



0012662

WEST COAST OIL PORTS INQUIRY

A PUBLIC INQUIRY PURSUANT TO ORDER-IN-COUNCIL
PC 1977-597 DATED MARCH 10th, 1977.

(Before Dr. Andrew R. Thompson, Commissioner)

Vancouver, B.C.

July 18th, 1977.

PROCEEDINGS AT INQUIRY

Volume 2

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Vancouver, B. C.

July 18th, 1977.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COMMISSIONER: I'll ask
this session to come to order, please.

My name is Andrew Thompson,
and I am to conduct an inquiry into proposals respecting
West Coast Oil Ports.

This is the opening session
of the formal hearings. Its purpose is to give an opport-
unity to those who are participants in the Inquiry, to
state their positions, the evidence that they will lead,
and other matters respecting the Inquiry.

It's not intended today to
receive submissions with respect to the proposals. There
will be many opportunities, both in the formal hearings
and in community hearings at later dates, for members of
the public to make submissions about the proposals.

To begin with, I am going to
ask Mr. Anthony, the Commission Counsel, to submit some
formal documents, establishing the Inquiry.

MR. ANTHONY: Mr. Commissioner,
before we commence with the opening statements, I would
like to table some documents, relevant to the official

1 establishment of this Inquiry, and other documents that
2 have been filed with the Inquiry, and I would ask that
3 they be given exhibits, so that they may be referred to
4 by the participants in the proceedings.

5 The first matter I would like
6 to have tabled as Exhibit 1 is the Order-in-Council
7 PC-1977597, dated March 10th, 1977, which was the Order-in-
8 Council creating this Inquiry.

9
10 (ORDER-IN-COUNCIL PC-1977597 DATED MARCH 10TH,
11 1977 MARKED AS EXHIBIT NUMBER 1)

12
13 MR. ANTHONY: Exhibit 2,
14 the Commission issued, under the great seal, appointing
15 yourself, sir, as Commissioner dated April 12th, 1977.

16
17 (APPOINTMENT OF ANDREW THOMPSON AS COMMISSIONER
18 DATED APRIL 12TH, 1977, MARKED AS EXHIBIT NUMBER 2)

19
20 MR. ANTHONY: Number 3,
21 Order-in-Council, PC-19771890 dated June 30th, 1977.
22 That was the Order-in-Council amending the original
23 Order-in-Council, which broadens the scope and specifically
24 mentioned the TransMountain proposal in -- for our
25 consideration.

26

1 (ORDER-IN-COUNCIL PC-19771890 DATED JUNE 30TH,
2 1977 AMENDING ORIGINAL ORDER-IN-COUNCIL,
3 MARKED AS EXHIBIT NUMBER 3)

4
5 MR. ANTHONY: Number 4,
6 is really for the reference of the participants. It's
7 the composite of the two Orders-in-Council, to indicate
8 the Order-in-Council as it currently exists.

9
10 (COMPOSITE OF TWO ORDERS-IN-COUNCIL MARKED AS
11 EXHIBIT NUMBER 4)

12
13 MR. ANTHONY: Number 5,
14 sir, you ordered a Notice of Preliminary Hearing to be
15 published for a Preliminary Hearing held in Kitimat on
16 May 4th, 1977, and I present that Notice of Preliminary
17 Hearing as printed in the newspapers at your directions.

18
19 (NOTICE OF PRELIMINARY HEARING MARKED AS EXHIBIT
20 NUMBER 5)

21
22 MR. ANTHONY: Number 6,
23 the Preliminary Rulings issued on May 27th, 1977.

24
25 (PRELIMINARY RULINGS ISSUED ON MAY 27TH, 1977,
26 MARKED AS EXHIBIT NUMBER 6)

1 MR. ANTHONY: Exhibit 7,
2 the Report on Participant Funding, issued by yourself on
3 May 27th, 1977.

4
5 (REPORT ON PARTICIPANT FUNDING, ISSUED ON MAY
6 27TH, 1977, MARKED AS EXHIBIT NUMBER 7)

7
8 MR. ANTHONY: Number 8,
9 the Supplemental Preliminary Rulings, issued July 5th,
10 1977.

11
12 (SUPPLEMENTAL PRELIMINARY RULINGS ISSUED JULY
13 5TH, 1977, MARKED AS EXHIBIT NUMBER 8)

14
15 MR. ANTHONY: Number 9,
16 the Supplemental Report on Participant Funding, dated
17 June 22nd, 1977.

18
19 (SUPPLEMENTAL REPORT ON PARTICIPANT FUNDING
20 DATED JUNE 22ND, 1977 MARKED AS EXHIBIT NUMBER 9)

21
22 MR. ANTHONY: Exhibit 10,
23 the Notice of Hearing for the start of the formal hearings
24 at this date.

25 (NOTICE OF HEARING FOR START OF FORMAL HEARINGS
26 MARKED AS EXHIBIT NUMBER 10)

1 MR. ANTHONY: And number 11,
2 the list of participants as of July 17th, 1977. You will
3 recall the preliminary rulings provided that individuals
4 could become participants by appearing at a session of the
5 Inquiry, or by notifying the Inquiry in written form, and
6 we have the list of participants as of July 17th.

7
8 (LIST OF PARTICIPANTS AS OF JULY 17TH, 1977
9 MARKED AS EXHIBIT NUMBER 11)

10
11 MR. ANTHONY: Next, Mr.
12 Commissioner, you asked in your preliminary rulings that
13 participants and named participants before the Inquiry,
14 provide a complete list of documents, indicating those
15 documents in their possession or power relevant to the
16 matters before the Inquiry.

17 I would like to now table
18 the list of documents as received:

19 Exhibit Number 12 will be
20 the list of documents for the West Coast Oil Ports
21 Inquiry staff, with a supplemental list, which I would
22 ask be given Exhibit 12-A.

23
24 (LIST OF DOCUMENTS FOR WEST COAST OIL PORTS INQUIRY
25 STAFF, MARKED AS EXHIBIT NUMBER 12)

26

1 (SUPPLEMENTAL LIST MARKED AS EXHIBIT NUMBER 12-A)

2
3 MR. ANTHONY: Exhibit 13
4 would be the list of the Government of Canada. Supplemental
5 to that, as 13-A, would be a correction sheet for the
6 initial filing. The supplemental list of the Department
7 of Fisheries and Environment, dealing with Fisheries
8 management, a supplemental list of the Department of
9 Fisheries and the Environment, dealing with socio-economic
10 matters, and a supplemental list of the Department of
11 Indian and Northern Affairs.

12
13 (LIST OF THE GOVERNMENT OF CANADA, MARKED AS
14 EXHIBIT NUMBER 13)

15
16 (SUPPLEMENTAL LIST MARKED AS EXHIBIT NUMBER 13-A)

17
18 MR. ANTHONY: I would ask
19 that to be shown as Exhibit 14, the list of documents of
20 the Government of the Province of British Columbia.

21
22 (LIST OF DOCUMENTS OF THE GOVERNMENT OF PROVINCE
23 OF BRITISH COLUMBIA MARKED AS EXHIBIT NUMBER 14)

24
25 MR. ANTHONY: Exhibit 15,
26 will be the list of documents of Kitimate Pipeline

1 Limited, and 15-A be the supplemental list dated July 7th,
2 1977.

3
4 (LIST OF DOCUMENTS OF KITIMAT PIPELINE LIMITED
5 MARKED AS EXHIBIT NUMBER 15)

6
7 (SUPPLEMENTAL LIST DATED JULY 7TH, 1977 MARKED
8 AS EXHIBIT NUMBER 15-A)

9
10 MR. ANTHONY: Number 16
11 will be the list of documents of TransMountain Pipeline
12 Company, dated July 13th, 1977.

13
14 (LIST OF DOCUMENTS OF TRANSMOUNTAIN PIPELINE
15 COMPANY DATED JULY 13TH, 1977, MARKED AS
16 EXHIBIT NUMBER 16)

17
18 MR. ANTHONY: Number 17,
19 the list of documents of the Kitimat Oil Coalition.

20
21 (LIST OF DOCUMENTS OF KITIMAT OIL COALITION
22 MARKED AS EXHIBIT NUMBER 17)

23
24 MR. ANTHONY: Number 18,
25 the list of the B.C. Wildlife Federation.
26

(LIST OF THE B.C. WILDLIFE FEDERATION MARKED AS
EXHIBIT NUMBER 18)

MR. ANTHONY: Number 19,
list of the fishing industry participants.

(LIST OF FISHING INDUSTRY PARTICIPANTS MARKED AS
EXHIBIT NUMBER 19)

MR. ANTHONY: Number 20,
the list of documents of the District of Kitimat.

(LIST OF DOCUMENTS OF THE DISTRICT OF KITIMAT
MARKED AS EXHIBIT NUMBER 20)

MR. ANTHONY: And number 21,
a list of documents of the Regional District of Kitimat-
Stikine.

(LIST OF DOCUMENTS OF REGIONAL DISTRICT OF
KITIMAT-STIKINE, MARKED AS EXHIBIT NUMBER 21)

1 And one final housekeeping
2 matter, if I may, Mr. Commissioner, as was indicated at
3 an earlier stage, phase one of the Inquiry will be dealing
4 with the legislation and I'll be describing phase one
5 in a little more detail in my opening remarks.

6 But I would, if I may table
7 now, the legislation and regulations that will form the
8 basis of our assessment in phase one. I would ask that
9 be given the next exhibit number, exhibit number 22.
10 Just the legislation is provided here, Mr. Commissioner,
11 in seven volumes. Volumes 1 to 3 are the Canadian
12 acts and regulations relevant to issues before this
13 Inquiry. Volume 4 is the Federal codes and guidelines.
14 Volume 5 is international material.

15 Because these conventions
16 are bulky, they are bound separately and the volume has
17 some of them plus an index indicating the location of the
18 rest of the material. Volume 6 is the American and
19 Federal Act and Volume 7 is the U. S. State Legislation.
20 Basically Washington State legislation has one Alaska
21 chapter.

22 This is all legislation
23 that we anticipate will form the basis of evidence that
24 we propose to call in phase one of the Inquiry."

25 Now, in that material, there's
26 not included the Province of B. C. legislation. That will

1 be filed by counsel for the Province of British Columbia
2 at the time of his opening address. It also does not
3 include proposed legislation or the legislation of other
4 jurisdictions that may be used for comparative assessment.
5 It is not the purpose of phase one to dealve into that
6 form of inquiry, nor do we have regional or municipal
7 bylaws which may be presented by participants as phase
8 one commences.

9 The information that we
10 have tabled here will be available at the Inquiry Library
11 from now until the start of phase one which you've asked
12 to commence September 7th. Thank you, Mr. Commissioner.

13 THE COMMISSIONER: Thank you
14 Mr. Anthony. All of these documents that have been filed
15 as exhibits will be maintained, when they're not here in
16 the hearing room in the offices of the Commission on
17 Howe Street and they are available to be inspected or
18 examined by members of the public or participants at
19 times convenient to them.

20 It will not be difficult
21 to make any arrangements by simply telephoning the
22 Commission office. We encourage then, that as many people
23 that wish to consult documents, find their way to the
24 Commission offices and see them there. I have been
25 provided a list of those participants who have signified
26 to the Commission secretary their intention to make an

1 opening statement over today and the next couple of days.
2 If there is anyone present who wishes to make an opening
3 statement as a participant, who has not yet notified the
4 Inquiry, I request that you get in touch with the
5 Commission secretary, Mrs. Lewis, who is sitting on my
6 left.

7 I intend now to make some
8 opening remarks. Following these remarks, I will invite
9 Commission counsel to come to the witness stand over
10 here and make some opening remarks as well. Then we
11 will follow the list that I've^{been} provided with in inviting
12 participants to make their opening statements.

13 The decision of the National
14 Energy Board concerning northern natural gas pipelines,
15 following on the Berger Report, and the now awaited Lysyk
16 Report have been front page news in recent weeks and
17 months. Few Canadians are unaware that the Inquiry
18 process plays a major role in national decision-making
19 about energy projects.

20 Now, we are embarked upon
21 an inquiry concerning crude oil delivery systems on
22 Canada's west coast. It is important that we understand
23 clearly how this inquiry process fits into the Canadian
24 political framework. Then we can identify its opportunities
25 and its limitations and we can be guided in our endeavors
26 by a due sense of those procedures that are appropriate

1 and those that overstep proper limits.

