

Joint Review Panel Oral Statements Q&A



OVERVIEW

What is the Joint Review Panel?

The Joint Review Panel is a three person panel appointed by the federal government to review the Enbridge Northern Gateway proposal. They are considered a “joint” review panel because they must review the project application under both the *Canadian Environmental Assessment Act* and the *National Energy Board Act*.

The Panel’s job is to consider the issues set out in the [Joint Review Panel Agreement](#), and to specifically,

- Examine the environmental effects of the project;
- Consider technically and economically feasible measures to mitigate negative environmental effects;
- Consider comments from the public and Aboriginal peoples that are received during the review;
- Provide various ways in which interested organizations and people including members of the public and Aboriginal groups may participate the hearing process; and
- Submit a final environmental assessment report with recommendations about the project to the federal government.

Once the review is complete, the Panel will make a final decision to approve the project or not.

When is the JRP expected to make its final decision?

No earlier than the fall of 2013.

Will the Panel review just the pipeline or also the tankers?

The Panel must look at issues regarding both the pipeline and tankers.

Will the Panel take climate change or the tar sands into account?

No. The Panel decided to reject broad consideration of these issues, despite being asked to consider them by First Nations, community and conservation groups, and individuals.

Greenhouse gas emissions and climate change: It does not appear that the Panel will expand the consideration of greenhouse gas emissions and climate change impacts of the project beyond the emissions directly caused by the construction and operation of the pipeline. It will only consider federal policy on greenhouse gas emissions and international commitments as they relate specifically to the project’s direct environmental effects, which means it will not examine broader climate change implications of



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the related tar sands production or oil consumption as it is not going to consider the environmental effects of upstream or downstream activities associated with the pipeline. The Panel will not consider the impact of the project on Canada's ability to meet its greenhouse gas reduction commitments. The Panel does not say that it will consider the impact of the project and wilderness fragmentation on climate change adaptation.

Tar sands development impacts: The Panel will not consider impacts of “upstream” tar sands development. It states “we do not consider that there is a sufficiently direct connection between the Project and any particular existing or proposed oil sands development, or other oil production activities, to warrant consideration of the environmental effects of such activities as part of our assessment of the Project.” The Panel states that tar sands impacts are a provincial responsibility, and it wishes to avoid unnecessary duplication by examining them. In addition, the Panel states that there is no “sufficiently direct connection with any existing or proposed oil sands development, or other oil production activities” that requires it to look at the environmental impacts of production, since this is a project to transport oil, not to extract oil, and the oil could come from any number of locations in Alberta. The Panel states that unless tar sands environmental impacts somehow enter into its cumulative effects analysis, it will not consider them; given the Panel's finding that there is no direct connection with oil production, this could be unlikely.

Recent statements from the federal government make it sound like this project is a done deal. Is this true?

Not necessarily. The final decision belongs to the Joint Review Panel and will not be made until the review process is complete. The Panel has [affirmed](#) that they will make their decision based on evidence on the record in the review process and will not consider or respond to information reported in the press or elsewhere that is not on that record. Comments from the Prime Minister and other federal ministers that are not submitted into the review process will not be considered. See the next question though, as this gets a bit more complicated.

If the panel says no, can the federal government still say yes?

Because the National Energy Board is a quasi-judicial tribunal, it is not lawful for the government to dictate to them. So in the very unlikely event that the Panel says no, the government can't ordinarily order them to say yes (without passing a new law - see below). A National Energy Board certificate is required by law before this project can proceed.

However, Parliament is entitled to pass a new law that would approve the pipeline and tankers despite a decision from the Panel to reject Enbridge. So if the Panel says “NO”, the government could override it in Parliament by passing a law specifically saying “YES”. The government has indicated that it intends to have an oil pipeline built to the Pacific Ocean, so it is quite possible that this could happen. This could potentially render the entire JRP process irrelevant.

Should I participate in the JRP process even though the federal government has indicated that it wants to push this project through no matter what?

