date, possibly at  
 16 one of the other groups and there will probably be a need  
 17 for additional funding if this July 11th date holds because  
 18 we won't have anybody around to represent us, we are all  
 19 fishing at that point in time. Thank you.

20 THE COMMISSIONER: Thank you.  
 21 John Pritchard.

22 MR. PRITCHARD: Mr. Commissioner,  
 23 the Kitamaat Band Council will be applying for funding,  
 24 perhaps in association with other North Coast Bands.  
 25 Members of the Kitamaat Council will meet this weekend  
 26 with representatives of the Tsimshian Aboriginal Claims

1 Council in order to discuss the possibility of researching  
2 and preparing a joint brief. If those talks are success-  
3 ful we shall apply for funds on that basis. The Bands  
4 concerned are:

5 Port Simpson; Metlakatla; Kitkatla; Hartley Bay;  
6 Kitsumkalum; and Kitselas in addition to  
7 Kitamaat.

8 These are all Villages along the proposed tanker route  
9 itself or which derives a significant proportion of  
10 their income from the marine environment.

11 Second, a number of the  
12 issues under consideration here, particularly in the  
13 Environmental and Socio-Economic Phases are directly  
14 related to unresolved Aboriginal Rights Claims. We intend  
15 to raise those issues wherever applicable throughout the  
16 course of the Hearings insofar as they fall within the  
17 Inquiry's Terms of Reference.

18 Third, as for timing, we  
19 propose to undertake a substantial amount of original  
20 research, the data for which will be gathered from widely  
21 scattered and remote villages whose members are disbursed  
22 throughout the length of the coast during the summer and  
23 fall. Although we are hopeful that we can conclude the  
24 study within the presently allotted time, we have serious  
25 qualms and so we support the calls for a delay in some  
26 months in the opening of the Hearings.

1 because I know that our culture. We also support Mr. Carr's  
2 request that you hold Community Hearings in several remote  
3 communities such as Kitkatla and Hartley Bay that are they  
4 inaccessible by road to major communities. These com-  
5 munities are most vulnerable to malfunctions of the but  
6 proposed system, they are along the tanker route and they  
7 are also the most isolated. As things stand they will tend  
8 to be overlooked in the Inquiry. Community Hearings will  
9 alleviate this problem to some degree. Because of their  
10 location and the intimate connection between environment  
11 and the Native subsistence and cash economy and ultimately  
12 the entire Native culture, these communities are naturally  
13 anxious to be heard. Thank you.

14 THE COMMISSIONER: Thank you,  
15 Mr. Pritchard. I had difficulty with the names of all of  
16 these Villages, maybe you can take a moment a little later  
17 to give to the Reporter the names and the correct spellings,  
18 will you do that, please? Thank you.

19 if they assure us that the po. Loyd Starr. be kept to

20 minimum, that the enviro. MR. STARR: Loyd Starr,  
21 spokesperson for the Haisla Environmental Group. For  
22 centuries the Haisla people have been harvesting food from  
23 this valley. Today the Haisla people still harvest and  
24 preserve their food traditionally, and will continue. When  
25 I first heard about this proposal I had a really ugly  
26 feeling inside of me and I still have. I had this feeling



1 because I know that our culture could die so easily.

2 ~~be consulting with our Elders~~ In the 1950's Alcan built  
3 their smelter here on the Douglas Channel. Since then they  
4 have made millions of dollars in profit and they have  
5 polluted our environment. Not only our environment but  
6 they have left negative social changes in the Haisla people.

7 ~~THE~~ In the 1960's Eurocan built  
8 their pulp and paper mill on the Kitimat River. They  
9 assured the Haisla people that their effluent wouldn't  
10 harm our river, a river that we have been using for  
11 centuries. Now it's so polluted that we can't fish our  
12 salmon in that river, we can't fish our oolichans in that  
13 river, we have to go up to 50 miles to get oolichans today.

14 ~~as sure a lot of you here~~ How many gallons of oolichan  
15 grease have the Haisla people lost on the Kitimat River?  
16 How many tons of oolichans have we lost from the Kitimat  
17 River? And for what? Now in the 1970's the Kitimat  
18 Pipeline Proposal. Where is this all going to end? Even  
19 if they assure us that the pollution will be kept to a  
20 minimum, that the environment in our valley is in such a  
21 delicate balance that we could lose everything and the  
22 Kitamaatpeople are going to stand up and say we don't want  
23 it. We still depend, as I have been saying, on the ocean  
24 for our livelihood, the major part of our livelihood. If  
25 this comes to an end some of our people will actually face  
26 starvation. You think about that. ~~16 year before the actual~~

1 On Funding. We are going to  
2 be consulting with our Elders so we can't give you any word  
3 on that now.

4 In closing, if this proposal  
5 becomes a reality the people supporting this proposal will  
6 go down in Canadian History as the biggest rogues.