2 This understanding should
3 permeate not only Commission staff and participants but
4 also those who as media representatives, have the
5 responsibility of interpreting this Inquiry to the public
6 at large.

7 We should recognize that
8 this kind of inquiry is a new phenomenon in Canadian
9 political life. In requiring an assessment of environmental
10 and social impacts of proposed oil port developments,
11 my terms of reference give recognition to the heightened
12 and awareness today, that human activities and events
13 are independent to an extent beyond our recognition of
14 only short years ago.

15 This appreciation of the
16 need to take a wholistic of proposed developments, that
17 is to see the whole picture, has emerged to affect
18 public decision-making only since the late 1960's. It
19 means not only that we must examine all the direct and
20 indirect consequences, economic, social and environmental
21 of a proposal, but also that we must strive to identify
22 and evaluate long term effects, as well as immediate
23 impacts. We owe it to our children to make an effort
24 to appreciate the consequences they must endure from the
25 satisfaction of our wants today.

26

1 Another realization is
2 growing upon us. It is that our industrial system, which
3 has achieved enormous strides in human development during
4 the last century, seems to carry an implication of ever-
5 increasing scale and complexity and technology; with, for
6 example, each new energy development imposing increasing
7 demands on our social and economic resources.

8 When projects are seen to
9 pose a multitude of impacts, of great complexity, it
10 becomes apparent that society cannot absorb them in the
11 normal way. Too many differing interests conflict, and too
12 many bureaucratic channels are crossed, to permit the
13 normal processes of government to cope.

14 When existing procedures are
15 found wanting, we invent new ones, and they're likely to
16 be of an ad hoc nature until more permanent institutions
17 are defined.

18 This Inquiry can be seen as
19 an ad hoc process, whereby the consequences of proposed
20 West Coast Oil Ports can be reviewed in all aspects,
21 alternatives can be weighed, and a report made that brings
22 all the information together in a comprehensible form.

23 While this Inquiry will ful-
24 fill this integrating role that the normal functioning of
25 government cannot adequately perform, it should not be
26 seen as a substitute displacing normal government processes.

1 Rather, it must function as an adjunct to these processes.

2 The various agencies of the
3 Federal, Provincial and Municipal governments that are
4 affected by the West Coast Oil Port proposal must continue
5 discharging their responsibilities. Politicians must con-
6 tinue their assessment for the public good.

7 In the end, these normal
8 evaluative processes of government will be brought to bear,
9 along with my report, for ultimate decision making, in
10 accordance with our Parliamentary traditions.

11 Should someone ask me what
12 I consider to be of utmost importance in this Inquiry, I
13 would say the process itself. For the strength of any
14 recommendations that I make, will be measured by the extent
15 to which the process is judged to have provided a full,
16 complete and fair assessment of the facts and issues.

17 There's another sense in
18 which the process transcends the report. The phenomenon
19 of scale and complexity, to which I have referred, dis-
20 courages public understanding of major development pro-
21 jects. The discussion of issues tends to be left to
22 experts of government and industry. The flow of inform-
23 ation is limited by couching it in technical jargon, and
24 by dividing issues into components, and then into sub-
25 components, and these, in turn, are examined by a variety
26 of agencies, so that the whole picture is seldom seen.

1 People turn away from public
2 affairs in the face of such barriers to understanding.
3 This Inquiry process must strive to counteract these
4 undemocratic tendencies, through exercise of the power to
5 require that all relevant evidence be disclosed.

6 Full information about the
7 oil port proposals will be brought together in one place.
8 It will be the duty of the Inquiry to see that this inform-
9 ation is disseminated as widely as possible. To achieve
10 this goal, I place a heavy responsibility on the news
11 media

12
13 To assist in the difficult task
14 of summarizing detailed, technical evidence in a readily
15 understandable form, the Inquiry has arranged with the
16 Westwater Research Centre, at the University of British
17 Columbia, to provide digests of the evidence, which will
18 be widely distributed throughout British Columbia and
19 elsewhere in Canada.

20 Public libraries in various
21 centres of the province have agreed to provide special
22 services to the public, to help them keep abreast of the
23 proceedings. We have also made arrangements with Co-op
24 Radio in Vancouver, to provide weekly broadcasts of high-
25 lights in the evidence.

26 These programs and tapes

1 will be available to other radio stations for rebroadcasting.

2 Finally, Channel 10 Cable-
3 vision, is cablecasting this session of the Inquiry, and we
4 will be making these videotapes available for other cable
5 systems in British Columbia.

6 We rely on all those who will
7 be discharging these public information services to bring
8 fairness and objectivity to their tasks.

9 There's another significant
10 way in which the process will be the measure of success of
11 this Inquiry. Large resource and energy projects seem to
12 require a close, institutional alliance between industry
13 and government. The alliance is not by choice so much as
14 dictated by the scale and complexity of projects.

15 This merging of effort means
16 that the complete range of alternatives which exists on a
17 given issue, often is not fully investigated. Choice
18 becomes narrowly defined, and then there's a tendency to
19 erect barriers against outside scrutiny. In result,
20 decision making is deprived of the diversity of interest
21 and viewpoint that are hallmarks of a healthy and inno-
22 vative society.

23 The Inquiry process must
24 ensure that this diversity of interest and viewpoint is
25 fully represented in evaluating West Coast Oil proposals.
26 It is to serve this end that participants representing

1 environmentalists, fishermen and native peoples have been
2 funded by the Federal Government.

3 For this purpose, the Inquiry
4 will conduct community hearings. In this way, all those
5 who have ideas to contribute will be heard.

6 It's important that the role
7 of these community hearings be properly understood. While
8 they will give indications of the leanings of public
9 opinion, they are poor substitutes for public opinion
10 polls. I ask the public to take the community hearings
11 seriously as opportunities to provide significant evidence
12 to the Inquiry.

13 We will begin the community
14 hearings this weekend, by going to the fish camp at Namu,
15 where the fishermen involved in the Rivers Inlet sockeye
16 run will give evidence explaining how they use the coastal
17 waters, and what difficulties they experience in their
18 day-to-day fishing operations.

19
20
21
22
23
24
25
26

1 In fact, they will not even
2 be asked to express opinions for or against the oil port
3 proposals, because at this time it is clearly premature
4 to solicit public views. These will be obtained later
5 in the Inquiry, when the proposals have been fully explained
6 and the evidence about environmental, economic and social
7 impacts has been received.

8 What the fishermen at Namu
9 tell us will be recorded as part of the formal evidence
10 of the Inquiry. Much of it will be relevant evidence
11 that cannot be obtained from any other sources. On
12 the way to the community hearing at Namu, I will call
13 it at the fish camps at Goose Bay, Duncan Bay Landing,
14 and Fin Bay.

15 Visiting the fish boats and
16 the shore facilities and talking to the fishermen and
17 shore workers, will contribute to my understanding of the
18 evidence. To gain such firsthand impressions, I have
19 in recent weeks flown over the Strait of Juan de Fuca
20 to view Port Angeles, Cherry Point and Burrows Bay from
21 the air, travelled from Kitimat through the inland waters
22 to Prince Rupert on a fisheries boat, and observed the
23 pilot bring a 360,000 ton tanker, the "EL ANGELES" along-
24 side the crude oil offloading berth on the Strait of Canso
25 in Nova Scotia.

26 In analyzing the Inquiry,

1 I have not as yet touched on the role of the companies
2 who oil port proposals have occasioned its establishment.
3 These company initiatives are based on their assessments
4 of the needs for crude oil in the United States and
5 Canada and of their own corporate interests in supplying
6 these needs.

7 While, in simpler times,
8 corporate entrepreneurs were able to pursue their goals
9 with little interference from governments. That time
10 has long passed. The oil transportation industry has
11 become used to regulation of their enterprises by
12 agencies such as the National Energy Board in Canada and
13 the Federal Power Commission in the United States.

14 They have seen a number of
15 official authorizing procedures grow in recent years
16 to include such new features as the TERMPOL
17 assessment in Canada, and the environmental impact
18 assessment procedure in the United States, for the
19 reasons I've explained, they now find themselves before
20 this Inquiry as well, and understandably they may feel
21 beleaguered by government intervention in their affairs.

22 Their reaction, already
23 expressed before the preliminary hearing of this Inquiry
24 is to ask, why should all the onus be placed on us? Why
25 should we spend more time and money proving our projects
26 before the government makes up its mind whether it wants

1 an oil port and where it should be located. That is
2 how
3 not/our economy operates in Canada, nor in reflection
4 would the companies welcome a system where they were
5 merely passive actors with all the planning decisions
6 resolved by the state.

7 It is not the mandate of
8 this Inquiry to plan an energy system for the west coast
9 of Canada. My task is to respond to the initiatives
10 of the companies by comparing the effects of their
11 proposals. Alternatives must be examined too, to ensure
12 that the proposals are the best available.

13 Understood in this way, it
14 is implicit in the process that there is an onus on the
15 companies, for they're obviously in the position to
16 present their respective proposals in the best light.
17 This onus may also be seen by the companies as an
18 opportunity. Public opposition often stems from inability
19 to understand development projects.

20 Risks, exaggerated by
21 ignorance, can overwhelm an appreciation of benefits.
22 In the case of the proposed West Coast Oil Ports, there
23 is an added difficulty, that the benefits are perceived
24 by many British Columbians as flowing entirely to people
25 in the mid-western United States and central Canada,
26 whereas they will be exposed to the risks.

It would take a generosity

1 of mind on their part for a fair balance to be achieved
2 between these unevenly distributed benefits and risks,
3 but this is a national inquiry, and must take into account
4 national and even continental concerns, as well as
5 regional ones, in assessing the proposals and making
6 recommendations.

7 The companies are provided
8 the opportunity to bring forth evidence, establishing
9 these national and continental needs and how their
10 projects will serve them. The duty of this Inquiry
11 will be to weigh all this evidence even handedly. In
12 my opening remarks at the preliminary hearing in Kitimat,
13 I urged everyone to listen with open minds so that when
14 this Inquiry is over, each one can say that he has left
15 no page unturned or voice unheard in the search for
16 truth and understanding and that is my commitment in
17 this Inquiry. Mr. Anthony, would you please make your
18 opening remarks.

19 MR. ANTHONY: At your request,
20 Mr. Commissioner, I will, for I hope the only time in
21 this Inquiry take the witness stand. At earlier stages
22 at the preliminary hearing in Kitimat, I formally
23 presented to you and to the participants in this Inquiry
24 the Inquiry staff.

25 I would now like to just take
26 a moment and introduce formally the Commission counsel.

1 Serving with me as Commission counsel will be Mr. Peter
2 Bernard who will be handling mainly the marine aspects
3 of the Inquiry, and Mr. Brian Williams who will be handling
4 mainly the economic and social issues that will come
5 before this Inquiry.

6 If I plan things right, I
7 hope that should leave much less for me to do.

8 Mr. Commissioner, I'd like
9 to use the time available for opening statements, if I
10 may, to examine the phasing of the Inquiry as outlined
11 in your preliminary rulings and to comment briefly on
12 some of the evidence expected to be called in these
13 phases. My presentation is not intended to be all
14 inclusive or dogmatic, but I do hope that these comments
15 will assist the participants to gain some understanding
16 of the structure of the Inquiry as Commission counsel
17 and the Inquiry staff see it, in order that they might
18 better assess the extent and timing of their own partici-
19 pation.

20 Ultimately, of course, all
21 participants have a role to play in determining the
22 evidence that comes before this Inquiry. First, I would
23 like to make a few general comments. The Order-In-Council
24 establishing this Inquiry requires us to examine, amongst
25 other things, the broader Canadian concerns and issues
26 related to oil tanker movement on the west coast as may

1 be affected by the Kitimat pipeline, TransMountain
2 pipeline and other proposals.

3 In our view, there are
4 three main proposals that must be examined to determine
5 the potential impact on Canada. This is not all inclusive
6 but in our view this is where we start. These are the
7 proposals that TransMountain Pipe Line and Atlantic
8 Richfield Company to construct a terminal at Cherry Point,
9 Washington, the proposal of Kitimat Pipeline to construct
10 a terminal at Kitimat, B. C., and the proposal of Northern
11 Tier Pipeline to construct an oil terminal at Port
12 Angeles, Washington.

13 In our view, it does not
14 matter whether these applications with respect to these
15 proposals are before other regulatory authorities, in
16 abeyance, adjourned or merely the forlorn hope of
17 enterprising corporations. The terms of reference of
18 this Inquiry are clear on that point. We must examine
19 the implications to Canada of these proposals and make
20 recommendations to the Canadian Government.

