SELECT COMMITTEE
REGARDING THE RISKS AND BENEFITS OF
HYDRAULIC FRACTURING

Public Hearings: Evidence

Monday, June 23, 2014 — 7:00 p.m.

Chair: Patti McLeod
SELECT COMMITTEE
REGARDING THE RISKS AND BENEFITS OF
HYDRAULIC FRACTURING

Chair: Patti McLeod
Vice-Chair: Lois Moorcroft
Members: Hon. Currie Dixon
          Darius Elias
          Sandy Silver
          Jim Tredger

Clerk to the Committee: Allison Lloyd

Speakers: Cheryl O’Brien
          Reiner Rembe
          Sarah Newton
          Margaret Donnessey
          Claire Donnessey
          Jenny Skelton
          Terry Wilkinson
Good evening, everyone. I’m going to call to order this hearing of the Yukon Legislative Assembly Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing.

First we’re going to start with introductions of the Committee itself. I’m going to let each member introduce themselves. I’m Patti McLeod and I’m the Chair of the select committee. I am, of course, the MLA for Watson Lake.

Mr. Silver: I’m Sandy Silver and I’m the MLA for the Klondike.

Hon. Mr. Dixon: I’m Currie Dixon. I’m the MLA for a riding in Whitehorse called Copperbelt North. I’m also the Minister of Environment, the Minister of Economic Development and the minister responsible for the Public Service Commission.

Ms. Moorcroft: I’m Lois Moorcroft, MLA for Copperbelt South. I’m also the Vice-Chair of the Committee. I would like to acknowledge we’re on the Kaska lands and Liard First Nation traditional territory and welcome you all this evening. Good to see you coming out. Thank you.

Mr. Elias: My name is Darius Elias. I’m the MLA for the Vuntut Gwitchin riding that’s in northern Yukon. It’s a pleasure to be in your community.

Mr. Tredger: Hi, my name’s Jim Tredger and I’m the MLA for Mayo-Tatchun. It is a pleasure to be in the Town of Watson Lake and I’m honoured to be here. I look forward to hearing your stories, your thoughts, and your input into the select committee as we contemplate the risks and the benefits of hydraulic fracturing in the Yukon. Thank you for coming out.

Chair: Also present is Allison Lloyd to my right, the Clerk of the Committee; Dawn Brown, who’s at the registration desk and helping with our registration tonight; and of course our sound recording and transcription staff.

On May 6, 2013, the Yukon Legislative Assembly adopted Motion No. 433, thereby establishing the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing. The Committee’s purpose, or mandate, is set out in the motion and it specifies that the Committee is to gather input from the Yukon public, First Nations and stakeholders.

A summary of the Committee’s activities to date is available at the registration table. All the information the Committee has collected, including presentations from experts on various aspects of hydraulic fracturing, is available on the Committee’s website.

The Committee will not be presenting information on the risks and benefits of hydraulic fracturing at this hearing as the time allotted will be devoted to hearing from as many Yukoners as possible.

Depending on the number of participants at the hearing, presentations will be limited to five minutes. If you would like to present your opinion to the Committee, please ensure that you have registered at the registration table, and please note that this hearing is being recorded and transcribed. Everything you say will be on the public record and posted on the Committee’s website.

I would like to welcome everyone in the audience and ask that you please respect the rules of this hearing. Visitors are not allowed to disrupt or interfere in the proceedings and please refrain from making noise, including comments or applause. Please mute all electronic devices.

Just before we get started, I would like to make sure you all feel comfortable in getting coffee or tea as you wish, and please help yourself to the snacks at the table. Thank you.

We’re going to get started now. I’m going to ask our first presenter to come up, Cheryl O’Brien please.

Please go ahead whenever you’re ready.

Ms. O’Brien: I support hydraulic fracturing in the Yukon, especially southeast Yukon. I was born and raised in Alberta and lived in northern B.C. I’ve seen the economic benefits and the positive sides of the economics with the oil industry. I also — living there, I haven’t seen any adverse issues that really affected the people, except for possibly hunting. That’s it. Thank you.

Chair: Thank you, Ms. O’Brien.

Iena, I have you listed as a possible — would you like to speak now?

Unidentified Speaker: (inaudible)

Chair: No? Thank you.