7 THE COMMISSIONER: Thank you.  
8 Mr. Reese, House of Soogheget.

9 MR. REESE: My name is Victor  
10 Reese. I am representing the House of Soogheget, a project  
11 recently set up in Prince Rupert to deal with some of the  
12 social problems of the Native people in Prince Rupert.  
13 These people being our youth and as I look around the room  
14 I am sure a lot of you here have got a generation of people  
15 behind you who you are all concerned for and I also have my  
16 own family for whom I am concerned. This development is a  
17 threat, not only to Native people but to all people of the  
18 North. I can only see it as disastrous and this time I  
19 don't have a written submission but I will in the future,  
20 possibly before the deadline, submit a written proposal.  
21 Also I would like to support the Hartley Bay Group from  
22 which Village I am originally from and that I think the one  
23 year is cutting it really close. By this I mean we can  
24 relate back to the Berger Inquiry and look at the people  
25 there and how long they had to organize. The Northwest  
26 Territorial Brotherhood had one whole year before the actual

1 Inquiry was set up or the Commissioner was appointed to the  
2 Commission and it took three years for the Native people  
3 to bring together their people, their own people, I mean  
4 their people, the Elders, with all their wisdom and I think  
5 we are cutting it really close to one year. I would like  
6 to request now that the one year postponement be taken to  
7 heart by you. Thank you.

8 THE COMMISSIONER: Thank you,  
9 Victor Reese. Norman McPhee.

10 MR. MCPHEE: Norman McPhee for  
11 the Amalgamated Shore Workers and Clerks Union. We  
12 represent approximately 400 workers in the Fishing Industry  
13 in Prince Rupert and I am going to be rather vague about  
14 our proposal to intervene in this Inquiry. I can say now  
15 we intend to apply for funding for participation in the  
16 formal part of the Hearings. I can't say much more than  
17 this because the first notification we got of this Hearing  
18 here today was going to take place and the first notifica-  
19 tion we got of the deadline for applying for funding was  
20 on May 2nd so we haven't had much time to get our stuff  
21 together. At the moment I would like to propose a few  
22 things.

- 23 1. That the application for funding procedure  
24 be delayed.
- 25 2. That the deadline for making application for  
26 funds be at least one month after the Terms

of Reference for this Inquiry have been  
 finalized in order to make our funding  
 request correspond to the scope of this  
 Inquiry.

3. That funding be available for the  
 Community Hearing aspects of this  
 Inquiry.

Our Union, unlike the Kitimat Pipeline Ltd. is not a  
 profit making venture, we have limited funds and there is  
 a necessity to have well researched briefs.

4. That a Community Hearing be held in  
 Prince Rupert.

5. That the Community Hearings be held after the  
 Formal Hearings are over so as much  
 information as possible is available to  
 the participants in this Hearing.

6. That the Formal Hearings be delayed to  
 Fall when the fishing season is over to  
 permit more fully participation by our  
 Union.

THE COMMISSIONER: Thank you.

Next, Cheyne, Eurocan. I am not sure I have the spelling  
 of your surname correct.

MR. CHEYNE: C-H-E-Y-N-E.

THE COMMISSIONER: Thank you.

MR. CHEYNE: Thank you, Mr.

1 Commissioner. I will be brief as the hour is late.  
2 Eurocan Pulp and Paper does not intend to request any  
3 funding assistance. However, Eurocan requests permission  
4 to present a submission under Phase II, Construction of a  
5 Marine Terminal, and Phase III, the Environmental Impact  
6 of your Inquiry and a date will be set for your Committee.  
7 Thank you, Dr. Thompson.

8 THE COMMISSIONER: Thank you.  
9 Dave Serry.

10 MR. SERRY: That's correct.  
11 It is the function of our Group, Mr. Commissioner, to bring  
12 before the Inquiry when we will be applying for funding.  
13 It is the function of our Group to inform the Inquiry not  
14 as the devil's advocate to just get people's back up, not  
15 representing any special interest group such as real  
16 estate people, of whom I happen to be, or of any business  
17 or any chamber or any special interest group other than the  
18 group of citizens who five years from now will still be  
19 living in Kitimat. I would like to say that five years  
20 from now, sir, every man that you have heard on this floor  
21 today won't even be here, they will be gone and the people  
22 that are left will have to be faced with paying the taxes,  
23 they will have to be faced with educating their children,  
24 they will have to be faced with paying for the hospitals  
25 and the doctors and attracting staff to care for our sick  
26 in this community. Many of the people that have made all

1 the noise today and will be making noise throughout this  
2 Hearing will not be around to face the problems either from  
3 spills or either from the fact that no economy exists  
4 whereby to support the families who are here trying to work  
5 and raise their families together. Therefore the substan-  
6 tial silent majority who are not here today for whom I  
7 happen to represent, the gutless wonders that want wonderful  
8 things to happen in the North that are not here to say  
9 their piece but ought to be here and have left it for all  
10 the people that have the guts that don't have the intentions  
11 of doing anything other than disrupting our way of life  
12 here in the North, to the people and the one group in  
13 special that I would like to make very special interest and  
14 that is the Native people with whom we will be working very  
15 closely with that are in favour, some of them are in  
16 favour of this for they too have accepted the White man's  
17 cause and need the White man's oil to run those cars on the  
18 White man's roads. Therefore many of them do support us  
19 in this particular application.

20 The third thing I would like  
21 to say --

22 THE COMMISSIONER: I know what the  
23 Indians would say, he would say on the White man's roads  
24 on the Indians land.

25 MR. SERRY: I'll accept that,  
26 I'll accept that. Our Group intends to question and



1 challenge the validity of the Groups opposed to the  
2 pipeline to affirm and re-affirm our faith in the  
3 Government of Canada and also the engineers and the  
4 technical staff that will be working on behalf of the  
5 people of this particular area. We believe that they too  
6 have some intelligence and we believe too that they have  
7 some brains and they are not going to bring something upon  
8 our community that isn't good for us. I am convinced of  
9 that so we want to re-affirm that we are behind this  
10 Committee and Inquiry and also behind the professional  
11 people that will be bringing their expertise to bear. We  
12 will be serving notice on the media that there is other  
13 groups in this community other than the radical fanatical  
14 fringe that always want to get their names in the newspapers  
15 to try and say they are against something. There is some  
16 people in the Northwest of British Columbia that are for  
17 something and I would like the media to please remember  
18 that when they are writing up their report of any Inquiry  
19 that goes on in our particular section of the country.

