

MACKENZIE VALLEY PIPELINE INQUIRY

IN THE MATTER OF THE APPLICATIONS BY EACH OF

(a) CANADIAN ARCTIC GAS PIPELINE LIMITED FOR A
RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS
CROWN LANDS WITHIN THE YUKON TERRITORY AND
THE NORTHWEST TERRITORIES, and

(b) FOOTHILLS PIPE LINES LTD. FOR A RIGHT-OF-WAY
THAT MIGHT BE GRANTED ACROSS CROWN LANDS
WITHIN THE NORTHWEST TERRITORIES
FOR THE PURPOSE OF A PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL
AND ECONOMIC IMPACT REGIONALLY OF THE CONSTRUCTION,
OPERATION AND SUBSEQUENT ABANDONMENT OF THE ABOVE
PROPOSED PIPELINE

(Before the Honourable Mr. Justice Berger, Commissioner)

Toronto, Ontario
May 28, 1976

PROCEEDINGS AT COMMUNITY HEARING

Volume 61

The 2003 electronic version prepared from the original transcripts by
Allwest Reporting Ltd.
Vancouver, B.C. V6B 3A7 Canada
Ph: 604-683-4774 Fax: 604-683-9378
www.allwestbc.com

APPEARANCES

Mr. Ian G. Scott, Q.C. Mr. Ian Waddell, and Mr. Ian Roland	for Mackenzie Valley Pipeline Inquiry
Mr. Pierre Genest, Q.C. and Mr. Darryl Carter,	for Canadian Arctic Gas Pipeline Limited;
Mr. Alan Hollingworth and Mr. John W. Lutes	for Foothills Pipelines Ltd.;
Mr. Russell Anthony and pro. Alastair Lucas	for Canadian Arctic Resources Committee
Mr. Glen Bell, ries	for Northwest Territories Indian Brotherhood, and Metis Association of the Northwest Territories.

INDEX Page

WITNESSES:

H.F. BUTTON	6829
Peter LANE	6834
Miss Donna ELLIOTT	6837
Frank DUERDEN	6846
Patty PARK	6849
Warren LOWES	6851
Dr. Douglas PIMLOTT	6860
Peter KELLY	6863

INDEX

EXHIBITS:

C-501	Submission of Ministry of Energy, Province of Ontario - H.F.Button	6834
C-502	Submission by Voice of Women - Miss D. Elliott	6845
C-503	Submission of Ontario Federation of Students - P. Lane	6837
C-504	Submission by F. Durden	6849
C-505	Submission by Office & Professional Employees International Union - P.Park	6851
C-506	Submission of Irene Stein	6859
C-507	Submission of Sisters of St. Joseph - Sister M. Alban =	6860
C-508	Submission of Sabaskong Band - P. Kelly	6869

1 Toronto, Ontario, May 28 1976

2 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

3 THE COMMISSIONER: Well,
4 ladies and gentlemen, I'll call our hearing to order.

5 MR. ROLAND: Good morning, sir.

6 The first submission this
7 morning is by Dr. H. F. Button executive co-ordinator,
8 Policy Department, Ministry of Environment of the
9 Province of Ontario. Dr. Button? Sorry. Ministry of
10 Energy, Policy Department. Ministry of Energy.

11 H. F. BUTTON sworn:

12 THE WITNESS: Well, sir, the
13 Ministry of Energy is pleased to accept the invitation of
14 the Commission to participate in the hearings-throughout
15 southern Canada. We have been following your most
16 important work, Mr. Commissioner, with great interest.

17 Since the focus of your terms of
18 reference are north of the 60th Parallel, it is
19 inappropriate for a representative of a Provincial
20 Government in the south to comment on what just and
21 equitable solutions there may be to the many difficult
22 questions that are properly within your terms of
23 reference.

24 Also many of the questions that
25 affect Ontario's interests most directly are currently
26 the subject of the National Energy Board Hearings on the
27 pipeline applications. The Ministry of Energy is a
28 participant in that proceeding.

