

**Comments on Proposed Centre Village Gas/Diesel Generating Station**

These are the comments of the New Brunswick Anti-Shale Gas Alliance, a collection of groups from across the province that, since 2010, have acted to prevent the extraction and use of unconventional fossil fuels in the province, and have promoted the transition to a clean, renewables based economy.

Using public education and litigation as our tools, we have helped obtain and maintain a moratorium on hydrofracking for ten years, intervened on the side of the federal government at the Supreme Court of Canada to validate the Carbon Pricing legislation, and been co-plaintiffs in a case in the Nova Scotia Court of Appeal that challenged an EIA, which helped defeat a planned LNG facility in Goldboro.

Our approach in all cases is to use the best science available, and apply it to the latest legal standards.

Following those two principles, as detailed below, brings us to the following conclusion. Any act that increases the extraction or use for burning new fossil fuels must, by any scientific standard, be opposed, and that national and international jurists increasingly view limiting climate change and the ghgs that cause it, as issues that require legally binding responsibilities and agreements within and between nation states.

**Therefore, our primary position on the Centre Village gas/diesel turbine is that we oppose its construction.** If there is any case to be made supporting it, it would require, at the very least, a comprehensive federal Impact Assessment (IA), to provide details that the current EIA plan lacks.

The argument that ghg emissions cannot be considered in the evaluation process for the need for a federal IA, is specious and absurd, especially in light of recent developments we will discuss.

We will also argue that those issues designated by the IAAC as legitimate for assessment also merit a call for a full IA. They and climate concerns often overlap.

**The Elephant in the Room**

To start, virtually every global science institution and climate scientist agrees that there is no longer any doubt that the climate is rapidly changing, that the main cause is the burning of fossil fuels, and that without action being taken, climate change is a global existential threat.

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That degree of scientific certainty provided the basis for the Saskatchewan Court of Appeal (in the carbon pricing case) to state: ***"The factual record presented to the Court confirms that climate change caused by anthropogenic greenhouse gas [GHG] emissions is one of the great existential issues of our time."***

*"Because none of the Attorneys General dispute the causative effect anthropogenic GHGs have on climate change or the attendant and existential necessity of mitigating anthropogenic GHG emissions, the proof or truth of these facts is not at issue. **That is, they are proven and true.**"*

In the appeal of this issue to the Supreme Court of Canada, the justices affirmed those views and further acknowledged the shared global nature of ghgs: *"GHGs are a specific and precisely identifiable type of pollutant. The harmful effects of GHGs are known. **GHG emissions are also predominantly extraprovincial and international in their character and implications.** This flows from their nature as a diffuse atmospheric pollutant and from their effect in causing global climate change."*

In order to reach their decision the justices accepted the fact that **"a province's failure to deal with the matter must have grave extraprovincial consequences."**

*"Emissions reductions that are limited to a few provinces would fail to address climate change if they were offset by increased emissions in other Canadian jurisdictions."*

*"A province's failure to act or refusal to cooperate would have grave consequences for extraprovincial interests. It is well established that climate change is causing significant environmental, economic and human harm nationally and internationally, with especially high impacts in the Canadian Arctic, **coastal regions** and on Indigenous peoples."*

There is a lot more to glean from these court decisions, but it is not our intent to file a legal brief here. We are just establishing that the federal government, including the IAAC, clearly has the right, power and obligation to deal with ghg emissions, as they are national and international in nature. Indeed, Canada is bound by the Paris Treaty to devise and adhere to a plan to reduce ghgs.

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This becomes exceptionally clear based on the very recent decision by the International Court of Justice (ICJ) on the nature of the obligations and responsibilities that nation states have concerning climate change.

***"Failure of a state to take appropriate action to protect the climate system... may constitute an internationally wrongful act,"*** court President Yūji Iwasawa said.

**This includes government activities that support the expansion of fossil fuels – including by private actors.** The country in breach of its obligations must stop its polluting activity, which would mean excess greenhouse gas emissions, and ensure that such activities do not reoccur.