21 While the evidence with
22 respect to these projects may be different in both the
23 nature of the work done and the degree of sophistication
24 of the research, we will endeavor to bring before this
25 Inquiry as much information with respect to these
26 projects, as is required to evaluate impacts on Canada.

1 I might add that the Order-in-
2 Council anticipates that there may be other proposals, and
3 we are aware that alternative routes and ports have been
4 proposed by others. We will, therefore, be taking a flex-
5 ible attitude to ensure that we are in a position to examine
6 the evidence on other sites for other types of projects.

7 Our recital of the main pro-
8 jects that have a direct impact on Canada makes one import-
9 ant fact very clear. Two of the projects, Port Angeles
10 and Cherry Point, are proposed to be constructed outside
11 Canada. This fact has important implications for this
12 Inquiry.

13 I do not think there can be
14 any doubt that the two American projects have a direct
15 and significant impact on Canada. If either or both of
16 the American projects are approved, the need for a
17 Canadian oil port may be removed altogether. Alternatively,
18 if Canada was to decide an oil port in Kitimat or some
19 other Canadian port was in the national interest, the
20 viability of either the two American proposals may be
21 threatened.

22 In more specific terms,
23 evidence will be called to show that the use of a port in
24 Cherry Point or Port Angeles would still entail tanker
25 traffic along the west coast of British Columbia, even
26 for those tankers coming from the Far East. Such traffic

1 would also play a significant role in determining the
2 vessel traffic management scheme in Canadian waters.

3 Even activities strictly
4 within American waters has a direct and profound impact
5 on Canada. An oil spill at Port Angeles, or at Cherry
6 Point, or at the approaches to these ports, does not
7 recognize international boundaries, and may, in fact, drift
8 with the currents into Canadian waters, and onto Canadian
9 beaches.

10 Canadians, living in Canada,
11 would be directly affected, and the Canadian government
12 would be directly involved in clean-up operations and in
13 questions of liability and compensation and many other
14 aspects.

15 Even if a spill should remain
16 entirely within American waters, the provisions of convent-
17 ions such as the Pacific Salmon Fisheries Convention, whereby
18 U.S. and Canadian salmon fishermen share equally the pink
19 and sockeye salmon catches in convention waters, means that
20 any damage suffered by these stocks of fish, would result
21 in a loss of catch to Canadian fishermen, as well as
22 American, and many more examples could be cited.

23 No one would argue that it
24 is clearly within the jurisdiction of this Inquiry, created
25 by the Canadian Government, to examine the impacts in
26 Canada.

From this brief recital, I think it is obvious that this Inquiry must understand what is taking place in the State of Washington, and in the coastal waters of the United States, to determine what impact is anticipated in Canada.

This Inquiry has no jurisdiction, nor do we intend to involve ourselves in the American decision making process, at either the State or federal level. We do regard it as essential, however, that the Inquiry gain some understanding of what is taking place internationally, and within the United States of America.

We anticipate, therefore, that we will be receiving and calling evidence of an international nature. We anticipate evidence concerning international arrangements for the design, safety standards and inspection and control of tankers, on the American position with respect to tankers, and on the current status of the two American proposals.

There can be no doubt, for example, that the port and pipeline project for Cherry Point, is, in fact, one project affecting both countries. It would be ludicrous to suggest that our examination must stop at the American border.

We will endeavour to ensure this Inquiry does not venture into American affairs. At the same time, we will ensure that this Inquiry is well

1 informed of what is taking place in the United States, in
2 order that we might assess the impacts to Canada.

3 It is for these reasons, I
4 believe, Mr. Commissioner, that you^{have} requested Northern
5 Tier to present its project to this Inquiry, and that
6 Commission counsel has communicated with Northern Tier,
7 the Atlantic Richfield Company, which is TransMountain's
8 American associate in the Cherry Point project, with
9 representatives of the American government, and its
10 federal agencies, and with the State of Washington.

11 We have, in each instance,
12 requested that they provide us with whatever studies,
13 reports or other information would be relevant to assessing
14 impact in Canada.

15 Mr. Commissioner, I would
16 like to, at this point, depart from my prepared statement
17 and discuss briefly, the particular situation of Northern
18 Tier.

19 In your supplementary rulings
20 of July 5th, you offered Northern Tier Pipeline, the
21 opportunity to come before this opening session to describe
22 their project. You indicated that it would be of service
23 to the participants, and to the public of British Columbia,
24 to have such a project description on the record of the
25 Inquiry.

26 Subsequently, as Commission

1 counsel, I communicated with Northern Tier, at Billings,
2 Montana, and with their Seattle attorneys. I requested
3 that they attend this opening session to describe their
4 studies, to provide us with a list of documents that would
5 assist the Inquiry, and to agree to have witnesses reattend
6 at appropriate stages of the Inquiry, so that we Canadians
7 can have a better understanding of their project.

8 I might interject, Mr.
9 Commissioner, that I made the same request of Arco, the
10 American corporation jointly involved with TransMountain
11 in the Cherry Point project. Arco advised me that these
12 matters were to be handled through their project partners,
13 TransMountain, and I therefore left the matter with Trans-
14 Mountain.

15 On Wednesday, July the 12th,
16 I received a telephone call from Northern Tier attorneys,
17 confirming that they had obtained the clear instructions
18 from Northern Tier, to the effect that the company would
19 appear at the opening, describe their project, would provide
20 us with whatever documents they had, and would agree to
21 reattend. This undertaking was subsequently confirmed by
22 telex.

23 Late on July the 15th, I
24 received a further communication from Northern Tier, this
25 time advising that they would not be appearing at the
26 opening, without explanation, saying only that the company's

1 current position is that the Northern Tier project is not
2 relevant to our Canadian inquiry. The company advised
3 that they would not appear at this time.

4 In any event, Mr. Commissioner,
5 that's Northern Tier's position today. That's exactly
6 contrary to the stated position a few days, and I guess
7 we're left to wonder what their position will be next week.
8 I will, of course, be following this matter up with Northern
9 Tier over the next few days.

10 The relevance of the Northern
11 Tier project to this Inquiry is, I think, obvious, and we
12 are left to speculate as to the reasons for their current
13 attitude. Perhaps there is some misunderstanding of the
14 purpose or scope of this Inquiry. But this development
15 must not be seen as anything more than a further example
16 of a very uncertain state of affairs that exists at all
17 levels, both within and outside of government, as this
18 Inquiry begins its deliberations.

19 We expect and anticipate
20 that there very well may be corporate shifts in attitude,
21 new projects proposed and others abandoned, changes in
22 projects or in project descriptions, or in government
23 policies.

24 This Inquiry comes at a time
25 when both Canada and the United States, are in the throes
26 of re-examining basic energy needs and policies, and the

1 corporations involved in these issues are similarly re-
2 evaluating and reassessing their positions.

3 This is a very creative
4 time for the options are still open, but it is also a
5 very difficult time. We must ensure, however, that we do
6 not allow the tactics and public posturings of any group to
7 dull our resolve to obtain all the information necessary
8 for us to make an informed and intelligent assessment of
9 the alternatives, and advise the Government of Canada
10 accordingly.

1 As we have indicated before,
2 every effort will be made to ensure that all relevant
3 evidence comes before this Inquiry. As a matter of public
4 information, you requested a project description of the
5 three proposals. I wish to advise, therefore, that additions
6 to the project descriptions being presented by TransMountain
7 and Kitimat Pipeline, Dr. William Brewer of the State
8 of Washington will be presenting a project description
9 of the Northern Tier project based on the public
10 documents and evidence currently available.

11 As for the technical assessments
12 of the impacts on Canada of the proposal to build an
13 oil port at Port Angeles, we will endeavor to have the
14 technical information available at the appropriate stage
15 of the Inquiry. I will be discussing the matter further
16 with Northern Tier Pipeline and others, indicating the
17 importance we attach to this information.

18 The request that this
19 information be made available will remain open, and I'm
20 confident that necessary information will come before
21 this Inquiry.

22 As I indicated in my statement
23 to the preliminary hearings of this Inquiry on May 5th,
24 Commission counsel will be looking to all participants
25 to voluntarily come forward and present their evidence
26 before this Inquiry. Without that co-operation, our task

1 is more difficult and this Inquiry may take longer.

2 With respect to information
3 emanating from the United States, we must rely on the
4 co-operation and good will of those companies and governments
5 outside of the formal powers of this Inquiry. We expect
6 that co-operation will be forthcoming. In any event, the
7 Inquiry staff shall actively, with the participants, search
8 out the best evidence available and present it to you for
9 your assessment.

10 I would like to turn, Mr.
11 Commissioner, to the role of the Inquiry staff. With
12 respect to the formal hearings, Commission counsel and
13 the advisory staff of the Inquiry view our role as one
14 of ensuring that all relevant evidence is put before the
15 Inquiry. We do not expect to call witnesses on every
16 topic, as there are several well-organized and well-
17 funded participants in the Inquiry who will be calling
18 evidence.

19 Nevertheless, where there
20 are gaps, we shall call additional evidence. Where
21 evidence is called by other parties, we, like all the
22 participants, want to probe that evidence in cross-
23 examination to ensure that it is accurate and comprehensive
24 for the purposes of this Inquiry.

25 The Inquiry staff are
26 entering these hearings with an open mind as to both the

1 scope of the Inquiry and as to ^{the} issues that are properly
2 to be examined. We are aware there are different priorities
3 and positions on various issues and are refraining from
4 prejudging the issues before all the evidence is in.

5 During the hearings, the
6 staff will maintain a degree of skepticism on all sides
7 in order to probe and discover the true facts as best
8 we can. Our prime concern is to ensure that all relevant
9 evidence is fully and fairly presented. Our identification
10 of issues, both in this opening statement and in discussions
11 with participants, is designed to encourage a broad
12 approach and not to in any way limit or define the
13 evidence the Inquiry should receive or impose our views
14 as to priorities on other participants.

15 The staff remains receptive
16 and open to reassessment of the issues and welcomes the
17 healthy exchange of information. Only after the hearings
18 are completed and the staff has examined all of the
19 evidence will we formulate our position and present any
20 recommendations we may wish to make in the form of a
21 final submission to this Inquiry.

22 Though Commission counsel
23 regards itself as distinct from the participants, the
24 Commission counsel and Inquiry staff do assume responsibility
25 for assisting the other participants where possible. There
26 is a library in the Inquiry offices and the Inquiry staff

1 are in the process of obtaining the key documents to
2 facilitate the research conducted by other participants.
3 Also, where special data or studies are sought from the
4 Federal Government of Canada, the Inquiry staff will
5 assist in locating that data and making the studies
6 available.

7 The Inquiry has also made
8 special arrangements with the Government of British
9 Columbia to ensure that regularly used documents provided
10 by the Province are similarly available in the Inquiry
11 library to provide the participants with a central
12 depository for the major documents.

13 The Inquiry has also obtained
14 the services of a trained librarian to ensure that the
15 materials left with the library are properly catalogued
16 and readily available to participants. Arrangements
17 have also been made for the orderly disposition of the
18 transcripts of these proceedings. In addition to
19 transcripts made available to the major participants,
20 arrangements will be made for transcripts to be deposited
21 on a regular basis in public libraries in Vancouver,
22 Kitimat and various other regional centers.

23 As for exhibits tabled with
24 the Inquiry, it is our intention to have the exhibits
25 available at the hearing room as long as those exhibits
26 are expected to be relevant to the issues before the Inquiry.

1 Otherwise, the exhibits will be retained by the Inquiry
2 secretary and will be available for review upon request
3 at the Inquiry library.

4 With respect to obtaining
5 evidence from American witnesses employed by the United
6 States Government or any of its agencies, the Inquiry
7 has made an arrangement with the United States Department
8 of State through the Canadian Department of External
9 Affairs.

10 The U. S. Government has
11 demonstrated its co-operation with this Inquiry and agreed
12 to allow Commission counsel or any participant to
13 obtain technical evidence from particular U. S. Government
14 witnesses as required. If these witnesses are requested
15 to appear before the Inquiry, Commission counsel has
16 agreed to notify the Canadian and American Governments
17 in advance of American Government witnesses that will
18 be appearing.

19 These witnesses would, of
20 course, be entitled to speak fully and openly on the technical
21 matters within their area of expertise.

