

**GH-6-96 - Volume 56**

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**NATIONAL ENERGY BOARD**



**OFFICE NATIONAL DE L'ÉNERGIE**

**Order No. GH-6-96**

**Ordonnance N° GH-6-96**

**Various**

**Sable Offshore/Onshore Projects**

**Hearing held at  
Audience tenue à**

**Halifax, Nova Scotia**

**14 July 1997  
14 juillet 1997**

**Volume 56**

**Canada**

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as represented by the National Energy Board

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représentée par l'Office national de l'énergie

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ORDER NO. GH-6-96

ORDONNANCE No GH-6-96

IN THE MATTER of the proceedings concerning the Sable Gas Projects undertaken by the Joint Public Review Panel as established by the Joint Review Agreement dated June 1996 among the parties thereto;

AND IN THE MATTER of the proceedings of the National Energy Board commenced pursuant to Hearing Order GH-6-96 to be consolidated with and heard during the Joint Public Review Panel proceedings.

- - -

RELATIVE à une demande de Mobil Oil Canada Properties et Shell Canada limitée concernant le "Sable Offshore Energy Project" et à une demande de Maritimes & Northeast Pipeline Management Limited concernant la partie canadienne du "Maritimes & Northeast Pipeline Project".

RELATIVE A la Loi sur l'Office national de l'énergie et à ses règlements d'application (S.R.C., chapitre N-7).

- - -

Hearing held at Halifax, Nova Scotia,  
on Monday, July 14, 1997.  
Audience tenue à Halifax, Nouvelle-Ecosse,

le lundi 14 juillet 1997.

- - -

PANEL:

R. O. Fournier	Chairman/Président
J. L. Davies	Member/Membre
J. T. Sears	Member/Membre
A. Côté-Verhaaf	Member/Membre
K. W. Vollman	Member/Membre

II

APPEARANCES/COMPARUTIONS

L.E. Smith )	Sable Offshore Energy
R.G. Grant )	Project/Maritimes &
J. Dickson )	Northeast Pipeline Project
N.M. Gretener )	
M. Morin )	
K. Dyte )	
S. Denstedt )	
D. Unruh )	
D. Jones )	
L. Keough )	
N.J. Schultz	Canadian Association of
Petroleum Producers	
T. Boudreau )	Canadian Federation of Labour
C. Scott )	
C. Murphy )	Cape Breton Island Building and
G. Dumoulin )	Construction Trades Council
J. Maloney )	
R. Owen )	The Clean Nova Scotia Foundation
G. Marquis )	
D.J. Grady )	Coalition for Responsible Economic
B.N. Williams )	and Environmental Development
P. Moriarity )	
C. O'Connor )	The Confederacy of Mainland
E. Zscheile )	Micmacs
D. Thompson )	Conservation Council of New
J. Dingwell )	Brunswick
H. Epstein )	Ecology Action Centre
M. Butler )	
A. Ruffman )	

R.J.Pett )  
M. O'Brien )  
T. Kenchington)

C. Chisholm International Brotherhood of  
Boilermakers

S. Graves ) Mainland Nova Scotia Building  
F. Tardif ) and Construction Trade Council  
J. Henley )

III

APPEARANCES/COMPARUTIONS

P.F. Christie Maritime Pipeline Landowners  
Association

J. Reynolds ) Metropolitan Halifax Chamber  
D.R. Cleveland ) of Commerce  
P. Doig )

F.V. Hall ) Millwood Environmental Action  
D. Wimberly) Team

R.J. Hunka ) Native Council of Nova Scotia  
T. Martin )  
D. Bruce Clarke )

C. Purcell Nova Scotia Salmon Association

R. Starr Nova Scotia New Democratic Party

G. Archibald Progressive Conservative Caucus of  
Nova Scotia

D. Ablonczy Reform Party of Canada

G. Dalzell ) Saint John Citizens for  
D. Thompson) Clean Air  
J. Dingwell)

J. Abouchar Union of New Brunswick Indians  
R. Perley  
P. Barlow

B. Chisholm United Association of  
Journeyman and Apprentices of  
the Plumbing and Pipe Fitting  
Industry of the United States

and Canada - Local 244

E. Pace ) United Association of Plumbers  
B. MacDonald) and Pipefitters - Local 56

C. Recchia ) World Wildlife Fund  
C. Stewart )  
R. Clowater )  
I. Milewski

IV  
APPEARANCES/COMPARUTIONS

D. Wimberly ) Allergy and Environmental  
H. Lofgren ) Health Association, Nova  
Scotia, on behalf of Allergy  
and Environmental Health  
Association, New Brunswick;  
Allergy and Environmental  
Health Association, Canada;  
Real Alternatives To Toxics  
In The Environment; and Nova  
Scotia Coalition On  
Environmental Hypersensitivity

K. Burrill Accent Engineering Consultants Inc.

R.J. Harrison Central Maine Power Company

N. Miller Corridor Resources Inc.

H. Hancock Country Harbour Sea Farms  
Co-Operative Limited

J.H. Smellie ) Irving Oil Limited  
S. Kirstiuk )  
J.F. Bowe, Jr.)