Yes! The JRP has requested that people come forward to share their views and concerns about the project. We all have a right to have a say in proposals that threaten our lands and waters. This is especially true for First Nations whose lands have never been ceded by treaty or conquest and also true for First Nations who have signed treaties in northeastern B.C. and Alberta. We all have a right to say “No” and to decide whether this project should go ahead or not. The JRP review process provides a

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forum to voice our concerns and our opposition. It is also an opportunity for people to assert the authority of First Nations, local communities and all British Columbians to make this decision.

Will the Panel listen to my concerns or are they only looking for expert opinion?

The Panel has a duty to consider comments from the public and First Nations that are received during the review. Giving an oral statement at a community hearing is an opportunity to provide your personal knowledge, concerns or views about the project in your own words. You do not have to be an expert. You can choose to include facts and arguments in your presentation, make a heartfelt pitch or do both. Your message can be as simple as “I do not want this project.” It will still be considered.

The Panel says that it will listen to what everybody has to say. In practice, expert evidence and oral evidence that may be cross-examined (or tested through questioning) in a courtroom style – as opposed to individual oral statements that won’t be cross-examined – may be more heavily relied upon by the Panel.

What is the difference between the hearings that began in January and the community hearings that are starting now?

The first phase of the JRP hearings that started in January was for INTERVENORS - First Nations, governments and other organizations that have registered to provide expert written evidence - to present their *oral evidence*, similar to court proceedings. The second phase of hearings is for INDIVIDUALS like you to speak your mind to the Joint Review Panel in a 10 minute *oral statement*.

LOGISTICS / TIMING / WHAT TO EXPECT

Where can I find information from the Joint Review Panel on what to expect?

[PROCEDURAL DIRECTION](#) from the review panel: Guidance for participants who have registered to make an oral statement to the Joint Review Panel during the community hearings.

I think I signed up to speak, but I haven't heard anything from the Panel. Am I registered?

If your name is on this [list](#) you are registered to give an oral statement.

I signed up to speak to the Panel – when will I be speaking?

Community hearings along the proposed pipeline and tanker routes are expected to run from late March to July 2012. Hearings not along the pipeline or tanker routes (e.g. Vancouver, Victoria, Port Hardy and Kelowna) will be held from November 2012 to March 2013.

Once the dates and venues in your location have been announced, the Panel will notify you by email and direct you to an online scheduling tool to pick the time and location for your presentation. It is your responsibility to schedule your oral statement, and the deadline to sign up is seven days before the hearing starts in your community. If you happened to miss the email, you can access the scheduler [here](#). You must sign in with the email address you original registered with by the October 2011

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deadline. If you did not provide an email address when you registered, and you have not heard from the Panel, you must confirm if you would still like to speak.

Call or email:

Colette Spagnuolo
Process Advisor, Northern Gateway Project
Email: GatewayProcessAdvisor@ceaa-acee.gc.ca
Telephone: 1-866-582-1884

Will there be a hearing in my community?

Community hearings will be held in the following locations:

Bella Bella, BC	Hartley Bay, BC	Prince Rupert, BC
Bella Coola, BC	Hazelton, BC	Skidegate, BC
Burns Lake, BC	Kelowna, BC	Smithers, BC
Calgary, AB	Kitimaat Village, BC	Terrace, BC
Comox, BC	Klemtu, BC	Vancouver, BC
Edmonton, AB	Old Masset, BC	Victoria, BC
Fort St. James, BC	Port Hardy, BC	
Grand Prairie, AB	Prince George, BC	

If you do not live in any of these locations, you can schedule to speak at the location nearest to you.

The community hearing is not in my community, and I am unable to travel to the nearest location. Can I still share my views with the Panel?

Yes. You can submit a [written letter of comment](#) until 11am Pacific time, August 31, 2012. If you cannot make it to the hearings please also notify the Process Advisory Team via email at GatewayProcessAdvisor@ceaa-acee.gc.ca or you can call toll free at 1-866-582-1884.

With respect to presenting an oral statement over the telephone, the Panel has not announced whether teleconferencing will be available as an option. If this is an option in the future, participants will be notified by email.

I am concerned that I may be on holiday when it is my turn to speak. Can I have someone else speak for me?