22 Matters of official U. S.
23 Government policy are to be treated in a different
24 matter. Participants or Commission counsel requesting
25 a formal statement of U. S. Government policy on any
26 particular issue are requested to put that request in

1 written form to the Inquiry. Under the established procedure,
2 Commission counsel will then forward the request to the
3 U. S. Department of State who will then formally respond
4 in writing.

5 Commission counsel will then
6 read both the questions and the responses into the formal
7 record for the information of the Inquiry and the partici-
8 pants. In the view of Commission counsel, this arrangement
9 is satisfactory and a further demonstration of the
10 assistance and co-operation being offered by the United
11 States Government and its agencies.

12 Similarly, preliminary contact
13 has been made with a number of state agencies and private
14 corporations in the United States whose activities may
15 be relevant to issues before the Inquiry, and we have
16 no reason to expect that that evidence will not be
17 available when it is required at the appropriate phase
18 in the Inquiry process.

19 We anticipate further that
20 other participants in this Inquiry will wish to call some
21 of this evidence.

22 Mr. Commissioner, I propose
23 now to discuss as briefly as I can the phases and issues
24 before the Inquiry for^{the} purpose of indicating the
25 Inquiry as seen from the Inquiry staff at this time.

26 In order to structure the

1 evidence and to facilitate the participation of particular
2 interest groups, you have ordered the formal hearings to
3 be divided into six phases; legislative framework. Two,
4 crude oil supply and demand and the implications for tanker
5 traffic. Three, marine. Four, environmental. Five,
6 fishing and six, socioeconomic impacts.

7 Obviously there'll be some
8 issues that need to be discussed in their various aspects
9 at a number of phases. For example, the question of
10 liability and compensation will be raised in phase one
11 to explain the existing regime. The Maritime phase where
12 we look at flags of convenience, one ship companies and so
13 on. The environmental phase where we look at the cost
14 of cleanup and how those cleanup costs should be shared.
15 The fishing phase where we examine compensation to
16 fishermen for damage; and in the socioeconomic phase,
17 we may wish to look at new and better techniques for
18 assessing damage and obtaining compensation.

19 Phase one evidence: The
20 phase one evidence will be an examination of the applicable
21 legislative and regulatory controls affecting tanker
22 operations and marine terminal facilities. We will be
23 examining the legislation as it currently exists to
24 sketching the context within which the current proposals
25 are being considered.
26

1 Our approach has been to
2 divide this examination along jurisdictional lines, inter-
3 national, both multi-lateral and Canada/U.S. bilateral,
4 Canadian, both federal and British Columbia, and three
5 American, both federal and the State of Washington.

6 We consider the controls
7 exercised over the following functional areas to be relevant
8 in all the above jurisdictions. First, construction and
9 siting. This is for the purpose of understanding the per-
10 mitting process and the steps to be taken to gain approval
11 to build an oil port, as well as the existing powers to
12 improve conditions on the approved facilities.

13 In the American context, our
14 purpose is not to assess or influence the domestic siting
15 procedures, rather, we wish merely to understand the pro-
16 cedures in order to understand the significance of actions
17 currently taking place, and how these actions will affect
18 Canada.

19 Second, we propose to look at
20 construction and operation of tankers and terminals. This
21 is a description of legislation and convention on
22 construction standards; regulation of navigation;
23 manning requirements and qualifications; vessel traffic
24 management; pilotage and terminal operation rules,
25 including harbour regulations and spill clean-up authority.

26 Thirdly, air and water

1 pollution. This is a discussion of the environmental pro-
2 tection controls that affect pollution of water and air by
3 terminals and by ships in ports and at sea. Of major con-
4 cern is oil pollution and the authority of the various
5 jurisdictions and agencies to take action to protect
6 resources to prevent pollution and clean it up.

7 We hope to examine such
8 questions as what about Canada's claim to 200 mile limit,
9 and what are the implications for proposed tanker routes?
10 What is the extent of Canada's jurisdiction? What authority
11 do we have over the Strait of Juan de Fuca in law and in
12 practice?

13 Also of concern are air quality
14 emission standards that affect off-loading operations,
15 pollution from tank farms and water pollution from shore
16 based facilities.

17 Fourthly, liability and
18 compensation. This will present information on the various
19 liability funds that currently exist to provide for compen-
20 sation in the case of an oil spill, as well as limitations
21 on the liability of ship owners and terminal operators for
22 damage resulting from their activities.

23 I must emphasize that it is
24 not our intention, and we do not believe it is within the
25 scope of Phase I, to examine legislation that does not
26 directly apply to the B.C. coast, or to the Port Angeles

1 and Cherry Point proposals at the present time. In addition,
2 we do not envisage Phase I as including a discussion of
3 alternative regulatory systems or standards, or methods of
4 implementation that could be imposed on tankers or terminal
5 operations in the future. These matters will be discussed
6 in the subsequent phases as may be appropriate.

7 We do consider it useful and
8 relevant, however, to identify areas in which there is
9 presently inadequate or no control, as well as those areas
10 that are adequately regulated.

11 In summary, Phase I is a
12 picture of the existing regime of public control, where
13 there will be ample opportunity in subsequent phases, to
14 consider what changes in legislation or structural require-
15 ments.

16 The second phase is the
17 phase dealing with West Coast tanker traffic. In the
18 phase on crude oil supply and demand, and the implications
19 for West Coast tanker traffic, we expect evidence on the
20 underlying need for the port/pipeline facilities, the extent
21 to which any one of the facilities would fully resolve
22 the underlying problems in the short or long run; how
23 many facilities and what size of facilities would result
24 over the long term, and finally, the number, size, distri-
25 bution and origin of the tanker traffic that could be
26 expected.

1 Witnesses will be called
2 from various parts of Canada, and from the United States.

3 We know that the current
4 proposals have been initiated in response to the expected
5 surplus of Alaskan oil on the U.S. west coast, and also
6 concerns about crude oil supply to the Northern Tier
7 refineries. How large will the Alaskan surplus be, and
8 how long will it last? Will any of the ports resolve this
9 problem, particularly if the pipeline is to serve Northern
10 Tier or Canadian markets, what other types of crude are
11 demanded?

12 Will more than one port be
13 required, or are there alternatives such that no port is
14 required? We'll want to know further, how the various
15 port proposals will affect existing tanker traffic to
16 Puget Sound refineries.

17 We will also want to examine
18 the Canadian situation, and how it is related to the U.S.
19 inspired proposals. While questions of Canadian supply
20 and demand are not a central issue before this Inquiry,
21 there are a number of areas to be explored to understand
22 the implications for tanker traffic.

23 Will Canada need imported
24 crude oil in excess of that which can currently be
25 imported on the east coast? Facing such a situation,
26 what alternatives will Canada have? Where could the import

1 requirements be felt in Canada, and how could they be met?
2 What incentives would there be to look to any of the West
3 Coast Port proposals as a means of meeting Canadian import
4 requirements?

5 If Canadian demands are made
6 on any of the facilities, would expansion or additional
7 facilities be required in order to satisfy Canadian as
8 well as U.S. needs?

9 For any of the ^{proposed} possible
10 ports, you'll want to examine the markets to be served,
11 to determine what types of crude oil will be required.
12 Types of crude oil has a bearing on source, and source has
13 a bearing on the type of tankers we can expect in Canadian
14 waters.

15 Tanker size and other
16 characteristics also depend on the particular shippers
17 and recipients, and the fleets under their ownership and
18 control. We will want to examine those factors, as well
19 trying to determine the number, size distribution, origin
20 and the fleet characteristics that would be associated
21 with any of the ports.

22 Phase III, the marine phase,
23 is a particular concern to the inhabitants of British
24 Columbia, who will, primarily, have to live with the
25 potential consequences of tanker operations off the West
26 Coast. Experts have been consulted from a number of

1 countries, to review and detail the risks that will inevit-
2 ably result from all phases of the marine operations, and
3 assess features of vessel design, construction, inspection,
4 manning, navigation and operation that can be adopted to
5 decrease the number or ameliorate the effects of a tanker
6 accident.

7 The Inquiry will also examine
8 all of the safeguards thought necessary for the safe navi-
9 gation of vessels and for protection of the environment,
10 and satisfy itself^{that} necessary information and structures
11 can be provided in sufficient time for the proposed
12 Maritime operation.

13 Design features: Evidence
14 will be sought on the advantages and disadvantages of
15 features such as double bottomed tanks, double hulls,
16 segregated ballasts, twin rudders, and any other features
17 which might lead to a reduction of pollution by accidental
18 or intentional discharge, and to their value in the event
19 of a grounding or collision.

20 Evidence will be called with
21 regard to inspection carried out by government authorities
22 and private bodies, during the construction and subsequent
23 operation of tankers.

24 The factors of navigational
25 risk will be examined, and the relative advantages or dis-
26 advantages of the approaches to the various ports will be

1 considered. The methodology used in arriving at the
2 TERMPOL poll and the TERMPOL assessment on marine ports
3 will be examined, and evidence will be sought on the
4 analysis of tanker accident statistics, to determine what
5 methods are relevant to the West Coast of Canada.

6 We intend to examine various
7 means of reducing the risk of accidents, such as electronic
8 and other aids to navigation, pilot services, routing,
9 traffic management, and tug escorts.

10 Conflict with other ship
11 traffic will be considered, and the desirability of establish-
12 ing clear lanes for tankers when such vessels are
13 operating in confined channels. And what if a large tanker
14 was involved in an accident, what could be done?

15 Evidence will be requested
16 as to the availability of emergency anchorage, repair
17 facilities and means of dealing with an emergency situation.
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Office of B.C. Indian Chiefs Association

1 Both for the Kitimat marine
2 approaches and the Juan de Fuca Strait, assurances of
3 safety in tanker operations depend on the assumption that
4 the operating rules would be observed by all ships. We
5 propose to examine these rules and the means of ensuring
6 that they will be enforced.

7 How much control can Canada
8 exercise? If international agreement is required, how
9 realistic are our expectations for effective control?
10 The causes of spills at terminals will be examined, together
11 with the risk of fire and explosion involved in the transfer
12 of oil and the normal operation of tankers.

13 Many accidents to vessels can
14 be attributed to human error. Of particular concern is
15 the duration of the approaches during which precise
16 maneuvering of the tankers must be maintained. This is
17 followed by sometimes lengthy docking operations and
18 unloading. All of these sequences require constant
19 alertness by the officers and crew. Evidence will
20 be called on the standards required by international
21 and national legislation and on the measures which are
22 being taken to ensure that vessels operating within
23 Canadian waters are adequately manned and that the crews
24 are properly trained.

25 We propose to examine the
26 extent to which human error contributes to accidents and

1 consider how it can be allowed for, yet the consequences
2 limited in the systems proposed.

3 The adequacy of existing
4 laws to protect claims of Canadians in the event of
5 spills and pollution damage and suggested changes
6 will be examined. The Maritime Pollution Fund has millions
7 of dollars in it, yet only one claim for less than \$400.00
8 has been paid out.

9 Evidence will be called on
10 the fund and in other methods of ensuring proper compensation
11 for Canadians. The problems associated with one ship
12 company and flags of convenience will similarly be
13 examined.

14 In the environmental phase,
15 Mr. Commissioner, we'll deal with the dispersal of
16 spilled oil by physical forces of the environment and
17 with the contingency plans proposed to contain and clean
18 up any accidentally spilled oil. We anticipate evidence
19 with respect to impact on a resources at risk, the
20 effect of oil spills on these resources and evidence on
21 the control of damage from spills, on the effectiveness
22 of oil spill countermeasures and on the side effects of
23 cleanup methods.

24 The environmental phase
25 will also consider general ecological marine values, marine
26 birds and mammals, recreational and heritage resources, and

1 air quality as it may be affected by oil tanker traffic
2 or terminal operations.

3 In the fishing phase, Mr.
4 Commissioner, which we expect to open in Prince Rupert,
5 we will examine the impact of tanker traffic and port
6 development on fishing operations, including the impact
7 of spills and spill cleanup on fishing operations and
8 projects designed to enhance fishing potential. This,
9 in conjunction with the environmental assessment, will
10 be used to ascertain the socioeconomic implications for
11 commercial, Native food and recreational fishery.

12 We will want to know the
13 nature of the marine conflicts and the extent to which
14 congestion, wave action or other factors associated
15 with tanker traffic will affect the fishing operation.