29 Therefore, today, I would like to
30 briefly state the general attitude that we bring to the

1 Major new discoveries in
2 western Canada, primarily Alberta and British Columbia,
3 the Mackenzie Delta and the Beaufort Sea area, the
4 Islands in the eastern Arctic, the east coast off
5 shore, and, latterly, the gasification of coal.

6 Our on-going review of these
7 alternatives continues to confirm, what the Minister of
8 Energy has stated on several previous occasions, that
9 he only proposal which has a threshold volume of
10 reserves available to it at this time is the proposal o
11 build joint pipeline system from Prudhoe Bay in Alaska
12 and from the Mackenzie Delta in the Northwest
13 Territories.

14 Developments with respect to
15 other alternatives continue to be encouraging.
16 Promising discoveries have been made in the Arctic
17 Islands and on the Labrador shelf.

18 Through the Ontario Energy
19 Corporation we are participating in feasibility studies
20 of deliver gas from the Arctic Islands under the ices
21 of the Polar Gas project. Polar Gas, however, is not,
22 in our view, in a position today to file any regulatory
23 applications to build a pipeline.

24 We are therefore relying on his
25 Commission and the National Energy Board to complete their
26 work in a comprehensive but in a timely manner. This sense
27 of urgency, however; must be balanced with the commitment
28 that we have made in Ontario that our energy difficulties
29 should not be resolved by avoidable ecological
30 deterioration and social dislocation.

1 Financial, stresses on our
2 economy must also be minimized.

3 These concerns do not lessen
4 the commitment of the Government of Ontario to secure
5 adequate natural gas supplies for its citizens.
6 Accordingly, the government has approved, in principle,
7 the provision of customer support for investments by
8 regulated gas distribution utilities in projects to
9 secure additional. gas supplies such as the frontier
10 pipeline projects. The questions of the manner in which
11 such support should be given and the procedures that
12 should be followed were the subject of recent. public
13 hearings before the Ontario Energy Board, The Board's
14 report has been released and the government will, in the
15 very near future, announce its position on the report's
16 recommendations.

17 A perspective, Mr.
18 Commissioner, we would like to discuss briefly with you
19 is exactly what we use natural gas for in Ontario. We
20 appreciate that the supply and demand for natural gas is
21 a question being examined by the National Energy Board,
22 but the perspective we bring to your work, is better
23 understood in the context of our own energy supply
24 situation.

25 In 1974, we used approximately
26 50 billion cubic feet of natural gas. No other province
27 used even half that amount of natural gas, and Ontario's
28 demand was just about half of the total amount of gas
29 used in Canada.

30 Of the 650 billion cubic feet

1 of gas we used, nearly 400 billion cubic feet was used
2 for industrial applications. In other words, we used the
3 largest portion of our natural gas not to keep us warm or
4 to cook with but to keep Canadians working. The National
5 Energy Board forecasts that with additional supplies
6 Ontario industrial demand will continue to grow
7 maintaining or even slightly increasing its fifty percent
8 share of total provincial natural gas demand.

9 I must stress, however, the
10 Government of Ontario is committed to a pattern of growth
11 based on wise use of our energy resources. We have
12 developed an extensive energy conservation program within
13 the Government of Ontario known as the Energy Management
14 Program. The target for this program is to moderate the
15 annual rate of growth in provincial energy demand over
16 the 5-year period to 1980 by one-third from its
17 historical growth rates.

18 In conclusion, Mr. Commissioner,
19 let me just state that we await the recommendations that
20 will arise from your extensive hearings with anticipation.
21 The fair treatment of the north and its people is goal all
22 Canadians surely must seek. The Government of Ontario
23 supports your endeavours to that end.

24 THE COMMISSIONER: Thank you,
25 Mr. Button..

26 THE WITNESS: Do you have any
27 questions?

28 THE COMMISSIONER: Well, we
29 don't allow the lawyers to ask questions at these
30 hearings, so I'm inclined not to ask many.

1 little but token control over their own education.
2 Further, we are concerned that government proposals in n
3 ordinance respecting education in the Northwest
4 Territories would further compromise native involvement
5 in the decision-making processes in the educational
6 system in the north. The ordinance insults the Dene
7 nation and all the native peoples by making no specific
8 provision for education conducted in their own languages
9 here are several other proposals in the ordinance which e
10 oppose and find ourselves in agreement with the position
11 articulated by the Tripartheid Committee report on this
12 subject.

