

MOTION ON NOTICE

RR-1 (i)

i. **Support for Open and Inclusive National Energy Board Hearings**

At the Regular Council meeting on April 29, 2014, Mayor Robertson submitted the following Notice of Motion.

MOVER: Mayor Robertson
SECONDER: Councillor Reimer

WHEREAS

1. In September 2011, the Union of BC Municipalities, including Vancouver Councillors, voted to request that the National Energy Board, Port Metro Vancouver, and all appropriate federal Ministers ensure that any applications to expand the amount of oil transported by pipeline or tanker in British Columbia undergo meaningful public consultation, including direct engagement with affected municipalities, regional authorities and British Columbia First Nations;
2. In February 2012, Vancouver City Council reiterated support for ample and meaningful public consultation on what was at that time an anticipated application from Kinder Morgan for an expanded pipeline/bitumen export project and directed staff to provide ongoing monitoring of any proposals that would expand the volume of fossil fuel exports;
3. In May 2012 a majority of Vancouver City Council supported the Mayor in writing to Prime Minister Harper expressing the City of Vancouver's strenuous opposition to any increase in oil tanker traffic, or measures that lead to increased oil tanker traffic, as it poses an unacceptable and unmitigated risk to Vancouver's economy and environment;
4. A research analysis prepared by staff for Vancouver City Council and presented in December 2013 outlined the magnitude of risk from a seven-fold increase in oil tanker traffic proposed by Kinder Morgan to Vancouver's residents, businesses and environment;
5. The "hearing" process as it currently stands meets no test of meaningful consultation; specifically, several hundred BC residents have been denied access to the National Energy Board process and the "hearing" itself will involve no oral arguments outside of an "oral summary" for intervenors;
6. The National Energy Board hearings for the Trans Mountain pipeline will not allow oral cross-examination of the proponent or intervenors, with the one exception of First Nations who, when presenting traditional evidence, can be questioned by the proponent but not the reverse;

7. This process is significantly reduced from the recently concluded Northern Gateway hearings, which allowed full public cross examinations;
8. A letter was sent from the City of Vancouver to the National Energy Board, in support of intervenor Robyn Allan's motion to amend the Hearing Order to include oral cross-examination of all witnesses on their evidence by intervenors, the National Energy Board, and Trans Mountain, if they choose do so;
9. The Federal Government amended legislation in 2012 through Bill C-38 that allows for them to give political direction to the National Energy Board.

THEREFORE BE IT RESOLVED THAT Vancouver City Council continue to aggressively use all means available through the City's status as an intervenor to have concerns related to public participation addressed;

FURTHER THAT Council write to the Federal Government requesting that they direct the National Energy Board to allow all applicants to speak, conduct oral hearings, and allow for full cross-examination in the Trans Mountain pipeline hearings.

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