

New Brunswick Anti-Shale Gas Alliance

These are the comments of the New Brunswick Anti-Shale Gas Alliance (NBASGA), an NGO operating in the province of New Brunswick. This 13 year old alliance includes groups of all types and from both francophone and Anglophone communities. It has also worked closely with Indigenous groups in the province.

The government's recent strategy entitled "A Force of Nature" was encouraging to see, as was the Prime Minister's "elbows up" attitude with dealing with the economic problems resulting from the USA trade policy.

However, it is hard to reconcile the lofty goals of the 'Nature' strategy with the published government plans for "Getting Major Projects Built". And our 'elbows up' strategy increasingly looks like it is instead just a linking of arms with the strategies of President Trump - from 'energy dominance,' to rolling back environmental regulation like the Endangered Species act, to abandoning climate change action, all while greenwashing and subsidizing the fossil fuel industry and fast-tracking its planet killing activities.

A good 'Nature' plan for parks and wilderness does not greenwash the effects that the "Major Projects" proposals may have on nature. Nature is everywhere, not just in parks and protected areas, as important as they are. Nature is where all people, all life, and all events and processes exist and are connected.

Which leads to our specific comments on "Getting Major Projects Built."

- **The most egregious proposal** would be to allow "the Governor in Council to exempt specific projects from the application of the jeopardy test for species at risk, but only if it's in the public interest and if the proponent has made all reasonable efforts to avoid or reduce impacts on at-risk species."

This is the pure hubris - that we have both the knowledge and wisdom to decide on the fate of a species based on some (subjective) criteria that there is a public interest, and a (subjective) judgement that a proponent has exhausted "reasonable" (subjective) efforts. Doing so in an artificially shortened timeframe, as suggested by other parts of the "Major Project" plan makes this even more unacceptable.

Basically, godlike power is being granted to potentially sentence a species to extinction, likely without even learning much about its place in its ecosystem. Our history is filled with examples of not realizing the

importance of a plant or animal to the integrity of an entire ecosystem until long after we eliminated the species.

There is a reason scientific studies take a while; you can't learn everything about a species in a year. When dealing with extinction, decisions should take as long as necessary and be based only upon the most dire of public interests. A press release from the Governor in Council serving as an obituary for a species will not do.

To paraphrase a saying of John Muir's, "When you grab hold of something in nature, you soon learn that you have grabbed the universe by the tail."

We find this proposal totally unacceptable on principle, and reinforced by our actual experiences with shale gas development. Many proponent "best practices" and "reasonable responses" used to gain approvals proved to be specious phrases designed to tick off check boxes.

We believe that subjective criteria and shortened timelines for these momentous decisions destroy public confidence, and enable corruption and influence peddling.

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- **"Federal review and decision-making in no more than one year...** subject to the option for a proponent to extend or delay timelines."
"Ensure federal reviews and decision-making timelines take no longer than one-year, once all information from the project proponent has been received."

We find this arbitrary and untethered to reality. One basic problem in addressing this strategy is its lack of definitions and details.

For example, the clock starts when the project proponent has submitted all information. Is that the information just required by a federal IA? What about a provincial IA, or utility approvals? If you are waiting for all that, just limiting the federal review to one year doesn't seem to save much time.

Here in New Brunswick we have been involved with one of the projects actually now being considered for fast tracking - **The Sisson Mine**. This project has been on the books for roughly 15 years without moving forward.

The reasons for this have nothing to do with federal bureaucracy or red tape. The company cannot come up with investors, the quality of the ore is poor, the price of the ore is volatile, and the proponent has failed to satisfy any of

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40 conditions, though the provincial government has granted it multiple five year extensions.

The federal IA for this project was completed many years ago, but since then there have been significant changes in mining technology, climate/ weather conditions, Indigenous and local attitudes, watershed uses, health research regarding air pollution. and industry economics.

If the proponent now completes the 40 outstanding conditions, under your proposal would the government then have only one year to reconcile all the changed aspects of the original proposal, plus all new material?

To us it strains credulity, while once again creating opportunity for corruption within government and industry while destroying public trust.

This trust is further weakened by the proposed exception that the one year time line is "subject to the option for a proponent to extend or delay timelines." So, in fact, a proponent can change a deadline in response to changing conditions, while no such provision exists for the public stakeholders to extend the review period in order to gather necessary and reasonable additional research.

Residents of the area surrounding Sisson have lived under its looming threat for fifteen years, with all breaks and decisions being given to a proponent that is a foreign entity. Applying new rules that give even more advantages to proponents will not build public trust.

- **"The Governor in Council (GIC) would make the decision about whether the project is in the public interest for pipelines with lengthy routes. To reduce risks and costs for investors, this decision would be made at the beginning of the decision process, before the CER completes its review of conditions and routing details."**

The route of the pipeline, including what conditions would thus have to be met geologically, geographically, environmentally and socially, would determine much of the costs and risks of such a project. Such costs and risks would be major factors in assessing public interest.