13 We need not dwell on the detail
14 of our opposition to the ordinance today. The point we
15 wish to make and to make strongly as strongly as possible
16 is that we are concerned that with the rapid development
17 of the Mackenzie Valley by interests foreign o northern
18 Canada, all commitment to improving the native content
19 and the local control of northern education will be lost
20 in the stampede.

21 With 96% of native students
22 dropping out before completing secondary school and with
23 those very few students who do qualify for post secondary
24 education being discouraged by federal regulations,
25 drastic changes are needed.

26 Native content must be improved
27 local residents must have a significant impact on the
28 planning and operation of the educational system. A
29 massive influx of southern workers, bureaucrats and money
30 may seriously compromise, the development of an

1 manufacture war materials and threaten to make war, whom
2 we hold as the major polluters of the world.

3 The environmental concerns
4 raised by a project of this magnitude are almost beyond
5 number - a frost bulb around the pipeline; pressure on
6 the caribou and possible disruption of breeding and
7 staging areas of migratory birds; hazardous river
8 crossings; denuding of gravel deposits so vital to the
9 northern communities, and the cumulative effects of
10 thousands of workers and millions of tons of equipment
11 and material. Increased air pollution from
12 industrialization may spread acid wastes which would have
13 detrimental effects on vegetation cover. Forest fires
14 increase with the presence of man, especially dangerous
15 because of the slow recovery of the ecosystem. Proposed
16 construction of a hydro dam on the Great Bear River would
17 lead to floodings with detrimental effects on wildlife
18 and permafrost.

19 There are two major kinds of
20 environmental problems facing contractors in the
21 Mackenzie Valley: One is the effect of construction on
22 the land, and two is the effect of construction and
23 operation of the project in the midst of the wildlife of
24 the north. The key to the consequences of construction
25 in the Arctic can be found in the makeup of the ground.
26 Most of the land is a mixture of soil and water In the
27 Arctic the topsoil, known as the tundra freezes every
28 winter, and thaws every spring, but under this lays
29 what is known as the permafrost. This subsoil offers
30 a good base for construction, if it can be kept frozen.

1 Homes built in the Arctic are built on pilings so air
2 can pass under them thus keeping the permafrost from
3 melting. Building a home directly on the permafrost
4 would allow heat to seep through the flooring and melt
5 the ground below and subsequently the whole house would
6 slowly drop out of sight. Building a pipeline offers
7 similar problems. As you know, oil and gas .is at least
8 1500? in temperature when it comes from the ground.
9 As it runs through the pipeline the gas would give off
10 heat, and the pipeline would slowly sink deeper and
11 deeper into the permafrost, floating on the water as it
12 melted the ice in the soil. This would cause the uneven
13 heaving and the pipeline could sag and break.

14 River crossings would be most
15 difficult because most of the work would have to be
16 done during the short insect-plagued summers. Gravel
17 beds in the North Slope streams are spawning sites for
18 many seagoing, fish that lay their eggs' in the
19 freshwater streams. Great care must be taken not to
20 allow silt to pour down into the gravel beds where
21 these eggs are laid.

22 The Arctic it a major nesting
23 area for Canada geese, swans, ducks, whooping cranes and
24 peregrine falcons. It is the land of large herds of
25 migrating caribou, grizzly bears, mink and lynx, as well
26 as the home of 33 different kinds of fresh-water fish.
27 There will be a disruption of wildlife behavioural
28 patterns due to, physical barriers and noise. The
29 reaction of a completed pipeline on the caribou is
30

1 FRANK DUERDEN sworn:
2 THE WITNESS: Mr. Commissioner,
3 ladies and gentlemen, the feelings expressed in this
4 brief arise from considerable research experience in the
5 Yukon Territory and also from conversations.. with some
6 of my colleagues in the Geography Department at Ryerson
7 Polytechnical Institute.