F.V.W. Penick ) Kimberly-Clark Nova Scotia,  
D. MacDougall ) a Division of Kimberly-Clark  
Incorporated, et al (Large  
Industrial Group)

K.D. Dyte ) Mobil Oil Canada Properties  
L.E. Smith )  
R.G. Grant )

L.L. Manning Mosbacher Operating Ltd.

I.A. Blue, Q.C. ) New Brunswick Power Corporation  
P.J. Dykeman, Q.C.)  
  
C.K. Yates ) Nova Scotia Power Incorporated  
P.W. Gurnham )  
R.S. Niedermayer )  
  
F.V.W. Penick PanCanadian Petroleum Limited  
  
C.B. Woods PanEnergy Marketing Limited  
Partnership

V

APPEARANCES/COMPARUTIONS

A. S. Hollingworth) Portland Natural Gas Transmission  
J. Zipp ) System  
G. Williams )  
D. Wood )  
  
L.W. van Hemert Seafloor Structures Consulting  
Limited  
  
S. MacDonald Shell Canada Limited  
  
R. Langlois ) Société en Commandite Gaz  
R. Lassonde ) Métropolitain  
M. Imbleau )  
B. Pepin )  
  
J. Calnan ) Statia Terminals Canada Inc.  
P. Crissman )  
T. Thompson )  
  
D.M. Campbell, Q.C.) Tatham Offshore Inc.  
D.F. Gallivan )  
C.M. Darling )  
M.K. Lewis )  
  
A. L. Reid ) TransCanada PipeLines Limited  
J.M. Murray )  
  
L.-A. Leclerc ) Trans Québec & Maritimes  
R. Heider ) Pipeline Inc.  
  
J. Bertrand ) Hydro-Québec  
P. Lemieux )  
G. Marchand )  
M. Marcouiller )

G. Cameron	Union Gas Limited
I. Travers)	Environment Canada, Environmental
A. McIver )	Protection Branch
G. Lindsay)	
R.K. Sweeney)	Department of Fisheries and Oceans
D. Gordon )	
J. Ledbetter)	
T. Currie )	
J. Coady	Cape Breton Regional Municipality

VI

APPEARANCES/COMPARUTIONS

R. Rankin )	Halifax Regional Municipality
B. MacDonald)	
H. MacLeod	Municipality of the District of
Guysborough	
D. Hawkins	Government of Newfoundland and
Labrador	
G.L. MacDonald)	Guysborough County Regional
A.J. England )	Development Authority
R. Redgrave	Maine Public Utilities
Commission	
J. Brisson )	Procureur général du Québec
R. Ménard )	
J. Lebuis )	
I.A. Blue, Q.C. )	Province of New Brunswick
P. MacNutt, Q.C.)	
A. Hamilton )	
D. G. Davies )	Province of Nova Scotia
H. R. Huber )	
T. M. Hughes )	
G. Corsano )	
M. Ledwell)	Province of Prince Edward Island
V. Bulger )	
L. Walsh )	

C. MacKinnon                    City of Saint John

P. Doig                            Strait-Highlands Regional Development  
Agency, Town of Port Hawkesbury, and  
the Strait Area Chamber of Commerce

F. Leblanc, M.P.                On his own behalf

E. Lockerby                      On his own behalf

G. Randall                        On his own behalf

P. Noonan                        )     Board Counsel  
C. Beauchemin                  )

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TRANSCRIPT CORRECTIONS/  
CORRECTIONS A LA TRANSCRIPTION

Volume 52 - 8 July 1997

Page Line

10744 24 "(1)" should read "(Convention on  
Biological Diversity, article  
22(2)(4))"

(Text)

1 | (c) An ADR process  
 2 | (d) Funding for the MicMac to  
 3 | participate  
 4 | (e) Specific employment and  
 5 | equity  
 6 | and contract procurement goals  
 7 | (f) These types of agreements  
 8 | are  
 9 | common in Northeast BC with  
 10 | various of  
 11 | the First Nations located here.