20 I would also like to serve  
21 notice on the Government of Canada that they will not use  
22 this Inquiry as a smoke screen to continue the 26 years  
23 that I know of this area of the constipated economic  
24 planning that has gone on and has left this part of the  
25 country as the most second rate part of the country any-  
26 where around. It's even as bad as Newfoundland. And also

1 we will be very very concerned, Mr. Commissioner, that  
2 both the Pipeline and the Government ensures that the  
3 environmental aspects and the harmony between the needs of  
4 progress and the environmental aspects and the whole  
5 socio-economic balance, a harmony be there or else then  
6 we may have to change our views as we go further along.  
7 But at this moment we are for the pipeline. Thank you.

8 THE COMMISSIONER: Thank you.

9 Bruce MacRae advised me that Jim Brisebois of the Canadian  
10 Association of Smelter and Allied Workers was unable to be  
11 here tonight and has asked him to speak on behalf of the  
12 Association. Bruce MacRae.

13 MR. MacRAE: As has been pointed  
14 out we are working to some extent with the Terrace-Kitimat  
15 Coalition Group. There are some issues, however, that the  
16 Canadian Association of Smelter and Allied Workers intends  
17 to pursue itself. Our Union is noted for the effort we  
18 have put into the health and environmental issues. In the  
19 Fall of 1976 we commissioned a study into the effect of  
20 fluoride emissions on the forests in the Kitimat Valley.  
21 We are currently conducting a health study of our member-  
22 ship in the Alcan Smelter that is costing us about  
23 \$175,000.00 of our own funds. In Yellowknife we are in  
24 the planning stages of a similar study of our membership  
25 at the giant Yellowknife Mines. Apart from the environ-  
26 mental impact of a major spill on our coast, we are also

1 greatly concerned with any potential health hazards to the  
2 people of our community that result from a tanker port  
3 facility. It is our intention to investigate thoroughly  
4 this aspect of the proposed pipeline. To this end we  
5 have prepared a detailed application for funding assistance  
6 from the Commission, the amount requested being \$24,000.00.  
7 We also request at this time to be recognized as major  
8 participants. Thank you.

9 THE COMMISSIONER: Thank you.  
10 Those are all the names I have on my list. Is there  
11 anybody here who would like to speak on behalf of some  
12 group? All right then, there were a number of issues  
13 raised to which parties may now wish to make response.  
14 I won't try to detail them all but I know they certainly  
15 covered some matters of procedure, they covered the scope  
16 of the Inquiry and Terms of Reference. Some questions about  
17 timing and scheduling. Maybe I will ask you, Mr. Anthony,  
18 to make any comments you have and then I will call on  
19 other parties who may wish to comment.

20 MR. ANTHONY: Thank you, Mr.  
21 Commissioner. There were a number of matters raised by  
22 various participants that I would like to comment on, some  
23 of major significance that are worthy of some detailed  
24 examination and others just a matter of setting the record  
25 straight or getting information so we all understand where  
26 we are at present.

1       to determine the amount of oil I'll first comment on a few  
2 of the submissions made by Mr. Storrow on behalf of the  
3 Coalition. First of all he suggested that the Terms of  
4 Reference of this Inquiry did not allow us to examine the  
5 non-marine aspects of the proposal, at least certain  
6 aspects of it. I think my understanding of the Terms of  
7 Reference and the submissions that I made to you about the  
8 issues that are brought before this Inquiry I think  
9 indicate that it is in order and in fact necessary that we  
10 examine certain non-marine aspects in order to gain an  
11 appreciation for the impact of this proposal and I think  
12 in terms of examining alternate sources of supply, alternate  
13 sources of deliverability, determining where the demands are  
14 and so on. I do not think the Terms of Reference allow us  
15 to examine the pipeline route and make determinations as to  
16 whether or not the pipeline should go north or south of a  
17 particular route crossing. However, I think the Terms of  
18 Reference are sufficiently broad to allow us to examine  
19 the pipeline project as a whole and to examine non-marine  
20 aspects of the project as they relate to the issues  
21 specifically enumerated.

22       Finally, to cite an example  
23 and perhaps amplify it again, I think it's quite in order  
24 to examine the question of supply and deliverability in  
25 order to properly assess the likely extent of use of the  
26 Kitimat Port should that proposal be approved and go ahead

1 to determine the amount of oil that will be coming through  
2 the port, to determine the source of that oil and so on.

3 I think the crux of Mr.  
4 Storrow's submission with respect to concern over the  
5 Terms of Reference dealt with the question, if I understand  
6 him correctly, as to whether or not the Terms of Reference  
7 were sufficiently broad to allow you to say yea or nay to  
8 any particular project. In my view, no amendment of the  
9 Terms of Reference of the Inquiry are required, setting  
10 aside for the moment the ability to dictate the Terms of  
11 Reference. In my view the Terms of Reference are signifi-  
12 cantly wide as presently constituted to allow you to make  
13 such a determination. In my view the Terms of Reference  
14 specifically provide that you are to consider the social  
15 and environmental impact, for example, of the project.  
16 I think it is in order for you to assess that impact and  
17 to come to conclusions about that impact. One of the  
18 conclusions may be that it is such a severe and far  
19 reaching impact that no proposal should go forward. I  
20 think, Mr. Commissioner, that therefore the Terms of  
21 Reference as presently stated allow you to examine these  
22 issues in the great detail that is demanded of you and to  
23 make conclusions that would include a conclusion that a  
24 proposed port or proposed location or a proposed scheme of  
25 ports is not appropriate.