8 The proposed Mackenzie Valley
9 Pipeline is just one component in the infrastructure of
10 energy extraction in the north, and as such the conflict
11 surrounding its construction are symptomatic of larger
12 problems related to general attitudes towards energy.

13 Traditionally in the Americas,
14 the response of the non-indigenous population to
15 increased demand for natural resources has been to expand
16 the society's spatial economic system. Inevitably such
17 expansion brought conflict with other societies with
18 vastly different value systems. In the past such
19 conflicts were solved by subjugating native populations
20 through either assimilation, removal to reservations or
21 in extreme circumstances, genocide.

22 Realization of the finite nature
23 of some of the natural resources of this planet renders
24 it obvious that the expansionist response to resource
25 demand is antiquated. In terms of survival the none-
26 indigenous population must change its attitude towards
27 natural resource. or perish. History shows us that man
28 survives through adaptation; yet a development of,
29 northern oil and gas fields will merely lead to a
30 reinforcing of the present way of life a perpetuation of

1 a conventional and outmoded wisdom.

2 In essence the basic problem is
3 not one of energy supply, but rather one of consumption
4 and as such the Mackenzie Valley controversy is urban
5 generated. The vast majority of the Canadian population
6 live in the urban belt within two hundred miles of the
7 United States border and demand increased energy supplies
8 to maintain their standard of living. To satisfy this
9 demand, it is proposed to develop energy resources some
10 2,000 miles to the north.

11 Because of its geographic
12 remoteness, however, the Mackenzie Valley land-use
13 conflict is not perceived by the vast majority of the
14 Canadian populace as an urban-generated problem. Most
15 urbanites are very poorly informed about the north they
16 know relatively little about the native peoples, their
17 lifestyle or their relationship with the land. To them
18 the maintenance of the contemporary living standard and
19 the related supply of relatively cheap energy have top
20 priority. In this age of mass consumerism, the urban
21 population finds it easy to take comfort in some of the
22 conventional justifications for the Mackenzie Valley
23 project.

24 Such conventional
25 justifications have little validity; they are merely
26 designed to rationalize an exploitive development by the
27 non-indigenous population. The pipeline will not provide
28 much employment for the native population construction is
29 short-run project; in the long-run oil and gas extraction
30 is capital intensive. The multiplier effect of money

1 Pipeline and I want to appear as an independent social
2 observer, one who has lived in the country for quite
3 some time; I'm now a senior citizen and retired. So,
4 from that perspective, I would like to approach the
5 subject from a historical point of view.

6 Four hundred and fifty years
7 ago this July, Jacques Cartier sailed into the Huron
8 village of Hochelaga which has now become the site of
9 the City of Montreal. He was greeted by over a
10 thousand friendly natives bearing food, and we have his
11 own account of the visit summed up in these words:

12 "It was a finer greeting than ever a father gave
13 to his child and it made us marvelously happy".

14 In a sense, we are gathered
15 here today to discuss what has transpired in that short
16 period of 440 year and to contemplate our social
17 behaviour for the immediate future. With your
18 indulgence may I be permitted to recapitulate our
19 record in capsule form.

20 In the general accepted sense of
21 the term, western society stems from the assembly of
22 related cultures hat originated upon the Eurasian
23 continent, spread influence throughout parts of Africa,
24 Australia, penetrated part of the Orient and, in the time
25 span under consideration here, has permeated the
26 Americas.

27 Here in Canada, our forefathers
28 found a virgin land. Nature had laid out vast rolling
29 plains, protected them with grasses and forests. She
30 flanked them on either side by towering mountain ranges

1 justice and fair play. The native population constitute
2 a majority, of permanent residents there and surely this
3 permanency of residency dating back several thousands of
4 years entitles them to certain priority considerations.
5 This means control of their own destiny through treaty
6 arrangements and it means a generous and bountiful share
7 of the direct financial gains that may accrue from the
8 exploitation of their hereditary domain. Settlement of
9 land claims therefore is a prerequisite to harmonious
10 relations.