12 | They  
 13 | are typically only entered into  
 14 | if you  
 15 | are active on Traditional Lands  
 16 | which  
 17 | the MicMac claim is all of Nova  
 18 | Scotia  
 19 | and New Brunswick We have  
 20 | committed  
 21 | on the record to continue to work  
 22 | with  
 23 | and consult First Nations. We have  
 24 | committed to have them involved  
 25 | in the  
 26 | process and get their input on  
 27 | medicinal plants and  
 28 | archeological  
 29 | items. We will comply with all  
 30 | those

12303 M&NE/SOEP Reply  
 (Text)

1 | commitments as a condition of the  
 2 | approval so that affords the  
 3 | First  
 4 | Nations the protection they  
 5 | desire of  
 6 | their rights. We can believe  
 7 | that  
 8 | such a protocol is fair and  
 9 | reasonable.

10 | Conservation Council of New Brunswick  
 11 | 1. We have responded to each  
 12 | proposed  
 13 | condition in turn. Maritimes has  
 14 | already committed to it.

15 | 2. Maritimes have already  
 16 | addressed  
 17 | this issue in argument.

18 | 3. Request for no burning of  
 19 | brush  
 20 | and tree limbs along the route.

21 | Maritimes will seek to avoid  
22 | this, but  
23 | here are provincial air quality  
24 | regulations we will be complying  
25 | with  
26 | in any event.

27 | 4. This issue was responded  
28 | Joint  
29 | Panel's list of proposed  
30 | conditions

12304 M&NE/SOEP Reply  
(Text)

1 | that we will only use herbicides  
2 | at  
3 | the valve sites.

4 | 5. Maritimes will work with  
5 | individual landowners to ensure  
6 | that  
7 | access is minimized and to use  
8 | all  
9 | reasonable efforts to prohibit  
10 | unauthorized motorized vehicles  
11 | along  
12 | the right of way.

13 | 6. We have already committed to  
14 | do  
15 | this (24T4077-78).

16 | Maritimes Pipeline Landowners Association

17 | 1. These submissions principally  
18 | relate to compensation which is  
19 | beyond  
20 | the scope of this proceeding.

21 | Native Council of Nova Scotia

22 | 1. There is ongoing relationship  
23 | between the parties and to ensure  
24 | that  
25 | all people know what is going on  
26 | and  
27 | how natives can benefit.

28 | 2. Maritimes made commitments to  
29 | work  
30 | with the First Nation groups. We

12305 M&NE/SOEP Reply  
(Text)

1 | are  
2 | not opposed in principle to  
3 | entering  
4 | into a protocol with all of the  
5 | First  
6 | Nations groups to ensure that  
7 | their  
8 | issues are given a forum and  
9 | addressed

10 | provided it is fair and  
11 | reasonable but  
12 | it need not be a condition.

13 | - - -  
14 | THE CHAIR: Thank you, Mr. Smith.

15 | That brings us to a close.

16 | I would like to make a few  
17 | remarks of my own.

18 | Many individuals have taken the  
19 | opportunity, with the approach of the end of the  
20 | Hearing, to make observations and to express  
21 | thanks.

22 | I would like to avail myself of  
23 | the opportunity to also offer a couple of comments  
24 | with regard to procedural matters, which are based  
25 | on a relatively brief experience doing this sort  
26 | of thing.

27 | As you all know, some criticisms  
28 | were levelled -- principally by inexperienced  
29 | Intervenor  
30 | -- during the process about how daunting and

12306

1 | intimidating and complex the process was.

2 | I agree. Observing from this  
3 | vantage point, I agree that all of those things  
4 | are true, to some extent. And the question I have  
5 | asked myself many times during the process is  
6 | whether they are long-term problems with the  
7 | process, or simply short term.

8 | I have watched Intervenors grow  
9 | over this process. Inexperienced Intervenors,  
10 | with very little resources, who started the  
11 | process and who clearly were intimidated, have  
12 | clearly grown and developed.

13 | And I believe that it reflects a  
14 | lack of familiarity with the process, rather than  
15 | an inherent difficulty with the process.

16 | At least, that is a personal  
17 | observation.

18 | And I am encouraged by that.  
19 | That is what I am attempting to tell you.

20 | I believe that some of those  
21 | Intervenors have become very effective over the  
22 | course of these Hearings.

