



**WILDERNESS
COMMITTEE**

NATIONAL OFFICE
46 E. 6th Avenue,
Vancouver, BC V5T 1J4

Toll Free: 1-800-661-9453
In Vancouver: (604) 683-8220
WildernessCommittee.org

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June 2, 2014

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Secretary to the National Energy Board
National Energy Board
444 Seventh Avenue SW
Calgary Alberta T2P 0X8

Attention: Ms. Sheri Young

Dear Ms. Young:

Re: Hearing Order OH-001-2014, Trans Mountain Expansion Project Application, 16 December, 2013 – File OF-Fac-Oil-T260. Eoin Madden Letter in support of the City of Vancouver Notice of Motion, May 16, 2014.

Intervenor Eoin Madden, in his capacity of Climate Campaigner, is writing on behalf of the Wilderness Committee. The Wilderness Committee, founded in 1980, is a registered non-profit society with charitable status. With over 60,000 members, donors and volunteers, It is Canada's largest membership-based, citizen-funded wilderness protection group. The Trans Mountain Pipeline runs directly through the communities that together represent Wilderness Committee's core supporters, donors and volunteers. All opinions and positions stated herein should be interpreted as those of the Wilderness Committee.

The Wilderness Committee is writing in support of the Notice of Motion brought before the National Energy Board ("Board") on May 16, 2014 by the City of Vancouver ("the Applicant") requesting that:

1. The Board expand the List of Issues set out in Appendix A to the Hearing Order OH-001-2014 to include the environmental and socio-economic effects associated with upstream activities, including the development of oil sands crude, and the downstream use of the oil transported by the proposed project.

The Applicant has explained to the Board the grounds for its request. These include, but are not limited to:

- i) The Board's obligations under the *Canadian Environmental Assessment Act* (CEAA) and the *National Energy Board Act* (NEB Act) that require it take into consideration the upstream and downstream environmental effects of the proposed Trans Mountain Expansion Project (TMEP) as well as the social and economic costs associated with those effects;
- ii) The need to take into account any change that may be caused to the environment **in any jurisdiction** including land, water, air and all layers of the atmosphere;
- iii) The need to recognize the direct link between the approval for the TMEP and increased production of oil sands crude and increased GHG emissions from that production;
- iv) The confirmation by Trans Mountain of the direct relationship between upstream and downstream activities and the Board's List of Issues;
- v) The recognition that expanded storage capacity and marine facilities play a role in attracting increased production;
- vi) The increase in GHG emissions related to the TMEP and their relationship to Canada's climate change commitments;
- vii) The obligation of the Board to employ the precautionary principle in a manner that protects the environment and human health;
- viii) The need to consider intergenerational transfers and the need to accommodate the Board's definition of the public interest;
- ix) The recognition that prudent business and regulatory decision-making requires due regard to climate change as a real phenomenon with significant economic and social impacts; and
- x) The direct and real costs to the Applicant from climate change and the need to consider and incorporate these into an assessment of the environmental and public interest impacts of the proposed Project.

The Wilderness Committee agrees with the Applicant's grounds for the Motion as set down. The Wilderness Committee wishes to point to the apparent contradiction between the List of Issues the Board is willing to consider in its examination of the Trans Mountain Expansion Project (TMEP), and its statement that the Board "does not intend to consider the environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline".

It is clear from the List of Issues outlined by the Board that claimed upstream and downstream **financial** benefits are a main focus of the TMEP hearings, and are heavily relied upon by the Proponent. By any objective stand point, financial benefits sit comfortably within the commonly

held understanding of the term “socio-economic effects”. The Board does not discriminate between both environmental effects and socio-economic effects when barring both from consideration when it comes to development of oil sands and oil transportation.

The fact that claimed financial benefits of development of oil sands and oil transportation are front and centre of the TMEP hearings, and that other socio economic and environmental impacts are expressly excluded, represents a severe contradiction in terms. As per various communications issued by the Board, all intervenors have been expressly directed to disclude the socio-economic and environmental phenomenon of climate change from their submissions to the Board.

Climate change is predicted to cost Canadians between \$21 billion and \$43 billion per year by the 2050s¹ (*2011 figures). Under the confusing interpretation of “socio-economic effects” currently applied by the Board, important financial considerations which go to the core of the public interest will be excluded from the TMEP hearing process. To be more specific, the Board seeks to include financial benefits claimed by the Proponent and disclude adverse impacts, whilst simultaneously claiming a fair and objective process.

The Wilderness Committee asks of the Board to reconsider its classification of the List of Issues to include, amongst others, the costs of climate change as they fall due on each and every citizen of Canada to the 2050s. In this regard, the intervenor offers full support of the Applicant’s Notice of Motion. In order to ensure that statutory obligations falling on the Board concerning the assessment of the financial implications of the TMEP are fulfilled, the Wilderness Committee requests that the order sought by the Applicant be granted.

All of which is respectfully submitted.

Sincerely,

Eoin Madden
Climate Campaigner
Wilderness Committee
46 East 6th Avenue
Vancouver BC
V5T 1J4

¹ National Round Table on the Environment and Economy. (2011). *Paying the Price: The Economic Impacts of Climate Change for Canada*. Available Online: <http://collectionsCanada.gc.ca/webarchives2/20130322143115/http://nrtee-trnee.ca/climate/climate-prosperity/the-economic-impacts-of-climate-change-for-canada/paying-the-price>