11 In conclusion, however,
12 consideration should be given to the overriding fact that
13 in the end, these deposits are finite and do not
14 constitute the ultimate answer to our mounting energy
15 problem Many informed men of science today, the eminent
16 Canadian geophysicist, J. Tusso Wilson and M. King Hubbard
17 of the United States Geological Survey, to mention but
18 two, warn us that the era of fossil fuel combustion as a
19 source of power is fast drawing to a close.

20 We who have in the past taken
21 such pride in our spiritive enterprise are still faced
22 with a challenge which must be met sooner or later,
23 Shall we grasp at the admittedly dangerous alternatives
24 of nuclear fission and fusion? I hope not. Concerned
25 scientists inform us that there is ample supply of,
26 energy to meet our needs to be found in the rays of the
27 sun, the power of the winds, the strength of the tide,
28 from geo-thermal sources and even from the combustion
29 of our mounting garbage heaps. Where is our vaunted
30 ingenuity and enterprise? This Canadian contends that

1 | if we do not have the intuitive, the initiative to
2 | direct the main thrust of our exploratory endeavors
3 | into these latter directions today, we deserve to
4 | freeze in the dark tomorrow.

5 | Thank you.

6 | (WITNESS ASIDE)

7 | MR. ROLAND: Is Celeste Frame
8 | here? Kit Shaw? Mr. James? Malcolm Davidson?
9 | Peter Kelly? Sir, I have one written brief to file by
10 | Miss Irene Stein of Toronto and that appears to
11 | conclude our evidence this morning. Sir, as you are
12 | aware, our rules provide, in lieu of cross-examination,
13 | that the two pipeline companies and the major
14 | participants may take ten minutes at the end of each
15 | session to respond to evidence presented to you. Dr.
16 | Pimlott has indicated to me that he wishes to exercise
17 | that right and to respond this morning.

18 | (SUBMISSION BY IRENE STEIN MARKED EXHIBIT C-506)

19 | THE COMMISSIONER: What time
20 | is it?

21 | MR. ROLAND: It's twenty-five
22 | after ten.

23 | THE COMMISSIONER: Well,
24 | maybe we could have a cup of coffee and then hear from
25 | Dr. Pimlott. Would that be all right?

26 | MR. ROLAND: That's fine,
27 | sir. Yes.

28 | THE COMMISSIONER: We'll take a
29 | short break for coffee and then hear from Dr. Pimlott.
30 | (PROCEEDINGS ADJOURNED FOR A FEW MINUTES)

1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

2 THE COMMISSIONER: Well, ladies
3 and gentlemen, I'll call our hearing to order and I
4 understand we're to hear from Dr. Pimlott now, so --

5 MR. ROLAND: Dr. Pimlott's
6 seating himself. I'd like to file one more written brief
7 by Sister Mary Alban, Social Justice Representative for
8 the Sisters of St. Joseph of Toronto.

9 THE COMMISSIONER: Yes, Dr. Pimlott.

10 (SUBMISSION OF SISTERS OF ST. JOSEPH SISTER M. ALBAN
11 MARKED EXHIBIT C-507)

12 DOUGLAS PIMLOTT resumed:

13 THE WITNESS: Mr. Commissioner, as
14 you know, in making the actions at the hearings, I tended
15 to speak from notes but because of the importance of the
16 topic this morning, I have tried to commit it to writing,
17 and since my writing is bad under any circumstances, and
18 this was very hurried, I beg your understanding if I
19 stammer in trying to read my own writing.

20 My final reaction to these
21 hearings will deal with one thing which has been
22 reiterated at the southern hearings on a number of
23 occasions. The thing is that we are faced with a
24 dangerous short term natural gas situation in Canada
25 and the only way out is to build a gas 'pipeline from
26 Prudhoe Bay and the Mackenzie Delta.

27 At these hearings, Consumer's
28 Gas Company, Dr. Mackof the University of Toronto, and
29 the Ontario Ministry of Energy have articulated this
30 theme most eloquently.

1 | people of the north and to the environment if the
2 | decision is based primarily on maintaining traditional
3 | growth patterns in southern Canada.

4 | Thank you.

5 | (WITNESS ASIDE)

6 | MR. ROLAND: Mr.