26 I make one further mention

1 with respect to the submission and that is the request  
2 that the Commission order that Trans Mountain be made a  
3 major participant in the Inquiry. I think the question of  
4 the role that participants are to play, whether they are  
5 members of a coalition or independent members, whether they  
6 are companies or government, must be left to those  
7 individuals to assess the role they should play before  
8 this Inquiry. We expect that Trans Mountain Pipeline will  
9 be very active before this Inquiry because they have indi-  
10 cated intention to cooperate to make their information  
11 available and certainly, at least in my view, their  
12 interest would facilitate such an attendance. Whether or  
13 not they are major participants, and this is the reason I  
14 address that question that was raised, to my mind makes no  
15 difference on the amount of information that can be pro-  
16 vided to this Inquiry about the Trans Mountain submission.  
17 In our view if there is information that is relevant to  
18 the Inquiry, whether it's in the possession of Trans  
19 Mountain or in the possession of any other body, that  
20 information should come before this Inquiry. We already  
21 have Mr. McEachern's advice that they intend to cooperate  
22 with this Inquiry and I am confident therefore that  
23 information will be made available. In my view that  
24 information will come before the Inquiry if it's relevant  
25 whether or not Trans Mountain is regarded as a major  
26 participant or not. My purpose for commenting is to ensure



1 there is no misunderstanding about the role of evidence  
2 available to members who are participants or non-  
3 participants. If it's relevant to the Inquiry it is our  
4 obligation and our intention to ensure that that evidence  
5 is made available.

6 I would like to address one  
7 comment on the question of the timing of the Hearing, this  
8 is obviously a matter of concern and, Mr. Commissioner, I  
9 know it is a matter of concern to you and I can assure you  
10 that it was a matter of great concern to the Inquiry Staff  
11 as we attempted to put together a submission. I may  
12 start by saying that you have made it clear to us that at  
13 the Community Hearings there will be ample opportunity for  
14 everyone to ensure that they have a say on the issues  
15 before this Inquiry. I am confident therefore that any  
16 fisherman or any other member of the community will have  
17 such an opportunity. I am confident also that if they  
18 are unavailable because they are away for fishing or for  
19 any other reason, that the Community Hearing structure and  
20 timing will be so structured to ensure that they can  
21 participate actively and effectively. The real question I  
22 think revolves around the production of evidence on the  
23 Fisheries phase when many of the fishermen are away and we  
24 would like to have them before the Inquiry to give us the  
25 benefit of their experience and knowledge. That is a  
26 real problem, Mr. Commissioner, I think we recognize that

1 and I think the Inquiry will recognize that. In my view  
2 I think the Inquiry should proceed and commence with Phase  
3 I, a phase that can be accommodated I think in the time  
4 frame provided and deal with those issues as outlined  
5 there. If we find as we go along with the subsequent  
6 phases that it is impossible for certain groups or  
7 individuals to actively participate in the Inquiry, if we  
8 find that witnesses are not available before the Inquiry,  
9 I think then is the time to bring forward submissions and  
10 applications for adjournments of particular phases. I  
11 think that would be the time that we should entertain ques-  
12 tions of delay because particular witnesses are not  
13 available. And I know this is going to be a problem, Mr.  
14 Commissioner, because we are not dealing only with fisher-  
15 men who are absent fishing, we are going to have problems  
16 because expert witnesses are appearing before the National  
17 Energy Board who will also be holding hearings. We will  
18 have other problems with obtaining evidence. My suggestion  
19 and submission is that we proceed with the Inquiry in the  
20 time frame that we are suggesting. If we find that such a  
21 time frame cannot be in practice shown to be a fair and  
22 reasonable one to all the parties involved, then I think  
23 at that time we should entertain applications for adjourn-  
24 ment when we have an opportunity to assess the facts as  
25 we find them.

26 I would now like to address a

1 few facts to issues raised by Mr. Anderson on behalf of  
2 the B.C. Wildlife Federation who once again brought his  
3 considerable political skill to bear on the issues before  
4 us. First of all in response to Mr. Anderson in his  
5 question about evidence from the FEA in the United States  
6 and other American agencies, I can tell him that we have  
7 already commenced discussions with the American authori-  
8 ties. We, of course have no power to compel that evidence  
9 to come before this Inquiry. We have had, both from the  
10 Canadian External Affairs Department and from the American  
11 authorities that we have contacted, a statement of inten-  
12 tion to cooperate and we in fact have been receiving  
13 cooperation from the American authorities who have indica-  
14 ted that they will be supplying the Inquiry with whatever  
15 information we request of them.