Reiner Rembe, please.

Mr. Rembe: Hello.

Chair: Whenever you’re ready.

Mr. Rembe: Yes, Patti. I have a few questions. Number one would be: Is there a regulatory process in place already that regulates about groundwater withdrawal, because hydraulic fracturing, to the best of my knowledge and information, uses tremendous amounts of groundwater, or surface water, from rivers, creeks — doesn’t matter — and, in the process of doing what they’re doing, to the best of my knowledge that groundwater will be poisoned and could not be used for human or agricultural purposes any more. So is there a regulatory process in place about water withdrawal in the Yukon at all?

That’s a question.

Chair: As I mentioned at the beginning, the Committee is not answering questions.

Mr. Rembe: Okay.

Chair: We’ll certainly take note that that’s an issue for you.

Mr. Rembe: Yes.

Chair: Thank you. Carry on.

Mr. Rembe: The issue for me mainly is that hydraulic fracturing would do way more harm than any good in the Yukon Territory. We have a pristine wilderness here that we have obligations also to protect to a certain degree, and we have to balance the risks and benefits very wisely.

Hydraulic fracturing is not welcome in many jurisdictions on the planet. I just refer to one — it’s in the United States,
the State of Vermont — traditionally, actually, to the best of my knowledge, a rather conservative state that has banned hydraulic fracturing completely. Their reasoning behind it is scientific evidence, to the best of my knowledge, what I could check out the situation there — and the poisoning of groundwater and totally disturbing their cultural being, as a state and so forth. It was not welcome there at all. That’s just one example of numerous other examples.

It’s banned in numerous countries in Europe, so if anybody is interested in real scientific evidence, they should actually pay attention to some of these countries that really try to take care of the last bit of natural habitat they have. They are well-aware that fracking would, in the end, destroy that completely because there’s no control about groundwater. We don’t even know they’ve disclosed, to the best of my knowledge — correct me if I’m wrong — all the ingredients that they shoot down, way down. I don’t know why it’s not disclosed. It’s like basically if the pharmaceutical companies would sell us a drug and would tell us that this is good for you, trust us, but we aren’t going to tell you what’s in it. I mean, that wouldn’t fly.

That is right off the bat. I wouldn’t even discuss any possible operation in the Yukon Territory with anybody who is not willing to play completely open. The fracking oil and gas industry isn’t. They’ve proven that through North America and they’ve proven it in Canada, especially too. There are very adverse effects in Canada already — Alberta. There are numerous people — farmers — just normal, ordinary people who are hard to label “radicals”, which seems to be the fashion from the governments that support fracking with hardly any regulations in the field. I mean, best management practices are actually a joke. I mean, there is no real regulation in place and definitely no enforcement.

If we really value the Yukon and if we value any agreements that we ever made with First Nations, then we should say no to fracking out of well-known reasons. Thank you very much.

**Chair:** Thank you, Mr. Rembe.

Is Ms. Newton in the room yet?

Does any other person wish to speak?

**Unidentified Speaker:** Sarah just stepped out.

She’ll be back.

**Chair:** In the meantime, though, does anybody else wish to address the Committee? Okay, we’re going to wait for Ms. Newton then. Thank you for your patience. As I said, please help yourself to coffee.

Ms. Newton, please — whenever you’re ready.

**Ms. Newton:** Firstly, I would like to acknowledge our presence here on Kaska traditional territory. Souga senla for welcoming all of us to this land. Thank you to the select committee for the opportunity to participate in this process.

My name is Sarah Newton and I’m the lands manager for Liard First Nation. My views do not necessarily represent the views of all Kaska, but my views are based on the knowledge and information I’ve gained through my scientific training with Yukon College and other universities, as well as through my community work with this First Nation.

This territory has been greatly impacted by many resource development projects, including Faro, Sa Dena Hes, Cantung and countless other mineral exploration projects, as well as with forestry. Many environmental practices in the industry have changed and improved, but what has not is the economic benefits reaching the community level. I see a lot of poverty within this community and I would really like to see these things addressed.

Industry has the potential to address some of the impacts that we see within our traditional territory, addressing poverty, giving people jobs and empowering people to be self-determined. In order for that to happen, the community needs to be empowered to make decisions about the types of projects that happen within the traditional territory.