No. Only people who registered to give an oral statement can do so. If you are unable to attend, you can still submit your knowledge, views and concerns in a letter of comment prior to August 31, 2012. A letter of comment is the same as an oral statement, except it is provided in writing rather than in person. The Panel reads every letter that it receives.

Note that the dates for the hearings in southern British Columbia will not be announced until after the deadline for written submissions. If there is any chance that you will not be able to attend, you should consider submitting a written comment in advance, just in case.

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When do I have to show up to the hearing I am scheduled for?

When you use the online scheduling tool, you will sign up for a morning, afternoon or evening session. You must arrive on location at least 15 minutes before the start of your session. For example, if you have scheduled a presentation during the 9am-12pm morning session, you must arrive on location by 8:45am. The Panel cannot give you a precise time for your presentation because it depends on how long the other speakers take. For this reason, you should arrive on time (15 minutes before) but also be prepared that there could be delays. Within each time block, the order of speakers will be arranged alphabetically based on last name. The list of speakers will be released a few days before the hearing in each community. We don't recommend coming late based on your name being further down the alphabetic list - if you miss your spot, the Panel may not let you speak afterwards.

What do I do when I arrive?

When you arrive you must check in with a member of the Panel staff who will explain more about the process for that venue. You will need to show photo identification.

You will also be asked to sign a photo release form which will allow the Panel and government to use any photos taken of you at the hearings for non-commercial purposes. If you do not want to sign the form, you may still give your oral statement.

What will the room be like, and what else can I expect?

The hearings are like a courtroom in many ways, but a little less formal. You have to tell the truth and be respectful. You will be asked to swear or affirm that the information you are presenting is accurate and truthful to the best of your knowledge and belief.

The three panelists will be sitting together at a table. You will be seated at another table facing the panelists. You will be speaking into a microphone so that everybody in the room can hear what you are saying.

There will be an audience of people listening. These people will likely be sitting behind you when you speak, depending on the set-up of the room. An Enbridge lawyer will likely be in the room.

Your presentation will be recorded and broadcast live over a webcast for anyone to listen to. There will also be someone there transcribing your words as you speak, and the transcript will be available online afterwards.

Once you give your presentation, you are free to leave the hearing, or you can stay and listen to what others have to say.

There are no placards or signs allowed inside the hearing room, however many people around the province have chosen to wear a blue scarf to show their solidarity with the speakers, and you may wish to do this as well.

Before each hearing, there will be informal information sessions for you to see the set-up of the room and ask any last-minute questions to the Process Advisory Team. You will be notified via email about these sessions. Attendance is not mandatory.

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How long will I have to speak?

You have a maximum of 10 minutes but can use less if you choose. As you are presenting, a member of the Panel staff will signal to you to let you know when you have three minutes left to speak, and again when you have one minute remaining. If you go over your allotted 10 minutes, you will be asked to stop.

Can I read from notes?

Yes.

Can I use props, use a PowerPoint presentation, or show a video?

Electronic visual aids (such as PowerPoint presentations, videos, digital photos or maps, or other media) will not be allowed.

Although not recommended, you may use props or hard copy photos or maps, but you will have to describe them out loud so people listening to the live webcast and the transcriber know what you are showing. You must allot time in your 10 minute to do so. No additional time will be granted.

If you bring something to show the Panel as part of your presentation, consider taking a picture of the object and submitting it as a letter of comment, so that it is on record. Note – it is recommended that you prepare your presentation before August 31st deadline for Letters of Comment so that you can submit any additional information, photos, maps or graphics as a letter of comment.

You cannot give anything to the Panel during the presentation.

If you wish to submit a video for the Panel to consider, it can be filed and placed on the public registry as a type of 'letter of comment', before 11am Pacific time on August 31, 2012. Since the file size of the video would likely be too large to submit using the electronic submission process, you can send a hard copy on disc to the Panel at the address below:

Secretary to the Joint Review Panel
Joint Review Panel - Enbridge Northern Gateway Project
444 Seventh Avenue S.W.
Calgary, Alberta T2P 0X8

Can I have another person stand with me as I present, and if so, can that person speak with me during my presentation time?