16 With respect to the  
17 National Energy Board or with respect to any other source  
18 of information within or without the Government I think  
19 the position remains the same, that if there is relevant  
20 evidence this evidence is compellable if necessary. We  
21 have obtained from almost without exception statements of  
22 cooperation from the Governments and Government agencies  
23 we have contacted. We anticipate therefore that we will  
24 have this evidence without the need of subpoenas and I  
25 disagree with Mr. Anderson on the suggestion that somehow  
26 the subpoena makes the evidence either more reliable or

1 somehow ensures that the Public Servants appearing before  
2 this Inquiry will give more truthful information. We have  
3 an indication from all levels of the Government and all  
4 agencies that they are willing to cooperate and make this  
5 information available and we are certainly actively  
6 undertaking a reconnaissance now of all the information to  
7 ensure it's available to this Inquiry and to the partici-  
8 pants before the Inquiry.

9 In commenting on the  
10 Production of Documents and Discovery procedure, Mr.  
11 Anderson suggested that we may be getting a little  
12 legalistic and that the Rules be varied to allow, for  
13 example, evidence that comes to light at the last minute  
14 to be presented and that is of course entirely consistent  
15 with our submission. We recognize that there may be need  
16 to vary the Rules to ensure fairness of this Inquiry and  
17 the fairness of this Inquiry is going to be our guiding  
18 principle. Having made that point about being overly  
19 legalistic he then went on to suggest that the Community  
20 Hearings be structured so cross-examination of the parties  
21 be available. Now in our view, Mr. Commissioner, the  
22 evidence of these Community Hearings will be as important  
23 and as relevant as any other evidence received. The fact  
24 that there is not cross-examination to me makes no differ-  
25 ence. The purpose of the Community Hearings is to  
26 encourage community participation and I would submit that

1 anything that would discourage participation, that would  
2 in any way inhibit people from coming forward, that would  
3 in any way form a barrier to their effective speaking to  
4 you should not be encouraged and I would suggest that  
5 there is nothing in cross-examination that is going to  
6 ensure any better or more reliable level of evidence.

7 I would suggest therefore that there not be cross-  
8 examination of the witnesses at the Community Hearings.

9 If there is a problem with the evidence, if somebody  
10 wishes to call evidence contrary to evidence at the  
11 Community Hearings, they are of course entitled to do so.

12 One of the key concerns  
13 expressed by Mr. Anderson seemed to bring together a  
14 number of interveners, is the question of the role of the  
15 interveners before this Inquiry. Mr. Anderson suggested  
16 that he supports the idea of interveners in the traditional  
17 sense. My concern, Mr. Commissioner, and the reason we  
18 provided the submission we did is that the role of the  
19 interveners in the traditional sense has been an  
20 inactive and often ineffective role. Too often the  
21 inquiries have been structured where the Government evi-  
22 dence is called by the Commission and the industry evidence  
23 is called by the Applicant and the interveners are left to  
24 struggle as best they can to ensure that other interests,  
25 those other than the interests defined by the Commission  
26 Counsel are adequately put before the Inquiry. Mr.

1 Commissioner, you have indicated an intention to support,  
2 through public funding, the intervention of individuals  
3 and organizations to ensure that their interest is properly  
4 presented and protected. In my view that is a sound way to  
5 ensure these interests are before the Inquiry, that they  
6 are put before the Inquiry by those individuals who have  
7 the greatest interest in ensuring that evidence is brought  
8 forward in a most effective way. I would suggest therefore,  
9 Mr. Commissioner, that the intervener funding is an  
10 appropriate and proper way of ensuring that the wide range  
11 of evidence be provided by this Inquiry and that the  
12 interveners be entitled to call on Government witnesses,  
13 to call on any other witnesses that are necessary to ensure  
14 that the full interests are adequately presented before the  
15 Inquiry.

16 Mr. Anderson also commented  
17 or suggested, as I understood him, that Commission Counsel  
18 should be responsible for calling the witnesses currently  
19 employed by the B.C. or Canadian Governments, and he  
20 suggested that I may be accidentally contradictory in  
21 suggesting that I can be both active and play a mop up  
22 role. I was not accidentally contradictory, I view  
23 these as both legitimate and proper functions of Commission  
24 Counsel. We will actively seek out the best evidence for  
25 this Inquiry. We will ensure that that evidence is brought  
26 out before this Inquiry and we will be active in our pursuit



1 of that evidence. We also have the responsibility of  
2 ensuring that evidence not presented by particular groups,  
3 particular organizations or particular interests, but  
4 issues nonetheless that should be before this Inquiry are  
5 fully presented. We therefore recognize the obligation  
6 to in addition to seeking out evidence to play the mop up  
7 role of ensuring that all issues are adequately presented  
8 before the Inquiry. And in pursuance of either or both  
9 of those functions we will seek the evidence wherever it  
10 is, whether it's in the Government or outside Government.  
11 We are not, nor will we play the role of merely presenting  
12 the Government evidence. I don't think that's what Mr.  
13 Anderson suggested but I think though it is important to  
14 recognize the role of the Commission Counsel, at least as  
15 we see it.

16 The other matters I think,  
17 Mr. Commissioner, have been adequately canvassed by others  
18 and I don't propose to make any further comment at this  
19 time.

20 THE COMMISSIONER: Thank you.  
21 Now are there other persons, counsel or others who wish to  
22 comment on these questions. Mr. Saville, please.