Our territorial government continues to approve and permit projects, despite that aboriginal title to the territory has not been appropriately resolved. Proponents and individuals benefit from the wealth of the resources this territory has to offer while the community continues to suffer crippling poverty and all the social ills that accompany that.

The practice of aboriginal rights, including hunting, fishing and trapping, rely on the integrity of the ecosystem, which our local citizens report has already been severely undermined.

People say that you can’t go hunting north — there are mining projects that way. You can’t go hunting this way, to the east, because there is development that has happened there, and you can’t go hunting to the west because of the highway and all of the impacts that are happening there. The Little Rancheria caribou herd, for instance — the highway kills about 17 members a year. They haven’t been surveyed since 1996, and that is pretty typical of many of the caribou herds that we have within the traditional territory.

People say that hunting moose is very difficult because the numbers that they allow non-aboriginal hunters to get are too high. They see a lot of non-aboriginal hunters in the area. They don’t respect the traditional laws that people are expected to follow when you are Kaska. This is undermining our food security.

Right now, in Watson Lake, the food prices are about 30 to 50 percent higher than you find in Whitehorse and most people have a really difficult time buying healthy foods, so country food is our access to healthy food.

Seismic lines have devastated caribou herds in northern Alberta and B.C., and Kaska people have informed me that caribou were the staple meat when moose were not available. They were second to moose and used to be so plentiful that you never had to worry about hunting caribou, but now they are hard to find.

Even if the system could be changed so that economic benefits did flow to the community level, this does not come close to being able to replace the sacred relationship that Kaska have to the territory, nor to the healing experience of hunting on the ground where your forefathers lived and died,
nor will it mitigate the against an uncertain future of extreme weather events, impacting the ability of the current agricultural system to deliver overpriced food to our remote northern communities.

I would like to share some words of a friend of mine, a Navajo-Athabaskan woman from a territory that has also experienced directly the impacts of fracking, and her name is Whysper Light. She is a beautiful, strong woman, a survivor, a poet and an artist. Her territory is drought-stricken and currently experiencing a devastating fire. Her words: “As above, so below. Our lands are so very dry and sad to me. Dibe ntsaa, Hesperus Peak, has absolutely no snow on it. The river is tiny, the smaller waterways dried up and calcified. The watering holes for livestock are minimal these days, and there is a fracking well every sixth of a mile all the way from Colorado down into Cuba, New Mexico. Yes, the development is inching further and further out, rapidly depleting our underground water table. Spreading like cancer. It’s worrisome to think that we are already being deprived of rain. But if we lose our water table, what then will we have to sustain life? Not just human lives, but everything living. Wild medicines are now being replaced with shrubs, hardier to droughts. Beatles are destroying our weakened juniper trees. Wildfires are denying the view of blue skies. This fracking feels almost like a bad sci-fi movie because it is so blatantly destructive and reckless. These wells are not being effectively regulated — the Bureau of Land Management has admitted that. Nor is the use of our water table and watersheds being monitored. So as Our Mother grows more parched, slowly she is withdrawing life. Green is now becoming a savoured sight to see on the land. Father Sky pains over the treatment of his life forest’s life.

Sometimes art is a really good way to try to express something that the heart feels but that words are difficult to express:

Don’t frack with my habitat
That’s some gas we don’t need to tap
We need to move forward not back
So let’s get on with the solar, wind and carbon tax
Hot springs shooting up the water from within
Healing all the bodies sins with mineral medicine
Have you ever thought about how that water comes on out
From the depths of the earth at the moment of life’s birth
Mothers milk that we nurse from deep beneath the surface
Nourish us from the first so we flourish in our work
Make amends with the trends and heal all the hurt of our divine feminine
Get back with the dirt
Don’t frack with my habitat
That’s some gas we don’t need to tap
We need to move forward not back
So let’s get on with the solar, wind and carbon tax
Purity of our headwaters inherited from our fathers
A virgin, the maiden bringing forth a new spring

Making way for the river, mother, life giver
Flowing down to the crone, our Elder the ocean
Sending back her children our dearly beloved salmon
That gift, the sacrifice of their bodies to suffice the entire life forest’s life