16 With regard to the impact
17 of spills on fishing operations, we will want to examine
18 how long an area might be closed due to a spill and
19 what implications that could have. We know the
20 commercial fishing industry is of great significance
21 to the economy of British Columbia and in particular
22 to the many coastal communities. We will want to examine
23 present and possible future trends in the commercial
24 catch and processing in the different coastal areas and
25 estimate the extent and value of any losses as a result
26 of marine conflicts or environmental impacts.

1 We propose to examine the
2 concern about the expected conflict between intensive
3 net fishing operations and proposed tanker traffic, to
4 determine if the proposed tanker operational plan can
5 indeed allow successful commercial fishing in safety.

6 The question of fleet mobility
7 and what groups are particularly dependent on particular
8 fishing areas, and the interrelated social and economic
9 impacts on the communities where the fishermen or
10 processing plants are based or located, will be examined.
11 We will want to examine the nature and extent of Native
12 food fishing in the coastal areas and in the interior
13 of B. C. and try to determine the possible fishing
14 losses as a result of marine conflict or environmental
15 impacts.

16 We will examine the
17 significance of such losses in terms of economic criteria,
18 food and food alternatives; and social criteria such as
19 historical, cultural and religious use of the
20 Native food fish. We will be concerned with the impacts
21 of marine conflicts and spills on recreational fishing
22 and examination of the number of people involved and
23 the recreational alternatives they have will be important
24 here.

25 Also important will be the
26 impacts on non-resident fishermen and consequent implications

1 for tourism.

2 The final phase, Mr. Commissioner,
3 is the socioeconomic phase. We will want to examine the
4 short and long term impact of the construction and operation
5 of an oil port at Kitimat or else alternate location
6 in Canada. We'll be concerned about the short term construction
7 impacts, the effects on employment, local income and local
8 inflation and the patterns of readjustment after the project
9 is completed.

10 We will want to examine the
11 longer term consequences, the permanent jobs associated
12 with the operation of the facilities and the multiplier
13 effects on the community. We will be particularly concerned
14 with the long term development implications. Would this
15 development lead the way for other major developments
16 in transportation or an oil refinery and so on?

17 What significance or value
18 would be attached to such developments by the different
19 members of the community involved? What if there was a
20 major oil spill? What would this do to our tourist trade
21 or to our concept of what life in B. C. is like?

22 Associated with any major development are pressures on
23 social services and public amenities. We will want to
24 examine the pressures that would result from an oil
25 port development and any related development. We will
26 also be concerned about Native and non-native community

1 attitudes to development, and the broader social concerns
2 relating to this specific kind of development.

3 In the fishing phase, we will
4 have examined the socioeconomic impact related to the
5 commercial and non-commercial use of the fish resource.
6 In this phase, we will want to examine other commercial
7 and non-commercial uses of the coastal waters, logging,
8 shipping, ferries, recreational use, foreshore property,
9 beaches and so on, to try to determine the extent to which
10 these uses might be affected by oil transport and
11 possible oil spills.

12 In liability and compensation,
13 this phase will deal with liability associated with the
14 risks of environmental and socioeconomic damage. The
15 question is whether those who impose or introduce risk
16 should also accept responsibility for that risk. Is this
17 important for ensuring responsible behavior in minimizing
18 risk and also in ensuring fairness in terms of
19 compensation?

20 You'll want to examine these
21 questions with regard to both the small and the large
22 private claims and of the public at large, and consider
23 whether a new and different approach to compensation
24 should be recommended. I've taken some considerable time,
25 Mr. Commissioner, in describing these phases only to
26 demonstrate that the issues are many, the problems to be

1 considered are many, and that we expect that there will be
2 many and conflicting evidence called on all these issues.

3 I would now, Mr. Commissioner,
4 like to direct a few comments to you with respect to the
5 community hearings. It is a principal of this sort of
6 Inquiry that the information and analysis required for
7 your investigation are not all available from a single
8 source. That is why diverse social and economic interests
9 have been funded to bring evidence before the Inquiry.

10 In a similar fashion, we know
11 that our coastal communities, people and environ
12 are too complex to be fully explained or represented by
13 the organizations or the experts who will appear at the
14 formal hearings. To obtain all the evidence required by
15 this Inquiry, hearings will be held in the many different
16 types of communities where people have an interest which
17 is affected by the oil tanker schemes we are examining.

18 We know that many people in
19 these communities have a great^{deal}/of important material to
20 add to the evidence we are gathering in the Inquiry and
21 it is part of the Inquiry staff's role to organize
22 those community hearings so that people will be able
23 to assist us in this way. There are many subjects on
24 which we expect people will provide evidence at the
25 community hearings.

26 People who work in the

1 fishing industry will be able to explain many aspects of
2 their work to you, and the sorts of life and communities
3 which are supported by the fishery.
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1 Many regions of the province
2 will be affected by the proposed oil tanker project. We
3 expect that community hearings can help you to better under-
4 stand these regions, and how the projects will impact on
5 economic and social patterns there.

6 We expect that people will tell
7 you from a regional perspective, what sorts of conditions
8 you should recommend for the proposed project, in order to
9 protect or enhance the regional values they hold.

10 Many communities on the coast,
11 have more than a commercial relationship to the sea, and
12 the protein gathered from it. We expect that native
13 communities will explain to you their long history of
14 living on and with the coast.

15 As you have explained in your
16 funding decision, the Inquiry wants to learn about the
17 importance of the fisheries for native communities today,
18 both on the coast and on the major river systems.

19 Recorded information on
20 coastal waters, marine life, weather conditions, tides,
21 and currents and charting may not be as complete as we
22 would like, nor do they, by themselves, always present the
23 full sense you will need of the coastal environment.

24 Therefore, we expect that
25 local people will tell you about aspects of their coastal
26 environment and conditions, of which they have special

1 knowledge or experience.

2 Finally, we expect that many
3 people will offer you their experience, knowledge and feel-
4 ings about how the interests and values that they are con-
5 cerned about, might best co-exist with the other kinds of
6 interests and values including oil requirements to Canada
7 and elsewhere.

8 We expect also, that people
9 will bring forward evidence concerning how they believe
10 their regional knowledge and interest can be given its
11 proper place as the federal government proceeds to develop
12 policy in the national interest.

13 In arranging community hear-
14 ings, your staff works in liaison with the participants
15 in the Inquiry, and other individuals and organizations
16 who have contacted us. The purpose of this liaison work
17 is to learn about the types of evidence that are available
18 in communities, and how best to arrange the hearings so
19 that this evidence might be brought forward.

20 In advance of the community
21 hearing, you will ensure that people have formal notice of
22 your attendance and how they might participate.

23 The community hearing staff
24 will continue to work with individuals and organizations
25 in developing the plans for these hearings, and Inquiry
26 staff will be active, providing assistance and information

1 to the people who are present submissions for presentation
2 in their communities.

3 In order to assist partici-
4 pants in the Inquiry process, we have developed an inform-
5 ation program, designed to give people access to the evi-
6 dence being presented at the formal hearings. We expect
7 that many people will want to add to the evidence they read
8 about or hear about. Some will want to supplement it, and
9 others will want to challenge or correct evidence given.

10 You have already described
11 proceedings and the arrangements made with two agencies
12 for the preparation of educational material.

13 We expect that many people
14 will want to write to you during the course of the Inquiry.
15 Some of these letters will offer you valuable suggestions
16 for questions or evidence which should be put before you.
17 People will be able to ensure that matters of concern to
18 them are raised before you by writing to you.

19 Commission counsel and staff
20 will make use of these letters in developing questions for
21 witnesses at the formal hearings, and to ensure that all
22 the available information is brought before you in either
23 formal hearings or community hearings. We encourage
24 people to write to the Inquiry in this way.

25 Procedure at community
26 hearings. The people who propose to give evidence at

1 community hearings will be requested to notify the Inquiry
2 in advance, but advance notice will not be a condition for
3 giving evidence.

4 We anticipate that in most
5 circumstances, representatives of the companies whose pro-
6 posals are being examined, will be invited to attend the
7 community hearings, so that they can answer questions put
8 by local people.

9 People giving evidence at
10 the community hearings will be sworn, and their evidence
11 will be given the same weight as evidence given at the
12 formal hearings. There will be no cross-examination of
13 evidence presented at community hearings.

14 We do expect that some
15 evidence given at the community hearings will be content-
16 ious, and that some participants may want to have a chance
17 at questions or cross-examination. When this occurs, we
18 propose to work out special arrangements for having these
19 matters brought over into the formal sessions of the
20 Inquiry for further examination.

21 Mr. Commissioner, you will
22 see from the review of the phases of the Inquiry, and the
23 discussion of the community hearing program, that this
24 Inquiry has an ambitious task ahead of it. It also has a
25 very important task, with important consequences for all
26 Canadians.

1 The Inquiry demands the good
2 faith and co-operation of all. We must not allow ourselves
3 to slip into public postures of self-interest or attempt to
4 set up legal technicalities or encumbering formalities.
5 This Inquiry has a public trust. The projects being pro-
6 posed involve hundreds of millions of dollars. They all
7 have risks associated with them, risks that, by and large,
8 the public of British Columbia must bear.

9 Is there not an obligation,
10 therefore, on all of us involved in this Inquiry process,
11 to ensure that there is a full, fair and public examination
12 of these projects, so that we can understand them, their
13 costs, their benefits and the alternatives?

14 There has been little ongoing
15 broad public assessment of the impact on Canada of these
16 projects. That is why this Inquiry has been created.

17 It is the view of Commission
18 counsel and the Inquiry staff, that we have an obligation
19 to ensure that all the evidence that can reasonably be
20 brought before the Inquiry is presented to you; that the
21 evidence is carefully considered and critically assessed
22 with an open mind, and that we, along with the other parti-
23 cipants, assist you in your task of evaluating the evidence
24 and making sound recommendations to the Government of
25 Canada.

26 It is in fulfillment of this

1 obligation that we dedicate our efforts to achieve the goal
2 of a full and fair Inquiry.

3 Thank you, Mr. Commissioner,
4 for your patience.

5 THE COMMISSIONER: Thank you,
6 Mr. Anthony.

7 Considering how warm it is
8 under the television lights, I think we will break now.
9 There is coffee available in the foyer, and we'll reconvene
10 shortly after 2:30, at which time we have other opening
11 statements.

12 Thank you.

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14 (PROCEEDINGS ADJOURNED FOR A FEW MINUTES)
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1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

2 THE COMMISSIONER: Please
3 take your seats so that we may reconvene. Gentlemen, I
4 made a ruling at Kitimat, at popular request, that during
5 the sittings there would be no smoking in the hearing
6 room and that we would invite those who wish to smoke
7 to step out into the hallway or the foyer or out of the
8 main hearing room. So, we'd appreciate that, I think, as
9 the practice here as well.

10 May I ask Mr. Parfitt of the
11 District of Kitimat/ Stikine to begin with an opening
12 statement this afternoon. Is Mr. Parfitt here? His
13 material is here but he's not. The next person on the
14 list is Mayor Thom and I see his chair empty too. So,
15 I guess we'd better round up these candidates. We'll just
16 wait a few moments.

17 MR. PARFITT: Sorry, Mr.
18 Commissioner, there was a line up at the coffee urn out
19 there. I'm Ray Parfitt, the planning director of the
20 Kitimat/Stikine Regional District and just a very brief
21 statement here of intent.

22 The Regional District of
23 Kitimat/Stikine is one of twenty-eight regional governments
24 in British Columbia. Included in its boundaries is over
25 39,000 square miles in the northwest part of the Province.
26 Our southern coast has about ten thousand lineal miles of

1 Pacific shoreline which will be indirectly affected by the
2 Kitimat Pipeline opportunity, if it goes ahead. Included
3 in the statutory responsibilities of the Regional District
4 are the provision of a full range of planning and
5 administrative services for unorganized areas, the co-
6 ordination of Provincial Government resource agency
7 activities through a standing technical planning committee,
8 and the administration of our regional hospital district
9 providing health care facilities throughout the North.

10 With the announcement that
11 the Federal Government had commissioned the Kitimat
12 Oil Port Inquiry and that monies would be available for
13 project assessment and research, the Regional District
14 applied for monies and received a sum of \$5,000.00. As
15 was outlined in the Regional District's application for
16 funding on May the 5th, our major/in regards to the proposed
17 port pipeline project in Kitimat and the short and long
18 range social economic impacts of a development project
19 of this magnitude.