23 MR. SAVILLE: Mr. Commissioner,  
24 there are about three points that I feel I should make at  
25 this time. Number one, I find myself in agreement with  
26 Mr. Storrow and disagreement with Commission Counsel on the

1 question of the Terms of Reference. I think we have  
2 gotten slightly carried away by sitting here debating the  
3 Terms of Reference because it's my respectful submission  
4 that the Government of Canada and in particular the Privy  
5 Council have already told us what those are and it's  
6 plain on this two page piece of paper. I do feel that I  
7 should go back to that for just a second. There are two  
8 key phrases, the first is constructed, that is, the pipeline

9 "To enquire into and concerning and to report  
10 upon"

11 and then it goes to talk about the areas, social and  
12 environmental and so on. That language is very clear.  
13 And then on paragraph (b) it talks as follows:

14 "To report upon representations made to him --"  
15 i.e. you Doctor Thompson

16 "concerning the terms and conditions which  
17 should be imposed, if authority is given to  
18 establish a marine terminal"

19 and so on. I think you have to be stretching it a bit to  
20 suggest, sir, or to accept the suggestion that the mandate  
21 contained herein includes the question of whether the  
22 proposal should go ahead or not. That's the decision the  
23 Government of Canada is going to make and they will take  
24 into account the report that you submit to them as part of  
25 the overall decision making process. I am not suggesting  
26 that we can't look at the pipeline itself when it comes to

1 the question of supply because the size of the pipeline  
2 and where the oil goes is directly proportional to how  
3 many tankers there are and how they come to Kitimat or  
4 wherever it is and with what volumes of oil. We have no  
5 difficulty with that, but getting to the question of the  
6 pipeline itself in terms of the Terms of Reference and  
7 further to suggest that the recommendation could be made  
8 that it ought not to be constructed, that is, the pipeline,  
9 I suggest to you, sir, is beyond the scope of this mandate.  
10 That is getting into the area where the National Energy  
11 Board will have to decide that question. I suggest, sir,  
12 that one of the reasons this Inquiry has been created is  
13 that there was no Inquiry or Public Hearing process in  
14 existence for this kind of a development because the  
15 jurisdiction of the National Energy Board ends at the end  
16 of the dock, and that's why the Terms of Reference are  
17 why they are, to cover the things from the dock on out,  
18 if I can describe it that way.

19 Now, sir, that doesn't mean  
20 you can't conclude that the social and environmental  
21 impact is severe, you may come to that conclusion, but  
22 that I suggest would be the limits of it and it would then  
23 be up to the Government to decide, having regard to your  
24 conclusions what it should do in relation to this project  
25 when it gets your report, when it gets the TERMPOL report  
26 and when it gets the recommendation from the National

1 Energy Board.

2 Now, sir, on the question  
3 of Timing. I suggest our hands are tied there as well.  
4 Again the Privy Council Order, which is the policy of the  
5 Government of Canada on this subject at this time, clearly  
6 says that this report from you is to be in the hands of  
7 the Minister of Fisheries and Environment and the Minister  
8 of Transport before the end of the year. Having regard to  
9 all of the things that we have heard here today I think  
10 we have learned one thing and that is that we better get to  
11 work and any suggestion that this matter ought to be  
12 adjourned is just going to make our job that much more  
13 difficult. It bothers me, sir, that we can't start until  
14 July 11th frankly.

15 Now I have one other comment  
16 I think I should make on a point raised by my learned  
17 friend, Mr. Storrow, and that's this business of onus.  
18 I suggest, sir, that this is not that kind of a proceeding.  
19 This is an Inquiry. My client isn't on trial here, we are  
20 to contribute our information just like the Government of  
21 Canada or the Government of British Columbia or the  
22 Kitimat Oil Coalition or any other group in the hope that  
23 you will weigh all of that evidence and objectively assess  
24 what should be done. It is not the role of Trans Mountain  
25 or Kitimat Pipeline or anybody else to be in a position  
26 where we are fighting with each other as suggested by my

1 learned friend. I find myself in agreement on this point  
2 with Mr. Anderson where he indicates that people are  
3 interveners, we happen to probably play a higher profile  
4 because we have a lot of the information that you require  
5 and we are going to give it to you. But to suggest that  
6 we have to satisfy some burden of proof that we always  
7 have to go first I suggest, sir, is quite inconsistent  
8 with the Order-in-Council and with the provision of the  
9 Inquiries Act. We are just one more party that happened  
10 to be in a position to help and that's our intention.

11 THE COMMISSIONER: Mr. Saville,  
12 just to follow up, as I mentioned in my opening remarks  
13 as I understand TERMPOL it's a code of standards that the  
14 Federal Government has developed, as I understand it, to  
15 regulate any possible establishment of a terminal. Now  
16 does not the fact that such a code has been established to  
17 govern facilities such as you are proposing, place on the  
18 Company an onus to at least satisfy this Inquiry that the  
19 standards set by TERMPOL have been satisfied and that  
20 position in that respect may be different from what you  
21 have just been urging as to other aspects.

22 MR. SAVILLE: My understanding,  
23 sir, is this: Number one, the TERMPOL code as it's called  
24 is a set of guidelines and we are all going  
25 through this for the first time.

