

Proposed Pipeline Threatens Important Bird Areas in Canada; Public Review Enters Final Stages

In Canada, a public review of a proposed pipeline project through an area of exceptional importance for marine birds is entering its final stages. The Enbridge Northern Gateway Pipeline, if approved, would put at least 30 Important Bird Areas at risk, most from oil spills, and fragment habitat for the critically endangered mountain caribou. Nature Canada (BirdLife Partner) and BC Nature have enlisted the help of the University of Victoria's Environmental Law Centre to ensure the interests of birds and wildlife are well represented during the public review. The two conservation groups have been joint interveners before the review panel since hearings began in January, and have campaigned against the project since 2009. "From the beginning we have argued the Northern Gateway Pipeline project poses unacceptable risks to British Columbia's wildlife, and that a spill would cause irreversible harm to the livelihoods of many coastal and aboriginal communities and the area's unique marine ecosystems," said Ian Davidson, Nature Canada's Executive Director. "We need to continue to press our case, so the Environmental Law Centre's offer to help comes at a critical time." BC Nature's president John Neville agrees: "The northern BC coast, islands and offshore waters comprise a globally important area for marine birds and other animals, including orcas, humpback whales, sea otters and Stellar's sea lions, all federally listed as species-at-risk." The proposed pipeline would carry oil from Alberta's tar sands to a port at Kitimat, British Columbia. After travelling nearly 1,170km through pristine wilderness and First Nations homelands, tar sands oil would be loaded on tankers bound for Pacific markets. To get there, tankers must first navigate the perilous northern B.C. coast, travelling the same waters where the Queen of the North ferry sank in 2006. An independent Joint Review Panel has been holding hearings to consider Enbridge's pipeline project since January. Evidence submitted by Nature Canada and BC Nature to the Panel last December focused specifically on threats to marine birds and mountain caribou, revealing significant deficiencies and faulty conclusions in Enbridge's application, especially in regard to potential impacts on marine birds. This is an area of exceptional international conservation importance to marine birds. Within the project area, there are 30 Important Bird Areas designated for the globally and nationally significant populations of marine birds they support. Each of these IBAs supports 1% or more of the world population of at least one bird species. Many of these IBAs are seabird colonies located on offshore islands around Haida Gwaii and the Central and North Coast of British Columbia, which collectively support one half of the world's Cassin's

Auklets, about one third of the world's Ancient Murrelets, about one quarter of the world's Rhinoceros Auklets, and up to 10% of the global population of Pelagic Cormorants. Other breeding seabirds that exceed global importance thresholds include Leach's Storm-petrel, Fork-tailed Storm-petrel and Pigeon Guillemot. Several Globally Threatened, Globally Near-Threatened and federally and provincially listed seabird species regularly occur in the project area as non-breeders, including Short-tailed Albatross, Laysan Albatross, Black-footed Albatross, Pink-footed Shearwater, Buller's Shearwater, Sooty Shearwater and Yellow-billed Loon. The Environmental Law Centre will be representing BC Nature and Nature Canada, on a pro bono basis, for the balance of the Enbridge hearings. According to Chris Tollefson, the ELC's Executive Director, "what happens this Fall will very much resemble a courtroom situation, where lawyers question opposing witnesses to try to get straight answers to hard questions about this project. Getting ready for this stage of the hearings, especially for groups unfamiliar with the litigation process, will take considerable preparation." Final hearings into the proposed pipeline begin September 4 in Edmonton. With the help of the Environmental Law Centre, BC Nature and Nature Canada will be questioning Enbridge on the evidence the company has submitted on the impacts of the project on birds, bird habitat and endangered species. Enbridge will also have a chance to cross examine the witnesses that BC Nature and Nature Canada have retained to analyze and raise questions about the proposal. All of this will take place at hearings in Prince George and Prince Rupert, set to run from October 1 through to December 18, 2012. The ELC will also present final arguments on behalf of BC Nature and Nature Canada to the review panel in early 2013.