

Mar/29/2011

Hearing Order: GH-1-2011

File Number: OF-EI-Gas-GL-K083-2010-01 01

The Kitimat Rod and Gun Association, affiliated with the BC Wildlife Federation applied for intervener status, and wish to provide input for the proponent and NEB's consideration.

The Kitimat LNG Export License Application applied for by the proponent is required to support a proposed land based liquefied natural gas plant south of Kitimat. Before approval of the export license the application is subject to public consultation whereby public and stakeholders can express concerns, objections and or provide input to the proponent and National Energy Board (NEB) towards how to mitigate many issues that would arise should the gas export license be approved and in turn the LNG plant constructed.

From the NEB Information Session document provided March 1st 2011 in Kitimat, page 5 outlines the KM LNG Export License List of Issues.

- Application of the Market Based Procedures
- Gas export sales contracts
- Status of regulatory authorization for required facilities
- Consideration of potential environmental and social effects

Consideration of Environmental/Social Impacts

The construction of the KLNG plant, terminal, wharf facility and other required supporting infrastructures, roadways and tanker traffic all hinge on acceptance of the KLNG export license. This will have an associated environmental, social and community impact.

Of particular concern of the Kitimat Rod and Gun Association are the impacts on fish, wildlife and habitats required to sustain viable population. As well the implications negatively impacting revered social, food, traditional, recreational and heritage values.

We are deeply concerned that many aspects of the KM LNG project have been segregated from one another, yet as a whole one can't exist without the other. As such we believe the proponent does not effectively identify or address the cumulative effects of the project in regards to the construction of the pipeline, construction of the LNG plant and terminal, marine traffic, required utilities and application of a natural gas export license that ties this all together. Will the cumulative effects of current industry, past industry, KM LNG proposal and gas export license application and the social and environmental impacts be considered?

The point of export (port) and operation of the KLNG plant will be at Bish Cove. This area consists of a small tidal flat, beach and estuary that Bish Creek flows into. Also existing in the area is a popular hiking trail and logging roads that currently support revered recreational opportunities.

Bish Creek supports viable stocks of Steelhead, Coho, Chum and Pink salmon along with trout and other species. The estuary is rearing habitat required for the health and sustainability of a variety of stocks. The proponent has an obligation to operate within the highest environmental and safety level to protect habitat, wildlife and public. As a result the Bish Creek and area would require regularly monitoring (air quality, water quality, etc.), species assessments and inventories, biological data collection in a transparent manner and habitat enhancement. A program of this nature would require professional guidance with government oversight. Is it the intent of the proponent to implement and support such a program?

The Bish Creek estuary is known habitat for grizzly bears, black bears, black tail deer and other species, as well as a known nesting site for birds including the red listed marbled Murrelet. We see the LNG facility as having a substantial negative impact on the resident wildlife resulting from construction, increased industrial use of the land base, increased marine traffic and operation of the LNG facility that hinges on export of liquefied natural gas to Asia Pacific markets.

It is known that industrial projects of this magnitude have a negative impact on marine and land based wildlife populations, also to the many revered social, food and recreational values they provide public. Such examples include but are not limited to reduced carrying capacity, fragmentation of habitat, degradation of habitat, loss of habitat, displacement of species, degraded water quality, pollution, air quality, toxic spills, environmental non-compliances, operational faults, issues resulting from increased road, railway and marine traffic etc.

Our members and community at large have strong social ties to their natural environment and revere the many recreational, food and traditional opportunities that revolves around it. Many have historically utilized the waters and lands that will be impacted by the proponents LNG project that hinges on the application of the KM LNG Export License.

The area in question currently provides revered hunting, angling, hiking, viewing and other recreational opportunities utilized and revered by our members and citizens. The area is known for viable populations of black tail deer, bear, moose, upland game birds, migratory fowl and variety of salt and fresh water fish species.

Hunting and fishing is an important component of the northern lifestyle, whereby our members and public can connect with family, friends, our natural environment and wildlife in a traditional manner. It is of significant social value and is most often associated with creating and nurturing life long bonds that bind family and friends together.