So I think it’s such a vice to force our phallic drills and these thick dick wells into the depths of the womb that we all call home
Don’t frack with my habitat
That’s some gas we don’t need to tap
We need to move forward not back
So let’s get on with the solar, wind and carbon tax
There’s enough energy if we could only see
All the power that resides in natural synchronicity
Burning up the features of these long dead creatures
Is awakening and calling all teachers, healers, spiritual leaders
To awaken in our minds and remember that it’s time
We all need to rewind and remember in our minds
That there are many ways of knowing the truth
And providing real proof
That the stories we all tell and our ways of being well
Are worth much more than this material religion
Don’t frack with my habitat
That’s some gas we don’t need to tap
We need to move forward not back
So let’s get on with the solar, wind and carbon tax
I would just like to finish with a letter that the Kaska have written to the select committee. It was drafted so I would just like to submit that as well. Thank you.

Chair: I’m just going to get a copy of that letter and then we will read it into the record. It says:

“Dear Honoured Members of the Legislative Assembly’s Select Committee on Hydraulic Fracturing,

“We, the Kaska, representing the ancestors, Elder’s, citizens and children who have and will occupy this land for time immemorial, declare that we will not allow fracking within our traditional territory and will support communities across the Yukon rejecting this technology.

“We recognize that the combination of high volume slick water horizontal hydraulic fracturing is a relatively new process. We recognize that there are a building body of science that is suggesting there may be risks to health and the environment related to this process.

“Beyond that, we as the Kaska have a sacred role as stewards of our land. In our way, breaking rock to get gas is completely unacceptable. No amount of jobs or economic benefit is worth sacrificing our children’s access to water and a safe future.”

This is signed by a number of people. Thank you.
Our next speaker will be Tim Stewart. Mr. Stewart, please. Please come up to the table.

Unidentified speaker: (inaudible)

Chair: Okay. Thank you.
Does any other person wish to be heard?
This is your opportunity to be heard as Yukoners.
Unidentified speaker: (inaudible)
Chair: Can you please come up to the table? These proceedings are being recorded.
Would you please say your name clearly?
Ms. Donnessey: Margaret Donnessey.
Chair: Thank you, Margaret. Carry on.
Ms. Donnessey: Why do you need to use chemicals to get the gas out of the ground? It’s not gold. Isn’t there a cleaner way of getting the gas out?
Chair: As I had mentioned early on in this process, we will not be answering questions but we will take your questions as a concern of yours.
Ms. Donnessey: Okay, thank you.
Chair: Thank you.
Does anyone else wish to have a say, or perhaps you would like to take a short break and reconvene? Perhaps you will want to speak then.
Unidentified speaker: (inaudible)
Chair: The Committee will recess for 15 minutes. Thanks everyone. Coffee and snacks at the back — please help yourself.

Recess

Chair: Welcome back. Just before we get started again, I just want to go over some issues that were brought forward by Mida Donnessey, who unfortunately couldn’t stay with us.
She has her concerns noted in point form so I will just read them out that way.
Wildlife effect; trapping; risk to family and the next generation; Mida works with kids and her concern is that people are not sticking to traditional ways; in her opinion, oil and gas is not a good thing; it will affect the food; in her opinion, people don’t need money over tradition; it’s bad for the water; it kills fish, wildlife, people — resulting in a short life; possibility of disturbing roadside graves.
Mida’s concerns are now noted in the record.
We’re going to carry on with some presenters.
Gord Sunby, did you wish to speak now?
Unidentified speaker: (inaudible)
Chair: Claire Donnessey. Please sit down — any time you’re ready.
Claire Donnessey: When — we just need water. That’s all. When we’re drilling for gas and oil, it’s no good for our kids. Your grandchildren, your children — my grandchildren — they got to leave something. They do that all — Fort Nelson — they just drilled it all the place. All the game are dying off. They got to come up and look and they hunt up here. We can’t stop them. Nobody stop them up here. We got to leave too. It’s no good — the gas is no good — the oil — like that — anything drink water. Game drinks water. Moose — anything. We got to leave something like that or it will just get hard time pretty soon. We get a hard time already.
We’re just like a white man like you — we can’t go hunt until others who go hunt — every time they sell out and our land no good. That’s what I said it used to be a long time ago — they’re going to sell out. They’re going to kick us out from the land too. Look — you see all my people down here. We try to help you guys. That’s why I meet with you guys. Just down in Fort Nelson — moose no here — just come out — they’re dying out. They drink water. They drink the swamp water — everything. They dying off — those moose, muskrat — all the game like that (inaudible). We just need the water. We all drink water. That’s why we live yet. That Sa Dene Hess, too — just stop them — because my nephew died so I stop this meeting that we have — meeting up here.
Now only me, I talk to you guys. That the way you’re going to hear something from us. Nobody like me — just I talk for anybody. I got grandchildren. You got grandchildren. Where they going to go? They go hunt. They got to kill something — moose, anything. Old timers — that’s what — they raise our kids too. They raise us up on the land. You’re old timer too — they get a hard time. I know I see the television sometime. Now where you go to school, there’s the white kids I see. Me, I never go to school. Just my kids all go to school. Just like anybody. Before 1942, Dad go up Dease Lake — get groceries from up there. Lower Post was there — summertime like that. We get hard time in the bush. Now this time we just go (inaudible) — anything good. Just easy. Go in the truck; just go.