If you need a person to assist you, this should be permitted by the Panel. If you have difficulty speaking that person may be able to assist you to speak or to communicate – you should ask the Process Advisor Team toll free at 1-866-582-1884. Ordinarily no-one else should be speaking in your time slot. Singing by others as part of your presentation may be permitted; you should be prepared to address the Panel in a non-musical way if they decide not to permit you to sing.

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Can I present in a group?

Yes, but each member of the group must have registered by the October 2011 deadline. In addition, you must schedule a block of time long enough for each group member's allotted 10 minutes. In other words, if there are six members of your group, you must schedule a 60 minute time slot in the online scheduling tool.

Where can I hear what other people have said?

Written transcripts from the hearings can be found [here](#).

Can we bring a friend to watch?

Yes! Everyone is free to attend the community hearings even if they are not speaking.

Will the hearings be taped?

Audio recordings and written transcripts are made during the hearings and available from the Panel website [here](#).

Media may also be present at the hearings, so you may be photographed or filmed.

Can an oral presenter also submit a written letter of comment?

Yes. However, the Panel has requested that you do not repeat your message. If your hearing is scheduled for after the August 31st deadline for letters of comment and you feel there is some chance you may not be able to attend the hearing in person, it is recommended that you submit a letter of comment just in case.

What do I need to know about submitting a written letter of comment?

Anyone can submit a letter of comment, even if you are also giving an oral statement. A letter of comment is for additional information that you do not have time for during your 10 minute oral statement, any associated charts or maps or graphics, any videos or photographs that you would like to share with the Panel. You are allowed to submit more than one letter of comment. The deadline for submission is August 31, 2012 by 11am Pacific time. More information on how to submit a letter of comment can be found [here](#).

PREPARING YOUR PRESENTATION

What should I talk about in my presentation?

This is your opportunity to share your views about this project. Your presentation can include how to project will impact you and whether you think it should be approved or not. You may talk about any part of the project or its impacts (environmental, cultural, economic) that you wish. Everything you say

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should support your position on the project. If you do go off topic in the view of the Panel, they may ask you to come back to the point.

Is the fact that climate change issues are not being reviewed by the Panel in itself an issue for discussion?

Yes. Both the effects of climate change and the decision to not consider the broader issues in the scope of the review process could be included in your statement.

Can I talk about the tar sands and climate change as they are linked to the project, even though these are not being reviewed by the Panel?

Yes, if those are the issues that most concern you. However, they may decide not to let you speak about these issues so you should be prepared with alternative comments, or be prepared to make a case as to why you *should* be able to present on these issues, or both.

Can I talk about associated energy projects such as the Site C dam and shale gas, as they relate to Enbridge?

Yes, if those are the issues that most concern you. However, they may decide not to let you speak about these issues so you should be prepared with alternative comments, or be prepared to make a case as to why you *should* be able to present on these issues, or both.

What does the Panel mean by ‘national interest’? Can I speak to what I perceive to be in the national interest?

According to the National Energy Board, the overall Canadian, national public interest is: *“inclusive of all Canadians and refers to a balance of economic, environmental, and social interests that changes as society’s values and preferences evolve over time. As a regulator, the Board must estimate the overall public good a project may create and its potential negative aspects, weigh its various impacts, and make a decision.”*

That is their definition. You can choose to define what it means to you and say whether or not you believe the proposed project is indeed in our collective best interest. You don’t have to try to fit your comments to the Board’s definition above.

Many environmental impacts have been discussed in the media and by First Nations in their oral evidence. I am still allowed to talk about them?

Yes. The environmental impacts from this project are of serious concern. You are free to express your thoughts on whatever most concerns you. You might want to come prepared with alternative things to say, or an argument for why you should be entitled to express your view in case the Panel says that your concerns are repetitive. However, if you speak about what the environmental risk means to you personally, you are not repeating anything that has been said before. We each have a unique perspective and story to tell.

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Do I need to do research to prepare my presentation?

No. All you need to do is be yourself and tell the Panel what you think and how you feel about Enbridge's proposed pipelines and tankers. You are of course welcome to do research if you like, and if you do have technical expertise or knowledge you wish to draw on, that's great, but that needn't be your focus.

Should I tell facts or stories?