20 This concern is shared with
21 members of the Inquiry as consultants had been assigned
22 to survey these impacts of Commission staff. The Regional
23 District has assumed responsibilities to provide information
24 on the following aspect of social and economic impact. At
25 this early date these components are tentatively outlined
26 as follows.

1 1A) the recreational activities in the Kitimat/Terrace
2 area. Marine and shore-related recreational
3 opportunities as may be affected by tanker traffic,
4 oil spills, or other tanker port pollution.

5 1B) the availability of alternative marine and
6 recreational areas or amenities in relationship
7 to current Kitimat/Terrace area populations
8 and in relation to possible economic development.

9 Tourism in the Kitimat/Terrace area
10 2) in terms of the current extent and economic
11 contribution of tourism to the region, and the
12 positive or negative impacts on this tourism as
13 a result of oil port development, tanker traffic,
14 oil spills or other tanker port pollution.

15 The Regional District financed
16 and built a salt water marina at Kitimat on the Douglas
17 Channel which opened two years ago and in terms of the
18 regional impact, it's about the closest to salt water
19 that we have on the highway 16 corridor, the Yellowhead
20 corridor, going into the prairie provinces and these are
21 some of the users that we do receive from as far east
22 as Saskatoon and into Manitoba.

23 The other aspect we want
24 to examine and identify is the social service and housing
25 requirements at the oil port level in terms of the two
26 communities of Kitimat and Terrace. Current supply and

1 relationship to requirements with current population
2 levels, additional requirements in terms of the amount that
3 would be required, nature of housing, temporary or
4 permanent, and the cost of providing this, particularly
5 in respect to peak construction periods, and the production
6 aspect after construction is terminated.

7 The third part that we wish
8 to do is to define alternative economic developments and
9 planning strategies for the Kitimat/Terrace area. We
10 recognize that Kitimat is a northern port, could stand
11 to be one of the major industrial areas of northern
12 British Columbia, and we'd like to identify the future
13 alternatives that are available with the current information
14 that we have in our own library and with the research that
15 we worked with government on on a day to day basis.

16 I want to examine the
17 historical and present nature of Kitimat/Terrace area
18 economies and define the possibilities for an assessment
19 for future development strategies as viewed by ourselves
20 and different subcommunities within the area.

21 I think, Mr. Commissioner,
22 that is all that we'll identify at this point in time.
23 We're working in conjunction with your Commission staff,
24 as well as doing the work which the funding has allowed
25 us to do. We'll be making further presentations at your
26 community hearings in Kitimat. Thank you.

1 THE COMMISSIONER: Thank you,
2 Mr. Parfitt. Next on my list for the District of Kitimat,
3 Mayor George Thom.

4 MAYOR THOM: Mr. Commissioner,
5 the Council of the District of Kitimat, by majority
6 vote, endorses the development of an oil terminal at
7 Kitimat. The decision by my council has been arrived at
8 1) on the strength of the Federal Government's statement,
9 that Canada must have access to offshore oil to maintain
10 its industrial development.
11 2) in the firm belief that the interests of British
12 Columbia, the environmental risks resulting from possible
13 oil spills are lower in the waterways approaching Kitimat
14 Harbour than they would be from increasing tanker traffic
15 in the Straits of Juan de Fuca.
16 3) that cleanup operations, should they be necessary,
17 will be more successful and less costly environmentally
18 in the channels approaching Kitimat.

19 We take this position with
20 the full confidence that the two senior levels of
21 government will ensure that the latest technology in the
22 areas of navigational aides, pollution abatement and
23 control will be implemented under the auspices of Canada
24 Shipping Act.

25 We further believe that
26 under Federal jurisdiction, the existing oil spill compensation

1 fund will be enlarged to cover the cost of any cleanup of
2 private and public property, and will compensate those
3 persons who suffer financial loss resulting from the
4 development of an oil terminal at Kitimat, in the
5 interest of the Canadian nation.

6 The District of Kitimat
7 policy on industrial development has been to encourage
8 industry to locate and expand in Kitimat. This policy
9 has been subject to the provision that such industries
10 will not have an unacceptable impact on the environment,
11 and that the developer will be willing to accept the
12 responsibility for a fiscal impact upon the municipality
13 to lessen the demand upon the existing residents,
14 particularly when new services and facilities are
15 warranted by the influx of residents related to industrial
16 development.

17 To attain these goals of
18 orderly development, the municipality has over the years
19 spent considerable sums of money for the ongoing planning
20 of Kitimat's development. This planning has followed
21 closely from the pattern set by the original master
22 plan of Kitimat developed in the early '50's, at the time
23 of Kitimat's inception.

24 In like manner to Kitimat's
25 original birth and the economic development of British
26 Columbia, and for that matter British Columbia itself,
Kitimat's history has been closely related to the resource
extractive and manufacturing industries.

1 Eurocan's development in the
2 '60's did not change that pattern, and likewise, Kitimat's
3 industrial planning does not foresee a break in this
4 pattern.

5 To bury our heads in the sand,
6 and to expect to have small, secondary industries located
7 in Kitimat, relatively far from the market place is unreal-
8 istic. Northern British Columbia and Kitimat should expect
9 to have industry develop , and should realize that this
10 industry will be extractive in nature, large in size, and
11 have environmental problems which will have to be resolved.

12 We in Kitimat, feel parti-
13 cularly proud that we have always been in the forefront of
14 environmental protection. The best evidence of this was
15 the Works Waste Regulation By-law, passed by Council in
16 1968, to control the air effluents of Kitimat's industries.
17 At that time, it was the first and only by-law of its
18 nature in Canada.

19 The by-law was geared to
20 ensure environmental protection of Kitimat, its people
21 and surroundings, and was particularly significant, in that
22 the stringent regulations are valid even today, with the
23 efficient regulations of pollution, which has been
24 achieved in our province through the Pollution Control
25 Act of 1967.

26 Since 1967, British Columbia

1 has developed some of the most comprehensive guidelines in
2 North America, and perhaps the world, to regulate multiple
3 uses of the environment. Industry expects to be regulated
4 in the area of effluent discharges, and society recognizes
5 the need for a balance between environmental protection and
6 industrial development.

7 Unfortunately, the foresight
8 of the provincial government in controlling usages of the
9 environment, has not been taken up by the federal government.
10 The federal government's lack of policies, or flexible
11 policies, on energy and the environment, are directly
12 responsible for the delays in establishment of industry
13 such as pipelines.

14 While our neighbours to the
15 south have made energy their number one priority, we in
16 Canada have forgotten the energy crisis and the OPEC
17 oil embargo. While the National Energy Board has clearly
18 outlined our plight and a need for increasing amounts of
19 offshore oil, an identified policy which government must
20 pursue for conservation, research and development, and
21 access to oil sources, the federal government has not made
22 this explicitly clear to the people of Canada.

23 Let us view this pipeline
24 proposal in perspective. Investment of a half a billion
25 dollars in B.C.'s economy is not insignificant. It is a
26 very substantial undertaking. In the short term, British

1 Columbia needs this type of investment. The economic fore-
2 cast of B.C., is one centred on the expectations for the
3 provincial export industries, and hence, the economic
4 climate of our main trading partners.

5 Any way you describe it, the
6 prognosis is not encouraging. Rightly or wrongly, our
7 resource industries claim they are finding it extremely
8 difficult to compete due to cost of production. Any young
9 person going into the work force of British Columbia today
10 knows that the economy is not booming.

11 Do not misinterpret us: We
12 do not expect the pipeline to solve all our problems. Our
13 only contention is that a half a billion dollar investment
14 is a significant financial undertaking.

15 In Kitimat, a two industry
16 town, we are acutely aware of the fluctuating financial
17 successes of our industry. Their success or failure is
18 quickly transmitted to the remainder of Kitimat's business
19 community, and results in major variation in our city
20 population.

21 The more diverse the indust-
22 rial base of a community, the less susceptible it becomes
23 to economic cycles.

24 A major harbour development
25 on the Douglas Channel, would expand the economy of the
26 entire northwest. The Council of the District of Kitimat

1 is aware of the plight of the small businessman, and of
2 the complaints of the taxation of our industry, and of the
3 demand for amenities and services by our citizens at
4 large.

5 Despite demands for restraint,
6 in all municipal expenditures, the mill rate in Kitimat has
7 gone up 42.1 per cent since 1974. As costs of operations
8 go up, and while assessment levels are relatively stable,
9 only increasing 3.6 per cent over the same period, with an
10 actual decrease in assessment levels in 1976, the Kitimat
11 taxpayer is faced with ever-increasing taxes, no matter
12 what restraints in spending are implemented over and above
13 the already existing restraints in spending, implemented by
14 both present and past councils.

15 Kitimat's expectations are
16 for a ferry service to Vancouver, for development of
17 Kitimat's port, and for recreation facilities, and for
18 relief from increasing taxation.

19 The Municipality, meanwhile,
20 is faced with having to replace much of its infrastructure
21 of a community built 25 years ago, which is slowly having
22 its streets, buildings and facilities wearing out or need-
23 ing greater maintenance.

24 Our dilemma needs no economic
25 study or Inquiry to understand. Our calculations indicate
26 that a pipeline in Kitimat would pay somewhere in the order

1 of 1.6 million dollars per year in property taxes in the
2 District of Kitimat. Those tax revenues are badly needed
3 in Kitimat.

4 The council and administration
5 of the District of Kitimat have, since March, 1976, closely
6 followed, planned and thought about the implications of an
7 oil superport. As has been our practice in Kitimat, we
8 retained a consultant to advise us on the technical aspects
9 that require up-to-date knowledge, in order to protect the
10 interests of the people of Kitimat, and to ensure that any
11 development will keep environmental concerns and values
12 of the people of Kitimat foremost. Our consultant's
13 report is a public document.

14 With responsibility for the
15 protection of the environment foremost in our minds, the
16 District of Kitimat has reviewed thousands of pages of
17 reports on the Kitimat pipeline proposal; has questioned
18 and dealt extensively with their officials and consultants,
19 and have always found them to be forthright, frank and
20 helpful.

21 The Council of the District
22 of Kitimat is of the opinion that such a proposal would be
23 beneficial to Kitimat, and that with the proper safeguards,
24 and with the most modern technological procedures and
25 navigational aids, the highest protection of the environ-
26 ment will be achieved.

1 We therefore endorse -- I'm
2 sorry, we therefore endorse the development of an oil
3 terminal at Kitimat, and request that the Inquiry proceed
4 with its business expeditiously, and with the emphasis on
5 procedural matters, to ensure environmental protection.

6 The District of Kitimat's
7 approval is subject to the satisfactory resolution of all
8 environmental and ancillary deficiencies, identified by
9 the District of Kitimat's environmental consultant's
10 report, many of which are the responsibility of the federal
11 government.

12 The District views with some
13 degree of concern, that the federal government's decision
14 not to participate in the hearing, other than on specific
15 requests.

16 We would like to emphasize
17 that many of the deficiencies, as identified as the
18 responsibility of the pipeline company, have been resolved
19 to our consultant's satisfaction, but still need to be
20 incorporated as part of the permit for the pipeline.

21 The District of Kitimat
22 would also like to endorse the TERMPOL assessment of the
23 Kitimat proposal in general terms, and endorse their
24 recommendation.

25 In specific terms, the major
26 aspects of the proposal, which the District of Kitimat wants

1 to see satisfactorily resolved are:

2 (1) Provisions by the senior
3 levels of government, in co-operation with the pipeline
4 company, of the most stringent regulations and requirements
5 for navigational equipment and navigational aids along the
6 tanker routes.

1 (2) The provisions of effect-
2 ive methods of enforcement of regulations, and strict
3 tanker and overall marine and terrestrial operational
4 requirements for the protection of the environment.

5 We see, as a necessary part
6 of these requirements, a system of checks and balances, as
7 well as periodical trials for all contingency measures.

8 (3) Particular protection
9 for Kitimat's recreational resources and salmon and trout
10 fisheries of the Kitimat River, and protection of the
11 aesthetically pleasing pleasure boat cruising and fishing
12 areas of the channel, of Lakelse Lake and our domestic
13 water supply, and potentials for industrial waterfront
14 development.

15 (4) A resolution of any air
16 pollution problems from discharging ships, and

17 (5) The assurance, by the
18 senior levels of government, that effective channels of
19 communication will be developed and maintained with local
20 government.

21 The District of Kitimat
22 concurs with the TERMPOL Assessment Committee's decision
23 that not all the information required of the pipeline is
24 to be completed immediately, but can be included as
25 operational requirements and conditions.