The importance of hunting and fishing has been touched on in the (Social-Economic Technical Report, for the Proposed Kitimat to Summit Lake Natural Gas Pipeline Looping Project). In reference to page 93, section 3.1.6.6, *“Hunting is an important component of the northern lifestyle. Northern residents along the project route hunt animals as a food source, as a recreational activity, and for guide outfitters a source of income”*.

Further acknowledged in the above mentioned report, page 87 Water-based Activities. *“The project route will be located in an area where the resident population lives an active lifestyle.*

Water-based recreation, including fishing, canoeing and kayaking, form an important component of year-round recreational activity pursued by residents”.

We wish to note a prior mentioned concern regarding aspects of the proponent’s proposal being segregated from one another resulting in the lack of cumulative effects being effectively identified. The NEB consideration of the KM LNG gas export license is the final piece of the proponent’s regulatory puzzle that will bring the project together as a whole. As such we feel that the cumulative effects also need to be brought together and considered. Will this occur?

It is import that the proponent and NEB understand that our environment, fish and wildlife are of great social, traditional, recreational and food significance. This is not restricted to First Nations but also of paramount importance to the non-First Nation community in that it provides quality of life and supports a revered lifestyle. Has this been recognized and how will it be addressed?

It is evident that should the gas export license be approved and the KM LNG plant move forward current hunting opportunities in the area will be restricted. If this is to be considered the Kitimat Rod and Gun requests to be consulted and that the creation of any no hunting/shooting zone only be applied to address safety concerns and that a blanket approach will not be taken.

It is important that continuance of public access to the area be assured outside the direct plant facility site. This would be entrenched if the NEB mandated the proponent to construct and maintain a public boat launch in the Bish Cove for the public interest and ask that this be applied.

Many environmental issues and impacts to habitat and wildlife were identified during the initial environmental approval consultation process. However, no compensation program was put in place by the proponent to offset impacts. We believe the proponent should show stellar ethics and corporate responsibility by supporting such a fund. With a mind set and intent that at the end of the day, they will not leave a negative footprint or even a neutral one, but will strive to create a legacy of a positive one on our environment and the creatures that depend on it.

To offset the many negative implication we feel it is prudent that a compensation fund be attached as a condition to the proponents export license, and that it is effectively and reasonably financed annually by the proponent for the term of the gas export license.

The intent of such a compensation fund would be dedicated to enhancing fish, wildlife, habitat and the values they support exclusively. Funding derived as a result of a compensation fund would be directed to, and prioritizes fish, wildlife and habitat in management units 6-3, 6-10 and 6-11. An initial contribution of \$600,000 to start the compensation fund is reasonable with annual contributions of \$350,000 paid into the fund for the term of the export license. Over a 20 year period this would equate to an average annual contribution of \$362,500 per year or \$7,250,000 contributed by the proponent into the compensation fund for the purpose of enhancing fish, wildlife, habitat and the many social values they support.

We wish to note that should the export license be extended in the future so to should the compensation funding with consideration to increasing the annual contribution during the extended period.

It is important that funds be administered by a non-governmental board that will need to be created. The Kitimat Rod and Gun Association and the BCWF would request seats on this board with it being important to solicit other local stakeholders with a common interest towards the core intent of the fund. Will the proponent financially support a compensation fund dedicated to enhancing fish, wildlife and habitat values?

We wish to emphasize and make it clearly understood that such a compensation fund would in no way set precedence and that our public rivers, lakes and wildlife are not for sale.

With regards to an oral hearing, we respectfully request that the NEB provide an opportunity for the Kitimat Rod and Gun Association and citizens to address the board directly on this matter before you.

In closing the Kitimat Rod and Gun Association expresses its appreciation towards being provided the opportunity to provide our input. Should the NEB and or the proponent have any questions or wish to engage in further dialogue we will make ourselves available.

In conservation,
Michael Langegger
Kitimat Rod & Gun Association