7 | Commissioner, there was one other brief from this
8 | morning and the gentleman has now arrived. Since he
9 | came all the way from Kenora -- it's a short brief; I
10 | wonder if we could hear it now. I would call upon then
11 | the brief on behalf of the Sabaskong Band, Number 38,
12 | Northwestern Ontario, the Kenora area and that's
13 | spelled S-A-B-A-S-K-O-N-G and Mr. Kelly, I believe,
14 | will be presenting that brief on behalf of the band.

15 | PETER KELLY sworn:

16 | THE WITNESS: I have been
17 | sent to this Inquiry by the people of my reserve. I
18 | have not seen too many presentations in Ontario by the
19 | powerful Indian associations, the government-funded
20 | associations. It is because of this when we saw that
21 | there were not too many representations that my reserve
22 | took it upon itself to send me here and make
23 | representations.

24 | Secondly, I want to say,
25 | every thing that I have to say here is with due respect
26 | to the Commissioner. Also, the preliminary remarks
27 | that I made basically have to do with the fact, that my
28 | representation comes from Indian people, I speak the
29 | Ojibway language and in order to be received by the
30 | people who have made this Inquiry, possible, it is up

1 | jobs, obtained the help of the high-powered economists,
2 | lawyers and missionaries who are now helping you to
3 | prepare briefs and studies to help draft the terms of
4 | reference and incorporation of this monumental project.
5 | There is no other way to protect your land, your way of
6 | life, and your people. I urge you to learn from our
7 | experience.

8 | (SUBMISSION OF THE SABASKONG BAND - PETER KELLY MARKED
9 | EXHIBIT C-508)

10 | (WITNESS ASIDE)

11 | MR. ROLAND: Sir, the booklet
12 | that Mr. Kelly has just handed you has been filed with
13 | the Inquiry. As well, I'd like to file a supplementary
14 | submission by Energy Probe. Sir, we have now arrived at
15 | the end of the Toronto hearings of the Inquiry and I'd
16 | simply like to conclude by saying that the Inquiry
17 | placed advertisements in newspapers in Ontario
18 | requesting those persons and organizations who wish/to
19 | make submissions to the Inquiry here in Toronto to
20 | register their names with our Ottawa office. This was
21 | to be done by May 1st. In the last few days, we have
22 | had many additional persons and organizations approach
23 | us to make representations to the Inquiry over the four
24 | days of hearings scheduled for Toronto. Since
25 | commencing our Inquiry hearings here in Toronto last
26 | Tuesday evening, we have held eight sessions, more
27 | sessions than in any other city in southern Canada. We
28 | have heard 75 oral presentations and received and filed
29 | 19 written briefs with the Inquiry. I'd only add, sir,
30 | that the Inquiry resumes in Montreal next Monday, May

1 | 31st at 8 p.m. and I believe it's at the Queen Elizabeth
2 | Hotel. Thank you.

3 | THE COMMISSIONER: That's
4 | where we'll all go, then. Well, ladies and gentlemen,
5 | thank you for your attendance at these sessions here in
6 | Toronto and my. thanks especially to those who took
7 | the time and trouble to prepare briefs. My apologies
8 | to, those who didn't have an opportunity of presenting
9 | their in person but as I have said it before, your
10 | briefs will not go unexamined and unconsidered. We
11 | will be looking at them.

12 | The hearing in Toronto is one
13 | that I think has been useful to the Inquiry in many
14 | respects and in many ways. Certainly, I try to learn
15 | something from each person who comes to the witness
16 | stand to present a brief to the Inquiry. I have tried
17 | to learn from all of you and I trust that you have been
18 | be seeking to learn from each other. It must Apparent
19 | that views on each side of this issue are strongly held.
20 | I think that it's become apparent to all of you that
21 | there are reasons that those on each side of this issue
22 | regard as sound reasons for holding the point of view
23 | they do and I think it's incumbent on me to try to
24 | understand he reasons why people take the positions they
25 | do on each side of this issue and I think it's incumbent
26 | on you to try to understand the point of view of those
27 | who come forward to present briefs. It's easy for you
28 | to understand and appreciate the point of view of those
29 | that you agree with, it's sometimes harder but even more
30 | important to understand the point of view of those that