1 This is the first time anyone has ever made an  
2 application, as I understand it, under that document  
3 but it is a guideline, it's not even a compulsory thing  
4 if you want to get technical about it because the  
5 approvals we require are a permit under the Navigable  
6 Waters Protection Act for the dock itself and we also have  
7 some provisions under the Fisheries and Environment  
8 legislation. The TERMPOL code itself as I understand  
9 it is sort of a voluntary thing that you should comply  
10 with but it isn't sitting in a statute or anything like  
11 that. I agree with what you say, sir, though about the  
12 onus, we have to supply the appropriate information but in  
13 that instance I submit, sir, it is the TERMPOL Committee  
14 that is judging whether we have supplied the appropriate  
15 amount of material so that they can come out and say either  
16 yes or no. I suggest, sir, that while you are going to  
17 use that report and our application as a sort of base  
18 document to get into the various questions, that that is a  
19 separate question because you are here to find out what  
20 people think under the Privy Council order and the TERMPOL  
21 application, if we can call it that, is really something  
22 different. I put it more like the application to the  
23 National Energy Board where there is certainly an onus on  
24 there that we have to satisfy them that we are entitled to  
25 our certificate. I suggest that while there is overlap in  
26 the use we make of the document, there are two separate



1 mandates, one that you have and one that the TERMPOL code  
2 has.

3 THE COMMISSIONER: Do you have  
4 any comment in that respect, Mr. Anthony?

5 MR. ANTHONY: Well, Mr.  
6 Commissioner, the Order-in-Council I think speaks a little  
7 more specifically than Mr. Saville would lead us to  
8 believe. Under the Order-in-Council you are required to  
9 inquire into and to report upon the social and environmen-  
10 tal impact and so on of the proposal, the navigational  
11 safety and related matters associated with the proposal  
12 and upon the broader concerns and issues related to oil  
13 tanker movement on the West Coast as might be affected by  
14 the proposal. I think, sir, therefore your mandate goes  
15 much beyond the suggestion of a public information type of  
16 session where your job is to listen to what people have to  
17 say but not to come to any conclusion as to whether or not  
18 the proposal is in any way satisfactory. You certainly  
19 have the obligation to listen to what the people have to  
20 say, you certainly have the obligation I would suggest to  
21 look at the sort of standards that have been provided in  
22 TERMPOL and any other legislation and I think, sir, that  
23 you also have the responsibility to come to conclusions  
24 after having heard the evidence and after having considered  
25 the impact. I would say it is completely erroneous to  
26 somehow categorize the consideration as merely one of

1 information gathering with some reporting function without  
2 also keeping before us the issue that you are to come to  
3 some conclusion on these issues and not merely send along  
4 the information to the Government. I suggest that is  
5 implicit in the Order-in-Council as stated and that  
6 therefore you have the responsibility within the terms of  
7 the Order-in-Council to consider these, to consider what  
8 standards are appropriate and to come to conclusions as to  
9 whether or not in your view what the impacts are and  
10 whether or not it is the sort of project that should go  
11 ahead given consideration to the type of impact that you  
12 have found.

13 THE COMMISSIONER: Thank you.  
14 I wasn't intending to sort of give a second kick at the  
15 cat, I was thinking in particular about the TERMPOL ques-  
16 tion and what its particular role is before the Inquiry.  
17 You might think about that and I will ask if Mr.  
18 McEachern and Mr. Edwards or others have comments about  
19 the Terms of Reference.

20 MR. EDWARDS: I have nothing  
21 further to add to what I have already said, Dr. Thompson.  
22 Thank you.

23 MR. MCEACHERN: I have nothing  
24 further to say, thank you.

25 THE COMMISSIONER: Mr. Storrow.

26 MR. STORROW: I have some com-

1       ments both on Mr. Anthony's submission and on Mr.  
2       Saville's submission. Mr. Anthony stated that he sees  
3       within your Terms of Reference an ability to deal with  
4       non-marine aspects of the proposal. I don't see it. He  
5       says that the pipeline route question can't be dealt with,  
6       I see that that is correct. He says that you can say yes  
7       or no to the proposal, I don't see it. Our suggestion is  
8       that in order to eliminate any ambiguity of any kind what-  
9       soever all you have to do is get in touch with the Privy  
10      Council and ask them to amend your Terms of Reference.  
11      There is nothing magical about your Terms of Reference,  
12      it wouldn't take much effort and much time on behalf of the  
13      Federal Government to change them to avoid any ambiguity.  
14      We suggest strongly, sir, these points be cleared up now  
15      so that in six months or a year, whenever your Commission  
16      is completed, we aren't faced with the problems of your  
17      Terms of Reference.

18                               With respect to the Trans  
19      Mountain Pipeline participation we stand on what Mr.  
20      Gallon has already stated, the next move will be Trans  
21      Mountain Pipeline's and your own. We will wait to see  
22      what develops there.

23                               With respect to the adjourn-  
24      ment, fifteen or twenty people have come before you today  
25      and asked for an adjournment and each one of them have  
26      given you a very solid reason for the adjournment. Mr.

1 Anthony and Mr. Saville have been against the adjournment.  
2 I don't recollect any solid reason given by either of them  
3 to maintain the position that the 11th of July is the  
4 magical date to hold these hearings. What is the need to  
5 hold these hearings on the 11th of July? Why the urgency?  
6 This coastline has done without tankers for centuries, why  
7 suddenly in two months do we have to start talking about  
8 them travelling down the coast? Give us a chance to  
9 prepare, it's a big case.

10 Now, with respect to the onus  
11 question that Mr. Saville has dealt with, first of all I  
12 am not in agreement with Mr. Anderson on the subject of  
13 onus and the participation of interveners. It's nonsense  
14 to think that anyone who is against the position of some-  
15 one who seeks to spend half a billion dollars is not in an  
16 adversary position. Of course we are adversaries, let's  
17 clear that up right now. We're not here to intervene and  
18 to be friendly with these people who we are against, it's  
19 silly to think that. This is an adversary hearing and we  
20 are going to partake of it with that spirit and I am sure  
21 the Pipeline people will be doing the same thing. So  
22 let's just get that role straightened around right now.