26 The District of Kitimat is

1 also of the opinion that much of the responsibility for
2 satisfactory resolution of these matters lies with the
3 senior levels of government, and particularly the federal
4 government.

5 We recognize that British
6 Columbia is fortunate to have progressive pollution control
7 legislation like the Pollution Control Act of 1967, which
8 recognizes that there are multiple uses of the environment.
9 In our opinion, this recognition is what has made this
10 particular piece of legislation so effective.

11 On the other hand, the
12 Federal Fisheries Act does not recognize multiple uses,
13 and is prohibitive in nature. This, in our opinion, has
14 made this legislation ineffective, and has fostered uncer-
15 tainty as to the federal government's policy toward the
16 environment, vis-a-vis industrial development, and has
17 required constant policy decision making by the politicians,
18 as opposed to developing administrative procedures for
19 enforcement by experts and scientific personnel.

20 This Inquiry is perhaps a
21 good example of the problem. A quasi-judicial recommendation
22 will be made by you, Mr. Chairman, to a political body.
23 What is really needed is a forum for discussion of regulat-
24 ory and enforcement procedures by technical staff, and
25 Ministry of Transport's recognition in the TERMPOL poll,
26 that only in the most extraordinary cases will environmental

1 constraints determine that a project is too environmentally
2 sensitive to proceed is heartening for Canada's future as
3 an industrialized nation, and will direct the efforts of
4 the people of Canada to rationally control and regulate,
5 rather than prohibit industrial development.

6 In summary, the District of
7 Kitimat would like to make perfectly clear that we see the
8 pipeline proposal and oil terminal for Kitimat, having
9 significant positive impact for all northern development,
10 and for Kitimat's development, not only in the terms of
11 jobs, tax revenues and spin-off benefits, but for develop-
12 ment of Kitimat as a major port, and tidewater gateway to
13 a large system of valleys ranging all the way to the Yukon
14 and Alaska.

15 This system of valleys is
16 rapidly becoming one of the major transportation corridors
17 of the north, and it's comparable in size only to the
18 Fraser River Valley.

19 May we also mention that
20 although the people of Kitimat have a high regard for the
21 environment, Kitimat is by no means an environmental wonder-
22 land. But on the contrary, Kitimat is a major industrial
23 city of the northwest.

24 Our support is given to the
25 pipeline proposal, with the realization that this is not
26 an American pipeline, but a pipeline for Canadian and U.S.

1 needs. It is a major industrial development which will
2 bring significant revenue to Canada.

3 From a broader perspective,
4 we feel that Kitimat offers significantly less environmental
5 risk than a proposal at congested Cherry Point, or in the
6 open pacific at Port Angeles. We feel that a terminal
7 should be placed where they are the least environmental
8 risk , and the situation is most favourable for clean-up.

9 We believe that the evidence
10 shows that the Douglas Channel provides these. We do not
11 see any problems with the assimilation of the proposed
12 work force in Kitimat, and provisions of education, health
13 and other services.

14 Kitimat's other industries
15 had a much larger work force, and were readily accommodated.

16 We also see considerable
17 potential, and benefit for Canada, in the development in
18 Kitimat of strategic oil reserves in the form of cavern
19 storage, as they have in other European nations and the
20 United States.

21 For these reasons, we support
22 an oil terminal in Kitimat.

23 Mr. Chairman, in response to
24 your specific request in your Notice of July the 6th,
25 1977, I am pleased to advise you that the District of
26 Kitimat will be represented by Mr. Adrian Jones, during all

1 phases of the Inquiry, and by both Dr. Derek Ellis and Mr.
2 Jones, during the environmental phase. We intend to cross-
3 examine witnesses from time to time, when we feel that
4 particular clarification of our interests are necessary.

5 We are prepared to provide
6 information dealing with various aspects of the proposal,
7 and its impact on Kitimat, be they environmental, economic
8 or social impact . We also wish to retain an option to
9 expand or decrease our participation in the Inquiry, if
10 we see that changes in the scope and nature of the Inquiry
11 warrants a reassessment of our participation.

12 THE COMMISSIONER: Thank you,
13 Mr. Thom.

14 We appreciate the active
15 participation which you've indicated will be taken on
16 behalf of the District. Thank you.

17 I also notice that you and
18 I agree that an Inquiry like this is something that should
19 happen only once in a lifetime.

20 Next on the list is for
21 the Attorney-General's Department of the Province of
22 British Columbia, Mr. Pearlman.

23 MR. PEARLMAN: Mr.
24 Commissioner, my name is Paul Pearlman, I appear as
25 counsel on behalf of the Attorney-General of British
26 Columbia, representing the Province of British Columbia

1 at this Inquiry.

2 Mr. Commissioner, it is the
3 province's understanding of the role of this Inquiry, as
4 outlined by you today, that the Inquiry will elicit facts
5 and information and make recommendations, rather than any
6 binding decision on any of the proposals.

7 Many factors have yet to come
8 to light. An example would be Canadian national policy in
9 respect of the allocation of Alberta crude oil. Until more
10 evidence is in, the Province will not be adopting any
11 formal policy position.

12 Accordingly, Mr. Chairman,
13 I should state that at present, the province is not parti-
14 cipating in this Inquiry to support or oppose any particular
15 proposal, or to advance any defined or pre-determined
16 position in respect of any of the issues which may come
17 before the Inquiry.

18 However, the Province does
19 reserve the right to support or oppose any proposal at a
20 later stage of the Inquiry, and to advance arguments on
21 any issue which the Inquiry may consider as the evidence
22 unfolds.

23 The Province does intend to
24 make detailed submissions and call expert witnesses during
25 each phase of this Inquiry, in order to provide the Inquiry
26 with as much information as possible, which may be of

1 assistance to it. These witnesses will be drawn from an
2 inter-departmental task force on Energy and Transportation,
3 whose functions I shall describe shortly.
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1 The opinions expressed by the
2 task force witnesses will be based upon their own studies
3 and expertise and will not be statements of government
4 policy unless the contrary is clearly indicated. The
5 interest of the Province in this Inquiry arises from the
6 very obvious facts that a decision to proceed with anyone
7 of the proposals will result in the construction and
8 operation of a major oil port facility, either within the
9 boundaries of the Province or closely adjacent to it.
10 Also, a substantial increase in oil tanker movements
11 along the British Columbia coast. Equally, each of the
12 proposals will have a major impact upon provincial
13 energy planning.

14 Without making any attempt
15 to assign priorities, the provincial interest may be
16 broadly characterized as follows:

- 17 A) the assessment of environmental risks and costs
18 and ways of minimizing such risks and costs in
19 respect of each proposal.
20 B) the effect of each proposal on the provincial
21 economy.
22 C) the implications of each proposal for provincial
23 energy policy.

24 Mr. Anthony, in his opening
25 statement , identified in some detail the various concerns
26 in relation to each one of these elements and I won't

1 reiterate those points now because, in many cases, they
2 represent a parallel concern by the Province to that of
3 the Inquiry.

4 At this point, Mr. Chairman,
5 in order to indicate the nature and extent of British
6 Columbia's participation in slightly more detail, I
7 should like to read into the record a letter written to
8 you by the Honourable Mr. Jack Davis, Provincial Minister
9 of Energy Transport and Communication on May 3, 1977.
10 While the Honourable Mr. Davis wrote that letter before
11 the terms of reference of this Inquiry were expanded to
12 include proposals other than the Kitimat proposal, the
13 commitment of the Province to provide its full co-operation
14 to the Inquiry remains unchanged.

15 I should say that that letter
16 was read into the record at the preliminary hearing at
17 Kitimat. However, I would like to read it again just to
18 make its contents known to members of the audience and
19 the participants here today. The letter is addressed to
20 Dr. Andrew Thompson, Commissioner.

21 "Dear Dr. Thompson:

22 On behalf of the Government of British Columbia,
23 I am pleased to offer our full co-operation
24 in providing your Inquiry with documentary
25 information and expertise brought together by
26 the Energy Transportation task force of the

1 Provincial Government. This task force is
2 an interdisciplinary group which has been
3 organized to analyze the various project
4 proposals which might come forward on west
5 coast oil delivery systems.

6 Studies prepared by the task force have been
7 based on information in the public domain
8 or generated by provincial agencies. These
9 studies are not complete due largely to a
10 lack of hard information on the number of
11 important environmental and navigational
12 considerations, and to some extent by the
13 absence of a clear national policy on the
14 geographic pattern of crude oil deliveries.
15 Because much remains unknown, the Province
16 has yet to take an official policy position
17 in relation to the Kitimat proposal or
18 any alternative proposal.

19 We hope that your Inquiry will bring forward
20 a good deal of the hard information we regard
21 as lacking and thereby allow for more informed
22 and complete consideration of the Kitimat
23 proposal. Parenthetically I should say any
24 other proposal.

25 The Province will make available as witnesses
26 before the Commission knowledgeable personnel

1 from the task force who will offer their own
2 judgments and opinions on issues within their
3 areas of expertise. These will, of course,
4 represent the professional judgment of these
5 individuals and will not necessarily represent
6 official provincial policy on any specific
7 issue".

8 The task force on energy
9 and transportation referred to in Mr. Davis' letter is
10 comprised of persons from the British Columbia Energy
11 Commission, the Ministry of the Attorney General, the
12 Environment and Land Use Committee Secretariate which
13 co-ordinates the work of the Ministries of Environment,
14 Conservation and Recreation, the Ministry of Economic
15 Development and finally, the Ministry of Energy, Transport
16 and Communication.

17 The task force has undertaken
18 detailed analyses of environmental, socioeconomic, navigational
19 and energy policy matters in respect of the movement
20 of oil from offshore throughout British Columbia, and
21 these studies are still ongoing. Mr. Commissioner, I'm
22 advised by Mr. Bob Green, the Chairman of the task force,
23 that members of his group are now in the process of making
24 available to the Commission library, copies of those
25 documents requested by Commission counsel from the
26 provincial list of documents. Of course, as the task force

1 generates further documents, we shall make available a
2 supplementary list of documents and provide those to
3 participants and the Commission.

4 Finally, Mr. Chairman, I
5 would like to table a compilation of Provincial statutes
6 of general application which the Province feels may be
7 relevant to this Inquiry. I should state that this is
8 not intended to be exhaustive and that we may be providing
9 additional statutes from time to time as we unearth them.

10 As you can see, I'm concerned
11 that we make the full position of the Province known as
12 fully as possible, Mr. Commissioner.

13 THE COMMISSIONER: We appreciate
14 that.

15 MR. PEARLMAN: Unless you
16 have any questions, I conclude my opening statement for
17 the Province.

18 THE COMMISSIONER: Thank you,
19 Mr. Pearlman. Are you going to provide that list?

20 MR. PEARLMAN: I will provide
21 both copies. I have two copies of our statutes here and
22 I'll provide them to the Commission secretary now, if I may.

23 THE COMMISSIONER: All right.
24 Then they'll receive an exhibit number. Exhibit 23.
25 (COPIES OF PROVINCIAL STATUTES MARKED EXHIBIT 23)

26 MR. PEARLMAN: Thank you.

1 THE COMMISSIONER: Thank you,
2 Mr. Pearlman. Finally, on my list for this afternoon,
3 there's Dr. Ruth Weiner for the Washington Coalition against
4 oil pollution. Dr. Weiner?

5 DR. WEINER: Thank you very
6 much for having me appear this afternoon. In fact, I would
7 like to thank the Commission and Dr. Thompson for permitting
8 us to appear at the Inquiry. I'd like to identify myself
9 briefly for the hearing record. My name is Ruth Weiner.
10 I'm a resident of Bellingham, Washington, and I'm Professor
11 of Environmental Studies and Dean of the Huxley
12 College of Environmental Studies, a division of Western
13 Washington State College. I'm a member of the Board of
14 Directors of the Coalition against oil pollution, the
15 Washington Environmental Council and the Washington Air
16 Quality Coalition. I'm also a member of the Oceanographic
17 Commission and oceanographic Institute of Washington.

18 At this hearing, I am
19 representing only the coalition against oil pollution.
20 The Commissioner has directed that opening statements
21 be a general overview of participant interest and
22 evidence. I would, therefore, like to present my statement
23 in three parts.

24 First, an overview of the
25 attitudes and actions of Washington State environmental
26 groups regarding oil transport. Second, the position

1 of the coalition against oil pollution at this time. Third,
2 a brief survey of air quality impact .

