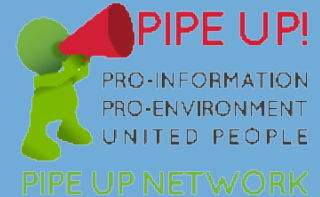


# Using your voice

## Participating in the National Energy Board review of Kinder Morgan's proposed Trans Mountain pipeline and tankers proposal



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*As of January 15th, the National Energy Board (NEB) is accepting applications for public participation in its review of Kinder Morgan's Trans Mountain Expansion proposal. If you don't apply you won't be able to officially comment on the project during the hearings. Apply before noon (PST) on February 12 to have your say.*

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### What is Kinder Morgan's new Trans Mountain pipeline and tankers proposal?

With nearly 1,000km of new pipeline between Edmonton and Vancouver, existing and new pipelines combined could transport 890,000 barrels per day of tar sands oil. Oil storage at Burnaby would triple with 14 new tanks increasing capacity by 3.9 million barrels. The number of tankers travelling past Vancouver Island, the Gulf Islands, the Salish Sea and into Vancouver harbour will increase dramatically, to 408 every year.

### What issues will be addressed in the Kinder Morgan review?

The NEB will consider the need for the project, economic feasibility, environmental and socio-economic impacts, potential tanker and pipeline spills, impacts on Aboriginal interest and impacts on landowners and land-use. However, the NEB assessment will not consider important upstream impacts such as tar sands development, nor downstream impacts including climate change. For full details see the [list of issues](#)<sup>1</sup>.

### Why is it important that I use my voice and participate in the NEB process?

This is a public process and a chance to voice your specific concerns about a proposal that could threaten B.C.'s lands and waters. You have a right to say, "No". In 2012, the federal government's Bill C38 changed the rules about how projects are reviewed. Public input to environmental assessment was restricted, environmental laws weakened and now pipelines crossing provincial borders are only evaluated by the NEB, not environmental regulators. These changes stifle legitimate public concerns. And yet a lack of public involvement may be used to indicate public support.

### What are my options for participating in the NEB process?

There are two options. "Commenters" participate by submitting a letter of comment. "Intervenors" can request further information from Kinder Morgan and are obliged to respond to information requests and present final evidence. Intervenors can apply for NEB participant funding. Unlike the Enbridge Northern Gateway process, there is no opportunity for the general public to make an oral statement.

### Can anyone participate?

Only those who meet NEB criteria of being "directly affected" or have "relevant knowledge & expertise".

### Who is "directly affected"?

The NEB has specific definitions for who they consider is 'directly affected' by the proposed

pipelines and tankers. However, if you believe that you will be impacted by the project in some way, submit an application! What follows is information about the criteria that the NEB will use to decide who gets to participate. The NEB must hear from any person who is directly affected by the granting or refusing of a project application. The NEB considers applications individually and a key consideration is the degree to which your interest is **“specific and detailed”**, rather than a general public interest. Examples include: **commercial, property or other financial interest**, e.g. your place of employment, your house or lands that you own. Directly affected can also mean you **personally use or occupy land and resources** that could be affected or **you use affected land and resources for traditional Aboriginal purposes**.

### Personal use has not been well defined and could include:

- Recreational use, e.g. fishing, birdwatching, clean water.
- Your children’s school lies close to the pipeline (say how close).
- The pipeline could affect your local water supply (say where this is in comparison to the pipeline).
- The pipeline or tankers could affect the aesthetic value of the place you live or a nearby park.
- The presence of the pipeline or tankers could affect your property value: [see report](#)<sup>2</sup>.
- A marine spill could affect the whole Salish Sea see: <http://www.salishseaspillmap.org>.

The NEB will consider whether their decision on the project **directly affects** the interest you have described. In your application, explain how connected the project and your interest are, e.g. how close is an affected watercourse like the Fraser or Thompson rivers. You must connect yourself to what could be affected, e.g. a business or the environment, and then connect the potential effect to the project.

The **likelihood and severity of harm that you are exposed to** is important. Examples could include the chance of injury or death from pipeline or tankers spills, the chance of a pipeline rupture affecting your business operation, disturbance to your right of way, view or land. How will the project

affect you during construction phase and when completed? The existing pipeline has already had over 80 spills. The NEB will also consider how often and for how long you use the area near the project (**frequency and duration**) of your use. Be specific , e.g. you fish in river A, x times per year, for y hours each time, or your entire agricultural land is within x km of the proposed pipeline.

### What counts as “relevant knowledge and expertise”?

The issues under review are limited in scope (e.g. not climate change). However, if you believe your knowledge or expertise is relevant, submit an application! Outline your experience, studies or qualifications, your local or cultural knowledge and how this knowledge or expertise is relevant to the project. Explain how your knowledge and expertise is unique and how it will help the NEB make the best decision in the public interest. General knowledge and expertise, available to the NEB from other sources, are unlikely to be accepted. Specific knowledge about a relevant area e.g. it’s natural history or knowledge of aboriginal use not be in the public domain are more likely to be classed as relevant. Your local knowledge is important.

### Help is available

A number of community and environmental groups are ready to answer your questions, provide workshops and provide support to those interested in participating. The process may seem daunting but you’re not alone and we want to make sure that all who care about this issue get the support they need. Feel free to contact any of us: Sierra Club BC, Pipe Up Network, Raincoast, ForestEthics Advocacy, Georgia Strait Alliance, the Wilderness Committee. We can help you fill out the form.

An NEB advisor can also support the public. Contact Reny Chakkalal, Telephone: (toll free) 1-800-899-1265, or email: [transmountainpipeline.hearing@neb-one.gc.ca](mailto:transmountainpipeline.hearing@neb-one.gc.ca). The NEB will also [offer training sessions](#): <http://www.neb-one.gc.ca/clf-nsi/rthnb/pplctnsbfrthnb/trnsmntnxpnsn/trnsmntnxpnsn-eng.html#s11>.

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### Links

1. <http://www.neb-one.gc.ca/clf-nsi/rthnb/pplctnsbfrthnb/trnsmntnxpnsn/trnsmntnxpnsn-eng.html#s4>
2. <http://tarsandssolutions.org/publications/kinder-morgan-pipeline-threatens-property-values-on-bc-coast>