Summertime like that, it’s just (inaudible) — small — five years old, Mom died. My dad, my grandma, grandma, auntie — Mida’s mom. Mida — that’s my cousin. She’d be all the kids like me — they talk like that. They know how to write. Me, I don’t know how to write.
Think about that, you guys. We’re getting a hard time this time. This first time I come down and meet with you guys. I get hard time I’m small. Now it’s still only me with my kids. My nephew died. All my dad and all died. 1942, the soldiers come down make road. What they pay? They pay us? Nothing. Just they throw anything in the water. Watson Lake — truck and all, they’re throwing in there. Now no good — that fish, nobody eat it. They got to go long way up — Frances Lake — and fishing. Simpson Lake. Simpson Lake — that’s my trapline, I give my kids. That’s why they say you kids — you guys — talk to your little ones. Talk to my kids — some of them, they never listen to me. All (inaudible), they go to jail. They laugh at me.
I still sit down with you guys. I talk to you guys. Before anybody just was staying here — just 1942, anybody coming down — they start soldiers coming down. I’m scared. I just ran away. I hide in the bush.
We getting a hard time at this time. My son works in the band office. He never work any more. No money. They never even call him — no. Now you’re here, something like that — long time ago. They got to see those old people — Mida. That’s my cousin. Where’s all they go? Some of them — where they gone?
We getting hard time yet more. Look at — no, we never even sell nothing out yet. We just go hunt. My boys go hunt. They just kill one. We eat meat. It’s good. You get sick, you eat moose meat. It’s good too. Anything. Indian medicine —
Ms. Skelton: My name is Jenny Skelton. I have lived in this community since 1971, so I’m not a Yukoner.

I would just like to rebut one of the speakers here talking about moose and caribou. Actually, when I drive to Whitehorse, I have never seen so much caribou and I’ve never seen so many moose. If we are losing some moose, well, those people from Whitehorse come down and hunt down here.

Also, we were talking about forestry. We have not had any forestry industry here for years. Unfortunately, any progress that we seem to have seems to be treated negatively by the Liard First Nation, which is rather unfortunate.

The Yukon is a very large territory. Let’s put it this way: 35,000 or 38,000 people live in this huge, huge area, so we really need to take it in perspective. Before making our decision, I really need to hear both sides of this issue. For instance, Putin right now in Russia is actually telling everybody in Europe how terrible fracking is because he wants to sell his gas from Russia to the Europeans. He’s basically putting on this very negative propaganda.

I feel that I don’t particularly want any fracking closer to the community and I don’t want to see any fracking close to rivers or large lakes or even small lakes for that matter too. But I also know that the southeast part of Yukon, which is a long way from Watson Lake, is a known oil and gas field. It will be really good to be able to utilize that.

Our costs for fuel, heating and electricity in the Yukon — especially in our community — is very high. What do we produce our fuel right now? We’re producing our fuel right now with oil, which is ridiculous. Anyway, we need to conserve for sure, but we still need fuel to fly and to drive. When we are sick, what do we do? We jump in a car and we go to Whitehorse. We’re not using dog teams any more.