This proposal seems counter-intuitive and seems to only serve as a way to promote a project without providing the public with the necessary information to judge it. It is in the mold of the Red Queen from Alice in Wonderland - "Verdict first, trial later".

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- **"The Governor in Council would have the authority to decide that certain developments within specific zones are pre-approved, subject to conditions for the projects themselves."**

It's unclear what advantage there would be in pre-approving a zone, if it is then subject to the conditions of a specific project. What time has been saved or efficiency gained? Once you have a project, you do an evaluation.

Most obviously lacking is what kind of criteria would be used to pre-approve zones. Is the area of a zone defined as a political division, an ecosystem, a watershed, a development type? What are the zoning types? Who, using what means and tools, will determine what uses fit each zone?

This seems like more bureaucracy, not less. It also ignores the multi-faceted nature of nature. Larger zones judged by one criteria may contain many smaller areas that are quite different.

In New Brunswick, there is currently a project known as the **RIGS project** - a gas/diesel generating plant. It was originally planned for an industrialized zone, but was then found to impact too many watercourses. The zoning designation did not help it.

It was then moved to agricultural area based on the area's proximity to gas supply and electric transmission lines. It was so out of scale for this environment that public opposition was very strong, and soon they were pointing out problems like major migration routes for birds and moose, endangered species, and a slow-to-recharge aquifer.

So the reasons for its selection were insufficient. The point being that every project has to be evaluated on its whole impact. Nothing is saved by pre-selecting zones based on specific criteria. It provides false impressions and requires personnel, resources and money, while providing no advantages.

This proposal is too vague to properly evaluate, but it seems redundant, and brings no advantages to the evaluation process.

The one place zones do work is when they are used as exclusion zones. For instance, one could have an exclusion zone for old-growth forest, where any project requiring clear-cutting was excluded, or a sensitive watershed area would exclude any development that encroached on it.

"Aligning more quickly with international standards, through new ministerial authority to adopt standards or obligations Canada has already agreed to."

This is mere aspirational rhetoric, as it is already contrary to fact.

Canada is a treaty signatory to the Paris accords on climate change. It is also a member of the United Nations, and an endorser of the International Court of Justice.

That court recently and unanimously issued a ruling that any state that acts to increase greenhouse gas emissions by producing or burning more fossil fuels, commits a crime for which it can be sued.

A resolution by the UN General Assembly ratifying that decision into law was subsequently adopted overwhelmingly, including a 'yes' vote from Canada.

Yet, only weeks later, Canada announced it will not meet any climate targets. Plus, the majority of nation-building projects, and those being considered for fast-track evaluation, consist mostly of new bitumen and fracked gas pipelines and LNG export facilities. These projects will increase the amount of the two most-carbon-intensive types of oil and gas, and introduce a vast new pulse of greenhouse gases.

Under international law they are, 'prima facie' evidence of a crime. We soon expect to see cases based on this in Canadian courts.

So, whatever the intentions were for including this statement, please excuse our cynicism as we ask to have it deleted, unless it can be reconciled with the actions just described, or explained in detail how it makes any scientific, logical, or mathematical sense.

Summary

A more complete discussion of these proposals requires more details, and especially greater definitions of terminology. Too many words and concepts are open to interpretation.

As now written, most of these new proposals seemed designed to favour the interest of fossil fuel proponents, and other extractive industries. Most seem unnecessary or unlikely to help anything, while they are ripe to be manipulated by industry, and enable corruption and influence peddling.

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Our objection to the change to the Endangered Species Act is very strong.

We thank you for considering our comments on their merit, but we need to veer away from the technical to the political for a moment. Our perspective needs to be passed on, as we don't want to be adversaries.

There is a large wave of voter remorse among our members. Even solid liberal people from Dominic Leblanc's riding are now using words like 'betrayal' and 'traitor'.

No one has yet satisfactorily explained why it is only fossil fuel industries that can build the Canada economy, when there is ample evidence saying otherwise.

The Prime Minister may say, "we can't afford to restrain the growth of an important part of our energy mix, **oil and gas**, to meet a short-term goal", but that is simply his statement of opinion based on a host of questionable assumptions. Such as:

Will carbon capture work? (Long odds on this, and why are taxpayers now paying for it?)

Years from now when these energy projects come on line, will there be a market? (Scientists say there can't be, economists are very doubtful, and global trends are already reducing future fossil fuel usage)

Will there be private investors, or is the government gambling with public money? (Will the public continue to pony up additional billions?)

On the other hand, had Mr. Carney said, "we can't afford to restrain the growth of an important part of our energy mix, **renewables and storage**, to meet a short-term goal," he would be on more solid ground with voters, the economy of the future, climate science, and our members.

Thanks for your consideration.

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