3 When environmental groups in
4 Washington State first became aware that the Pudget Sound
5 refineries would no longer be supplied with Canadian
6 crude after 1977, their initial response was that this
7 supply and this supply only would be replaced by tanker
8 transported crude. The four Pudget Sound refineries use
9 about 280,000 barrels per day. In 1972, ninety per cent
10 of this crude was supplied by pipelines from Canada.

11 Today, it is all brought in
12 by tanker.

1 Attempts were made to prevent this increase in tanker traffic
2 on Puget Sound by exploring a range of trade-off alternatives,
3 but no alternative was found. Tanker traffic on inner
4 Puget Sound has increased fourteen-fold during this period.

5 In 1975, the Oceanographic
6 Commission of Washington published a study entitled
7 "Offshore Petroleum Transfer Systems for Washington State".
8 This study, which I will refer to as the Oceanographic
9 Commission Study, recognized the possibility that crude
10 oil would have to be trans-shipped by pipeline from the
11 west coast of the United States, specifically through
12 Washington State, to supply refineries in North Dakota,
13 Montana, Wyoming and Minnesota, the Northern Tier states.

14 These refineries have also
15 been supplied in part by Canadian crude. The ultimate
16 capacity of the Northern Tier refineries, including crude
17 which they sell, is estimated to be about 800,000 barrels
18 per day.

19 The Oceanographic Commission
20 report also considered the possibility of trans-shipment
21 of crude oil through Washington State for California, and/or
22 for the Midwest. The Coalition Against Oil Pollution, an
23 organization of approximately 30,000 members and including
24 ten supporting organizations, was formed in 1972. Our
25 concern was to prepare ourselves knowledgeably for the
26 political pressure to use Washington State as a port to

1 receive oil from the Alaska north slope. The 1974 SOHIO
2 proposal to transport crude oil through Washington for
3 refineries in the mid-west, and the decision to terminate
4 the supply of Canadian crude for American refineries, made
5 this pressure a reality.

6 Environmental groups in
7 Washington were forced to consider the possibility of trans-
8 shipment. The initial reaction was, we are not convinced
9 that we really must have trans-shipment through Washington.
10 Alternatives were mentioned, including California as a
11 trans-shipment site; sales to Japan; trades with the east
12 coast.

13 Today, there is one environ-
14 mental group which has issued public statements in oppo-
15 sition to any trans-shipment, and there is another which
16 has requested federal determination of the need for trans-
17 shipment.

18 There is also, of course,
19 local opposition in those communities where a facility
20 has been suggested. The Coalition is convinced that we
21 are faced with trans-shipment through a port in the Pacific
22 Northwest, whether we like it or not. We cannot, in good
23 conscience, suggest Long Beach, California as an alter-
24 native, because of the severe air pollution considerations
25 there.

26 Moreover, and more important

1
2 to this hearing, we cannot glibly suggest Kitimat, simply
3 because we don't know, in detail, what the environmental
4 problems there are.

5 The Coalition has therefore
6 taken the following position :

7 (1) There should be one
8 trans-shipment terminal only to serve the Puget Sound
9 refineries and to provide for trans-shipment to the Northern
10 Tier States, and if necessary, the Vancouver refineries.

11 (2) Hook-up to this terminal
12 should be mandatory for the refineries served.

13 (3) Such a terminal is best
14 located on the Straits of Juan de Fuca, or at or west of
15 Port Angeles.

16 This position was arrived at
17 early in 1976, after several moves on the part of various
18 oil companies. In 1974, Ohio had -- SOHIO, excuse me,
19 had proposed a trans-shipment terminal in Washington for
20 north slope oil to supply the mid-west. The SOHIO proposal
21 was abandoned in 1975. It did not address the problem of
22 the Northern Tier States.

23 In early 1976, Northern Tier
24 Pipeline Company proposed a trans-shipment terminal at
25 Cherry Point near Ferndale, Washington, then revised the
26 proposal to a site at Port Angeles. Cherry Point is the

1 site of two refinery complexes, Arco and Mobil, and is
2 currently supplied by tanker. About three-quarters of the
3 refined products from these and the Anacortes, Washington
4 refineries, is shipped out, about 70,000 barrels per day
5 are shipped out by tanker. Cherry Point seems, at first
6 glance, a logical site.

7 However, in 1975, the Ocean-
8 ographic Commission Report was completed. As this study
9 points out, increased tanker traffic through Rosario
10 Straits, increases the risk of a major oil spill, a spill
11 of 6,000 or more barrels in inner Puget Sound. The present
12 risk, with local needs entirely served by tanker, this is
13 the situation we currently have, is predicted to be two to
14 three spills in 21 years.

15 The proposed trans-shipped
16 volume would raise this to eight to ten spills in 21 years.
17 The impact of a major spill on the Puget Sound fisheries,
18 and the rocky beaches and waterfront property along the
19 Sound, the extreme difficulty of spill clean-up within the
20 Sound, the containment and spread of a spill in the inner
21 Sound, and the miles of shoreline affected, have made this
22 the overriding environmental considerations in siting of
23 a trans-shipment terminal in Washington.

24 These considerations may be
25 discussed in greater detail at future hearings, if the
26 Commission so desires.

The Coalition has come to the same conclusion as the Oceanographic Commission report. Many of us have reached this conclusion reluctantly, because there is no way to construct an off-loading terminal and oil storage facility without doing substantial environmental damage, and we do not want to see this happen on the Olympic Peninsula of Washington.

But if we hide behind a stone wall of a no trans-shipment policy, we will be excluded from any negotiations and may well end up with expanded facilities at Cherry Point; a terminal at Port Angeles; increased tanker traffic on the inner Sound, and other terminals in Washington, Oregon and British Columbia as well.

Since it appears that we must have a trans-shipment facility, it is far better to have only one to serve this area and the Northern Tier States. We are adamant in our insistence on mandatory hook-up. If this is not required, we will continue to have heavy tanker traffic at Cherry Point, and may even see increased traffic with the advent of offshore drilling. Again, without mandatory hook-up, we may end up with a terminal at Kitimat, and/or the Port of Vancouver as well.

The refineries will do what is easiest and cheapest. Mandatory hook-up ensures that 95 per cent of the crude oil needs will be served by

1 pipeline rather than by tanker.

2 Northern Tier Pipeline Company
3 has now proposed a trans-shipment terminal on the southern
4 shore of the Strait of Juan de Fuca. Currently, assessment
5 of the environmental impact of the Northern Tier proposal
6 is inadequate. We want to be assured that maximum environ-
7 mental protection will be guaranteed. This not only
8 includes mandatory hook-up, but also a pipeline route
9 which avoids the Seattle and Tacoma watersheds, and protects
10 the other river basins crossed.

11 Protection of the Skagit
12 River is of particular concern. We are also adamantly
13 opposed to the location of any refinery or petrochemical
14 facility associated with the terminal site. To this end,
15 and only for this reason, we have intervened in the
16 Northern Tier application to the Washington Energy Facility
17 Siting and Evaluation Council, WEFSEC.

18 As the Commission is aware,
19 Arco and TransMountain Pipeline Company, have also applied
20 to WEFSEC to expand off-loading facilities at the Arco
21 dock at Cherry Point, for ultimate use as a trans-shipment
22 facility.

23 We have also intervened in
24 opposition to this application. Expansion of the Arco
25 facility means increased tanker traffic on the inner
26 Sound, exactly the worst alternative.

1 I would like to present a
2 very brief overview, finally, of the air quality situation,
3 and I would like to address the Commission to the extent
4 that I would be glad to expand on this, and to provide any
5 comments about the Kitimat air quality situation as well,
6 at later hearings.

7 There are three sources of
8 air pollutants associated with an offloading terminal:
9 The tanker engines, the offloading operations and the
10 storage area or tank farms. I've included in my statement,
11 a table which summarizes the sources, the pollutants and
12 possible mitigating measures which would protect the air
13 quality.

14 Briefly, the tanker engines
15 produce all five of the major pollutants that you can from
16 an engine: Sulphur dioxide particulates, carbon monoxide,
17 hydrocarbons and oxides of nitrogen. Their effects could
18 be mitigated by pumping oil with another energy source by
19 burning low sulphur, low residue oil.
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Purging emissions in

1 particular, since purging is done for safety reasons, would
2 aggravate this problem severely. Before any final
3 determination is made for terminal siting, a thorough
4 air quality dispersion model which includes all sources
5 must be computed. This would prove very important also
6 in the case of Kitimat where existing sources and the
7 topography lend themselves to fumigation and the accumulation
8 of pollutants.

9 In closing, I would like to
10 comment on two environmental attitudes which have emerged
11 in the course of our controversy in the United States, and
12 which are exceedingly questionable. The first is the
13 not next door attitude toward environmental protection.
14 Long Beach was favored by some Washington environmentalists
15 because it is in California; Kitimat because it is across
16 the border in Canada. We cannot afford anything less than
17 a position which considers the entire continent. Oil slicks
18 and air pollutants do not respect political boundaries,
19 and we cannot preserve our natural environment at the
20 expense of some else's unless we are assured that it is
21 the least damaging alternative.

22 The second questionable
23 proposition is that we do not need more oil and should leave
24 it in the ground in Alaska or wherever. The pipeline in
25 Alaska is unfortunately a reality, and the corporations
26 which financed it are going to recover their investments.

1 More pertinentlly, we are
2 not going to stop using gasoline or even decrease our use
3 until we are forced to and until alternative transportation
4 is available; nor will we voluntarily abdure synthetic
5 fabrics, plastics or pharmaceuticals. It is even possible
6 that oil, with trans-shipment at any of the proposed sites,
7 is a more acceptable source of electric power than coal
8 strip mined in Montana.

9 We must turn our efforts to
10 finding the most acceptable and least environmentally
11 damaging port of entry for crude oil in the Northwest.
12 We look to the Thompson Commission for material assistance
13 with this task.

14 Thank you very much.

15 THE COMMISSIONER: Thank you,
16 Mrs. Weiner. That completes the list of submissions
17 for this afternoon. I want to just make a comment at
18 this point about the nature of the exercise we're going
19 through. All the participants, those who are going to
20 be continuing their involvement in the Inquiry in the
21 way of presenting evidence and questioning, have been
22 invited to make statements setting forth who they are
23 and their positions, and we've had a number of these
24 statements today.

25 Now, many matters are
26 being presented in these opening statements. They

1 represent the viewpoints of the parties. They represent
2 the positions that they will be supporting by evidence, and
3 they represent the positions they will be asserting by
4 questioning and cross-examining.

5 The point I guess I'm making
6 is that all of the questions that are being addressed
7 in these opening statements will be gone into thoroughly
8 in the Inquiry and where points are made, they'll be
9 subject to scrutiny, and so at this time the statements
10 that are being made about any aspects must be taken as
11 simply presented by the parties and subject to verification
12 through the processes of this Inquiry, later on, when we
13 get to the evidence.

14 Tomorrow morning, we will
15 reconvene at nine o'clock. We will begin ^{with} by presentations
16 by Kitimat Pipeline Company, by TransMountain, and a
17 presentation with respect to the Northern Pipeline
18 Then we have Mr. David Anderson for the B. C. Wildlife
19 Federation; Mr. Nichol for the United Fishermen and
20 Allied Workers' Union; Mr. Skelly and Mr. Lea for the
21 N.D.P. caucus; Mr. Stace-Smith for the Fraser Coalition;
22 Dr. Hyrhurst for the Islands Trust; Lavina Lightbown
23 for the Haida Nation; Kathleen Anderson for the Coalition
24 Against Supertankers; Tony Pearse for the Kitimat Oil
25 Coalition; George Manuel for the Union of B. C. Indian
26 Chiefs; Peter Fisher for the West Coast Environmental Law

1 Association, and I think I missed a couple of them on the
2 list. John Jensen for V.O.I.C.E.; and Ira Liebowitz
3 for the Fusion Energy Foundation.

4 We've had a couple of other
5 parties who have indicated to the Commission Secretary
6 that they wish to make presentations. Mr. Rosenbloom for
7 the Nishga Tribal Council and Mr. Ward for Victoria Blue-
8 peace.

9 If there are any others who
10 will be participants in the Inquiry and who wish to make
11 opening statements, please let Mrs. Lewis know. That
12 completes the proceedings this afternoon. Thank you.

13
14 (PROCEEDINGS ADJOURNED TO TUESDAY, JULY 19, 1977 at
15 9:00 A.M.)
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