We really need to weigh this and weigh this very carefully, looking at the positives and negatives before a decision is going to be made. Right now, all I hear is — I hate to use this word — but hysterical propaganda, anti-fracking. None of it is really proven 100 percent. I really would like to hear the good parts about fracking as well as the bad things about fracking. I don’t want to be swayed by propaganda; I want to be swayed by honest truth and studies.

Thank you very much.

Chair: Thank you. Does any other person wish to address the Committee?

Mr. Wilkinson, please. Would you just state your name for the record?

Mr. Wilkinson: I’m Terry Wilkinson. I’ve been in Watson Lake since 1979.

I’ve come to this meeting thinking it was more an information rather than an opinion meeting so to me it was a waste of time. My question to you is: When they’re fracking — I’ve read up on it a fair bit and deep fracking I have no problem with, but when it comes to shallow, then I get concerned about it. I was hoping to get that question answered here tonight, but I don’t think you guys are going to answer that question. That’s my only comment on it.

Chair: Thank you.

I just want to talk a little bit about some of the work that the Committee has done to date and to share with you that we are not experts on hydraulic fracturing, either the risks or the benefits. That is in fact why we come to talk to Yukoners so that we can get your opinion. Once we are done talking to Yukoners in this process, we’ll be forwarding a recommendation to government or a series of recommendations to government. Then it will be up to government to decide how they’re going to proceed or not.

We have listened to the Department of Environment, the Department of Justice, and Energy, Mines and Resources. You can see that we obviously started with our own folks first. The Yukon Environmental and Socio-economic Assessment Board or YESAB; the Yukon Water Board; the Chamber of Commerce Energy Committee; Yukoners Concerned About Oil & Gas Exploration/Development; Yukon Conservation Society; and Dr. Brendan Hanley, who is the Chief Medical Officer for the Yukon.

We’ve had a series of public presentations in an effort to educate Yukoners in some of the material that we’ve been hearing. As such, we had four days total since January in Whitehorse with presenters coming to the Legislature and the public was invited to listen. We listened to the Alberta Energy Regulator; Sundre Petroleum Operators Group; Alberta Surface Rights Group; Shlumberger; ConocoPhillips; Alberta Health Services; Alberta Environment and Sustainable Resource Development; Canadian Association of Petroleum Producers; and Cochrane Area Under Siege Coalition.

Unidentified speaker: (inaudible)

Chair: My colleagues are telling me that I’m a little out of order there. We talked to those folks when we went to Calgary to do a site tour of a gas well and to be on-site while they were conducting a fracking exercise.

The public dialogue was with Gilles Wendling, who is a hydrogeologist; B.C. Oil and Gas Commission; the Pembina Institute; industry representatives from EFLO Energy, Inc.; Northern Cross (Yukon) Limited; the Canadian Association of Petroleum Producers; Bernhard Mayer, who is a professor of
geoscience; Rick Chalaturnyk, professor, Geotechnical Engineering; the Fort Nelson First Nation; the National Energy Board; Mark Jaccard, who is a professor of resource and environmental management; Lalita Bharadwaj, toxicologist; and again, Dr. Brendan Hanley, the chief medical officer of health for the Yukon; Dr. Eilish Cleary, chief medical officer of health for New Brunswick; Dr. Charl Badenhorst, regional medical health officer for Northeast Health Service District of B.C.; Donald Reid, associate conservation zoologist, Wildlife Conservation Society of Canada; and John Hogg, vice-president, MGM Energy Corp.

Those were all about 45-minute presentations, followed by a Q&A period for the public to participate in. All of that information is on the website, including the public questions that were asked and answered. If an answer wasn’t available, then the presenters have followed up with subsequent answers which are also on the website.

This is the kickoff for our meetings with the public. These are public hearings. We’re going to 12 different Yukon communities. The transcript of this public hearing and all public hearings will be on the website.

I should know this because I just had this conversation. If people are not comfortable speaking in this format, we would certainly take your written comments, either on the website — there is a form there for comments — or by letter. Really, we’ll take your information in any way you wish to submit it.

I’m going to ask you again if anybody wants to speak to the Committee. We’re here to listen to you.

Thank you then. I guess we will adjourn these proceedings. I want to thank everybody for coming out. We’ve had a really nice group of citizens here and I’m happy to see that. Thank you very much.

The Committee adjourned at 8:09 p.m.