Either. You get to decide what you share with the Panel. Whatever you do, speak your truth. To speak from the heart, make it personal. Why does this matter to YOU? Tell stories. Make it place-based. What are the places that matter to you that would be at risk of tanker spills or a pipeline leak?

Speaking from the heart will help you:

- Stick out in Panel's mind: the Panel will be hearing from thousands of people, and many arguments will be similar. The Panel is more likely to remember your message if it is unique and personal.
- Show depth of opposition: the Panel only needs to glance at a poll to see if the majority of British Columbians oppose tanker traffic on the North Coast, but a poll does not demonstrate how much people care about an issue or why.
- Highlight the complexity of the issue: Bringing to light all the diverse ways this project would impact British Columbians shows it's too complex for a simple rubber stamp.

Am I the only one who feels nervous about speaking?

No. Many people are facing their fear of public speaking and are finding the courage to speak out. If speaking to the Panel seems nerve wracking, remember that many, many people are standing with you and support your position.

First Nations have already said no to Enbridge, how can I support them?

You can reference the First Nations opposition in your presentation. Here is some background information to help non-Aboriginal people to speak about their support for First Nations. Make sure to be careful, if you are not a First Nations person, that you don't claim to speak *for* First Nations:

- Over 130 First Nations in western Canada have stated their opposition to Enbridge's proposed Northern Gateway project. Opposed First Nations form an unbroken chain across B.C. and from the U.S. border to the Arctic Ocean. The First Nations position is that this project will violate their constitutionally-protected Aboriginal Title and Rights, and that the Enbridge pipeline and tankers are against their laws.
- There are two declarations against Enbridge: the Coastal First Nations Declaration bans crude oil supertankers on the North Coast; Save the Fraser Declaration bans tar sands pipelines through Fraser River watershed and tankers on the North and South Coasts.
- First Nations Laws never went away: In B.C., First Nations have the right to make decisions about the use of their land and waters, according to their own laws, protected under Canada's constitution and international laws. The [Coastal First Nations Declaration](#) and the [Save the Fraser Declaration](#) are First Nations law, permanently protecting the coast and rivers from oil

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spills. As of March 2012, over 40,000 British Columbians have signed petitions supporting First Nations and recognizing that these declarations protect us all.

Many municipalities have already said no to Enbridge, how can I support them?

You can reference the opposition in your presentation. Here is some background information:

- In 2010 the Union of B.C. Municipalities passed a resolution in support of a permanent tanker ban on the North Coast of British Columbia. A permanent tanker ban would effectively stop the Northern Gateway project because the tankers are a key component of the project.
- In the past few weeks, the Skeena Queen Charlotte Regional District, Prince Rupert City Council, Terrace City Council and Smithers City Council all passed resolutions opposed to Enbridge's Northern Gateway project.

Can I express my concerns regarding the process, given recent federal government statements in support of the project?

Yes.

Can I ask the Panel questions, during my presentation?

No, the Panel will not answer any direct questions.

I have more questions, who can answer them?

The Joint Review Panel Process Advisory Team is available to answer any questions regarding the community hearings in order to help make you more comfortable. You can contact the Process Advisory Team via email at GatewayProcessAdvisor@ceaa-acee.gc.ca, or toll free at 1-866-582-1884.

Many organizations in British Columbia are prepared to help answer your questions as well. Feel free to contact any of us: Dogwood Initiative, ForestEthics, Friends of Wild Salmon, Living Oceans Society, Sierra Club BC, T Buck Suzuki, and West Coast Environmental Law.

OTHER RESOURCES

- **VIDEO:** *Our Coast, Our Decision: Maximizing Your Impact at the Enbridge Northern Gateway Joint Review Panel Hearings* co-presented by West Coast Environmental Law, Dogwood Initiative, ForestEthics, Friends of Wild Salmon, Living Oceans Society, and Sierra Club BC.
- **PROCEDURAL DIRECTION** from the review Panel: guidance for participants who have registered to make an oral statement to the Joint Review Panel during the community hearings.

This document is for information only. It is not legal or other professional advice. We do not warrant that the information contained in this document is correct. Please consult the Joint Review Panel's website and documents issued by the Panel for authoritative information.