23 With respect to the onus of proof.  
24 The Pipeline is advocating change here. Throughout the  
25 history of the common law of this country and England he  
26 who advocates change has an onus on him to prove that the

1 change should be made. We don't have to disprove that  
2 surely to goodness so it's clear, never mind the TERMPOL  
3 code, that doesn't make any difference here necessarily.  
4 It's a matter of common sense that if the Pipeline wishes  
5 to have -- if the Company wishes to have a terminal here  
6 let them show us why we have to change the status quo and  
7 have a terminal. We say the proof is on them and we  
8 don't have to show anything other than we have to deal  
9 with a preponderance of probabilities which onus is on  
10 them and that is the subject matter of the onus as we see  
11 it.

12 THE COMMISSIONER: Does anybody  
13 here have anything further to say?

14 MR. ANDERSON: Mr. Chairman, the  
15 important question is how you view your Terms of Reference,  
16 not how everybody else views them. Do you feel you can  
17 come down and say on the one hand the establishment of an  
18 oil port is the best thing since sliced bread or on the other  
19 hand it's going to have the most disastrous and social  
20 impacts. What do you think?

21 THE COMMISSIONER: Well, Mr.  
22 Anderson, I can say that I will be making rulings very  
23 quickly and I will let them be known but I will say further  
24 in the meantime as to my thinking about it, subject to the  
25 fact that I am going to study the submissions that have  
26 been made and ponder them and make written rulings. I



agree that I can't decide whether or not an oil port should be built, that's for the Government of Canada to decide. I understand that I am not to get into details about the pipeline because that's the function of the National Energy Board except insofar as there are matters about the pipeline that have a bearing on the oil port and the tanker traffic that's associated therewith. I understand my Terms of Reference to include an examination of tanker traffic that would be generated should the Trans Mountain proposal be approved. On the other hand I cannot look at the pipeline engineering aspects of the Trans Mountain proposal because again that is a matter that is before the National Energy Board of Canada. I can't go into details about the location and acceptability and otherwise of tanker ports in the State of Washington because that's a matter for United States jurisdiction to deal with. On the other hand I think it's before this Inquiry to consider the implications of the establishment of ports in the United States places the implication of those ports for tanker traffic and oil spill risk which would affect Canadian waters.

On the question that seems to have been argued the most about how far I can go, I understand that I am required to inquire into and report on social and economic impacts and navigational safety and related matters and in reporting I will write it as I



1 see it and it may add up to a recommendation that it is  
2 not, that is a recommendation, not a decision because I  
3 can't decide it, but a recommendation to the Government  
4 that an oil port should not be established because that  
5 would be the clear implication of the recommendations  
6 made about social and environmental effects and if they  
7 come to that I won't hesitate to say it. On the other  
8 hand I could recommend positively in favour of it or be  
9 lukewarm or in between and I certainly am charged under  
10 these Terms of Reference to give recommendations about  
11 details of environmental impact, social impact, regional  
12 impact, terms and conditions which should be imposed upon  
13 a marine terminal and upon marine traffic.

14 Now as I say that's the way I see  
15 it and size it up at this point and I am stating it now  
16 because there is a need to have clarification about my  
17 thinking on this as soon as possible, but I reserve the  
18 fact that I am going to make a series of rulings about the  
19 matters that have been addressed here, including the  
20 timing, the phasing, when we will start and of course I  
21 will have to get decisions made about funding. It will be  
22 my aim to have these prepared and placed before you as  
23 soon as possible. We have a mailing list I hope now that  
24 is comprehensive and you probably hear though from what we  
25 have heard about the mails tonight you will probably hear  
26 about it in the newspapers before you get a notice in the

1 mail. Thank you.

2 If there is nothing further  
3 this Preliminary Hearing -- yes, Mr. Currie?

4 MR. CURRIE: I just would like  
5 to make one observation, that the longer the hearings take  
6 the more costly they are going to become and we have all  
7 known for quite a long time, first from the original  
8 application of Trans Mountain Pipeline and subsequently  
9 the Kitimat application, that these questions would be  
10 before us. From the little that we have been able to read  
11 on the subject there is not time, even in five years, to  
12 do a research of marine life on the ocean floor and in the  
13 effect of oil spills. All of us are not being paid for  
14 the time we will devote to these questions. I wonder  
15 sometimes if we don't have too many lawyers but at  
16 \$500.00 a day maybe the rest of us are going to be hard  
17 pressed if the Inquiry spreads into 1978 and perhaps 1979.  
18 So I hope that all of the Groups that are small and don't  
19 have great financial resources don't have, even if they  
20 receive assistance from you, ability to pay all of the  
21 people that are involved and their transportation and I  
22 hope that the Commission, that yourself, Mr. Commissioner,  
23 will keep this in mind in debating or deciding on the  
24 issue of the time frame for your Inquiry. Thank you.

25 THE COMMISSIONER: Thank you.

26 I now declare this Preliminary Hearing adjourned. Thank

1       you.

2       (PROCEEDINGS ADJOURNED.)

3  
4       I HEREBY CERTIFY THE FOREGOING  
5       to be a true and accurate  
6       transcript of the proceedings  
7       herein.

8  
9  
10       Alexandra Edlund

11       ALEXANDRA M. EDLUND,  
12       Official Court Reporter.