



Angela Giles

## Energy East: A battle to imagine a better collective future

The Council of Canadians teamed up with the Peace and Friendship Alliance in New Brunswick to help with the Harmony Project art installation, which involved painting the image from the Wolastoq flag along the proposed Energy East pipeline route to show opposition. Alma Brooks, Ben Gotschall and Council of Canadians New Brunswick Energy East Campaigner Mark D'Arcy stand by one of the painted trees.



by Daniel Cayley-Daoust

In June, the National Energy Board (NEB) launched what was supposed to be a 21-month-long hearing into TransCanada's Energy East pipeline. It was the beginning of a long, complicated process that will end with a recommendation to the federal government about whether or not the pipeline should be built.

The NEB process originally included preliminary panel sessions until December 2016 for intervenors to ask questions and explain their main areas of interest, and into 2017, the opportunity for intervenors and commenters

to submit written evidence, the opportunity for intervenors to ask official questions, or put forward information requests of TransCanada and other intervenors, and eventually, the possibility of oral hearings and the cross-examination of TransCanada.

One thing is certain: this process is complex and it is a world where lawyers – of which TransCanada has plenty – are most comfortable. The Council of Canadians is working with intervenors across the country to make sure this opaque process is better understood and best utilized to advance the

goal of stopping Energy East before it is built and puts our communities and our planet at even greater risk.

The Council of Canadians was at the opening of the first NEB panel session in Saint John, New Brunswick in August with many local and regional partners. We held a press conference outside the venue where the panel sessions were being held to show that there is a strong opposition to this pipeline. Ron Tremblay, Grand Chief of the Wolastoq Maliseet Grand Council, Lynaya Astephen of the Red Head, Anthony's Cove Preservation Association, and Colin Sproul, spokesperson for the Bay of Fundy Inshore Fishermen's Association, gave powerful presentations to the media.

This outside activity complemented the energy and the powerful stories that Energy East opponents brought to TransCanada and the three NEB members inside the panel session.

### **TransCanada's contempt and the NEB's loss of credibility**

One of the common themes we've seen for some time now is TransCanada's contempt for landowners, First Nations and municipalities. Company officials often only partially answer local residents' questions at the panel sessions, or outright refuse to respond. Indeed, in many instances, TransCanada's well funded team of lawyers and experts were spinning and regurgitating talking points instead of answering questions. TransCanada is posing as the good corporate citizen, saying it is meeting with "this many" First Nations and "that many" landowners, but many people see this as posturing.

Another theme that has emerged is the NEB's lack of credibility and transparency. This will make it more difficult for the Trudeau government to rely on the board to approve the pipeline. It was recently revealed that current NEB Energy East panel members met secretly with former Quebec premier Jean Charest to discuss the Energy East project. Charest was employed by TransCanada as a consultant at the time. The NEB had to apologize after it initially denied they had talked about the pipeline project. Three panel members recently resigned and

the panel hearings were on hold at the time *Canadian Perspectives* went to press.

Since being elected, the Trudeau government has attempted to bolster the NEB's image with its proposed interim measure for the Energy East hearings. Effectively, the NEB has added a separate public meetings process to discuss

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the pipeline which will happen sometime in 2017 and which will result in a written submission to be added to the NEB process outlined above. Similarly, the government has added a separate climate assessment process that only looks at the direct upstream climate emissions and does not consider the downstream emissions. These two additional steps did little to bolster public confidence in the process.

The Trudeau government promised an additional consultation process with Indigenous communities that will be handled by the Major Projects Management Office. The process for it, however, is still unclear. Indigenous communities came out in large numbers on the second and third days of the Saint John panel sessions and the resounding message was that Indigenous peoples would need to give their consent before this project could move forward.

A similar consultation process was attempted for Kinder Morgan's Trans Mountain pipeline, to much dissatisfaction. Grand Chief Stewart Phillip of the Union of BC Indian Chiefs told that panel "we're not confident in the process...we do not believe this process that is in place here at the moment goes far enough to address the very

serious concerns that not only Indigenous people, but the general public have about the fundamentally flawed NEB process." Chief Ernie Cray of the Cheam First Nation was blunter, calling the process "drive-by consultation."

Ultimately, the government needs to ensure that the principles in the United Nations Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent, are upheld.

It is clear the NEB's highly technical process gave advantage to the well-resourced TransCanada Corporation. Any revised process must shift this and put more priority on a true environmental assessment, consultation with Indigenous peoples, and a climate test that considers upstream and downstream impacts, and that recognizes communities' right to say "no."

### **Re-imagining our collective fossil-free future**

We need to seize opportunities to build a new vision and a new future for our communities.

TransCanada has proposed its vision – a future of corporate profits made by sending extracted resources across Canada to outside markets, endangering our water along the route; a future where we are abandoning our climate targets and putting our sacred waterways at risk. This future isn't pretty.

Luckily, we've got tools to change things. The Leap Manifesto has given us a good framework with which to embark on this journey, and researchers like Stanford's Mark Jacobson, with his Solutions Project, have given us a path to follow to phase out fossil fuel energy needs in the next 20 years.

As campaigners, we meet new people every day. We hear stories of people fighting for and creating a better world, and we are reminded of the power of collective action. There is strong support for alternatives to a fossil fuel-filled future. We've got a challenge ahead of us, but I believe we are ready to meet it.

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