23 | A second criticism that we have

24 | heard during the process is that the process is  
 25 | too legalistic, too adversarial, too inaccessible,  
 26 | and too time consuming.

27 |           And again I have asked myself the  
 28 | same question, as to whether those were valid  
 29 | criticisms of this process.

30 |           I have come to realize that

12307

1 | "legalistic", the word "legalistic", is actually a  
 2 | synonym for "ordered and structured".

3 |           I live in a university  
 4 | environment, in which there is very little order  
 5 | and very little structure ---  
 6 | --- (Laughter/Rires)  
 7 |           THE CHAIR: I admit it!

8 |           One hundred and twenty-five  
 9 | individual representations would take a hundred  
 10 | times longer to deal with in that environment.

11 |           So it is legalistic; yes. But  
 12 | the ordered and structured nature of it, I think  
 13 | is encouraging, in the fact that it allows all of  
 14 | those differing viewpoints to be represented.

15 |           So, yes, it is a criticism of  
 16 | sorts. But I think it is a price we pay in order  
 17 | to carry out the business that is necessary.

18 |           Also, the word "adversarial" I  
 19 | think refers to the cross-examination process.

20 |           And again I am new to this. But  
 21 | what I have learned from the cross-examination  
 22 | process is that it is an extremely useful tool --  
 23 | a tool which, I think, tests the quality of the  
 24 | information that is brought forward; that, rather  
 25 | than rhetoric and arm-waving, allows the truth to  
 26 | come forward, that then allows the decision  
 27 | process to proceed.

28 |           So again I am encouraged by that,  
 29 | as well.

30 |           So I think what we are dealing

12308

1 | with is a process which can easily be criticized  
 2 | from the outside. But from my vantage-point, over  
 3 | the last three months, it has been really quite  
 4 | interesting.

5 | Another criticism that has been  
6 | levelled at the process is that it is too formal.

7 | I think it is safe to say that in  
8 | this room, the stakes are very high. The numbers,  
9 | the dollars that we have been talking about over  
10 | the last three months have been measured in  
11 | billions --  
12 | something that I am not normally accustomed to.

13 | That is a word I am not normally  
14 | accustomed to use.

15 | And yet, given the fact that the  
16 | stakes are so high and that there is a great deal  
17 | of emotion and interest, and self-interest, tied  
18 | into this process, I don't think that I have ever  
19 | been involved in a process in which there has been  
20 | a greater degree of civility and decorum.

21 | It is really quite amazing.

22 | So I think that, in many ways,  
23 | the word "formal" is a complement, rather than a  
24 | negative.

25 | I am a temporary regulator, as  
26 | you know. Not so long ago, the world of energy  
27 | regulation was totally unknown to me.

28 | Now that I have had this brief  
29 | experience in the process ---

30 | It is a process that is not

12309

1 | without its flaws. There is no question of that.  
2 | But I think it is an eminently workable process --  
3 | a process which I think, when I leave this  
4 | particular position, which I temporarily hold, I  
5 | will leave with a certain degree of confidence in  
6 | knowing that it is in good hands.

7 | So, that is a few personal  
8 | remarks about my experience here.

9 | The final thing I have to say  
10 | before I read a statement that actually brings us  
11 | to a close is to once again add my voice, and that  
12 | of all the Panel Members, to those that have  
13 | extended their thanks to the people that made this  
14 | process work.

15 | It hasn't necessarily been the  
16 | five of us, or a few of the people who are visible  
17 | out here. It has been a great number of people.

18 | Mr. Gretener was mentioned  
before. He has said very little in this, but yet

19 | he has been working diligently behind the scenes.  
20 |

21 | I think he is an example of what  
22 | makes the process work: a huge number of dedicated  
23 | people, who are not in the limelight, who don't  
24 | get their pictures in the paper, but who actually  
25 | make the machine work.

26 | I think our thanks should go out  
27 | to all of those. There is no question that they  
28 | really are the lubricant that makes this process  
29 | work.

30 | That is all I have to say. I am

12310

going to read the following statement, which  
basically brings us to a close:

1 | The Joint Public Review Hearing  
2 | is adjourned, and our decisions and  
3 | recommendations in respect of the Applications are  
4 | reserved for further consideration by the Joint  
5 | Review Panel.  
6 |

7 | That brings us to a close.  
8 |

9 | We are adjourned. Thank you,  
10 | all.

11 | --- (Applause/Aplaudissements)

12 | --- The Hearing Closed/La séance est levée  
13 |

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