

**Question:** Cowichan Tribes Q1.15  
[Alternatives to]

Climate change and global warming impacts to Cowichan Tribes rights, territory, mitigation, studies on effects of climate change.

<b>Party</b>	<b>Response</b>
GSX PL (June 2002)	The requested information is not relevant to the consideration of the GSX Canada Pipeline Project.
Cowichan Tribes (9 July 2002)	GSX PL did not sufficiently respond to the IR. The IRs are clearly relevant to the consideration of the GSX Canada Pipeline, and GSX PL should be required to respond to the Cowichan Tribes. The IR relates directly to the environmental effects of the combustion of natural gas, namely, climate change. This is clearly before the JRP as a result of the Panel's decision of 31 May 2002. The impacts on the aboriginal rights and title of the Cowichan have always been an issue under the List of Issues for this proceeding as well. As a result of the Federal Government's obligations of consultation with aboriginal people under section 35 of the <i>Constitution Act, 1982</i> , alternatives to the project and a consideration of the effects of climate change on the aboriginal rights and title of the Cowichan Tribes are both topics that are to be considered by the NEB Review Panel separate and apart from their obligations under the <i>Canadian Environmental Assessment Act</i> or the <i>National Energy Board Act</i> .
GSX PL (29 Aug 2002)	GSX PL re-iterates the response provided to this request. In its 31 May 2002 ruling, the Panel decided that a consideration of the environmental effects of burning all of the gas to be transported by the pipeline is not relevant to the decision it must make in this case. Certainly, therefore, a consideration of the effects of global climate change arising from worldwide greenhouse gas emissions is not relevant to the Panel's examination of the application before it.
BC Government (29 Aug 2002)	The Province submits that the information requested is far beyond any reasonable spatial or temporal scope of a cumulative effects analysis, and is therefore irrelevant. If the proponent were obliged to answer these IRs, it would mean that every proponent whose project is covered by the CEAA would be required to conduct a comprehensive evaluation of greenhouse gas effects, since every project will produce some such emissions. Minor GHG emissions from a project do not require a proponent to conduct a broad-ranging inquiry into GHG emissions.

**Applicable Options:** Option 4

**Recommendations:** Do not allow the IR

The information requested of GSX PL is of questionable relevance. Some questions are clearly outside the scope of what is before the Panel. None of the questions relate directly to the pipeline or Duke Point facility, the project the Panel is mandated to consider. If compelled to file the information, GSX PL would have a difficult if not impossible task as GHG and global warming are global issues and non-site-specific from an effects perspective.

The requested studies would be difficult if not impossible to perform given the extensive (global) data requirements and global scale modeling required. Confidence in such predictive model approaches is not high and there are few means of verifying results. Attempts to perform global warming predictive models have yielded varying and inconclusive results.

Considering the scale, cost, resources and timing required to undertake such projects, and the questionable conclusiveness of the results, it is arguable that any benefits could be realized by undertaking them.

Secondly, the information requested appears to be beyond the scope of the project and is not relevant to the decision the Panel must make on the project. An assertion of aboriginal rights should not change the mandate of the Panel to consider the project before it.