This is a legal, not just moral, obligation, and private citizens and other nations may sue countries, including for damages. This is new and untested law, but Canada is an observer of international law and a signatory to the ICJ.

This decision should be viewed as the writing on the wall. Reality demands that climate change be the lens through which all energy decisions are viewed. **When viewed that way, the Centre Village project must clearly be rejected.**

The EIA's 'stress case' shows that the 910,825 tons of ghgs emitted yearly would make the Centre Village plant the third largest emitter in the province, just short of the total of the current third and fourth biggest emitters.

Those two emitters are the existing generating stations of Colson Cove and Bayside. We cannot assume that Centre Village will replace them. If they co-exist with them there will be a doubling of ghg emissions. We also have doubts that Centre Village will only be run at its minimum level.

We also stopped believing a long time ago in the fantasy that fracked gas was a 'bridge fuel'. Documented leakage of climate wrecking methane (86 times worse than CO2 over 20 years) from every part of its lifecycle makes it as bad as coal, and often worse, in its climate damage.

This project would add to provincial and federal ghg emissions, exceeding the self-imposed limits of both, and those of our Treaty obligations. Thus essentially making us international criminals, liable as a country for our climate crimes. **The project must be rejected on those grounds.**

## **Alternatives and Finances**

Despite its real and potential pitfalls, this project does not provide any benefit that can't be achieved otherwise.

NBPower has refused to explain what alternatives it has examined and why they were rejected. We at NBASGA do not have the wherewithal in the short timeframe for comments to provide detailed alternatives. Others likely do.

We are, however, very much aware that other jurisdictions in Canada and globally are solving problems similar to New Brunswick's with non-ghg producing technologies, using a variety of batteries, and other storage methodologies. This technology, already cheaper than fossil fuels is forecasted to become even cheaper. **It is incumbent on NBPower to provide what alternative solutions it investigated, and their costs. The IAAC should request this even before starting an impact assessment, if it isn't forthcoming,**

**The financial arrangements as explained by NBPower also need further explanation, as it is hard to see how they will work out to the benefit of ratepayers or taxpayers.**

NBPower will have to buy the fuel for the plant for the 25 year life of the plant. Natural gas is one of the most volatile of markets, and in the time forecast for this plant its price is predicted to rise considerably, as the rest of the world withdraws from fossil fuels.

NBPower will have to pay the proponent for the expensive electricity produced, and as we understand it, pay penalties (capacity payments) for not purchasing enough. If such a situation doesn't strictly categorize this project as a likely stranded asset, it certainly will put the province between a costly rock and a hard place.

Finally, this project has a life expectancy taking it to mid-century - far beyond the time when we must be rid of fossil fuel dependency for our electricity needs.

The logic is simple:

- Climate change is an existential threat, caused by ghgs produced by the burning of fossil fuels.
- Fossil fuel usage must be decreased and nations have committed to plans and treaties to do so.

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- Courts have acknowledged the above, and that ghgs produced anywhere disperse in the atmosphere to affect everywhere. In Canada courts have authorized the use of federal actions to regulate ghgs.
- The new ICJ decision makes countries legally responsible for any excess fossil fuel and ghg increases or failures to decrease them within their borders.

As Centre Village will increase the demand for 2 types of fossil fuels, and increase (perhaps greatly) ghg emissions that will exceed limits set by the province and Canada and that are required by international treaty obligations.

**Therefore, the IAAC thus can, and should, stop this project based on its climate effects, or show through an IA that it does not constitute a climate threat.**

### **The Areas Specified by the IAAC - Fisheries**

Consider the absurdity of the following: A proposed generating station potentially threatens pollution of a stream with an oil spill. The same station will definitely emit copious ghg emissions on a daily basis. These emissions are known to increase global warming, which causes higher stream temperatures that will kill, or drive away fish, halt reproduction, or promote anoxia, or produce a number of other threats to the fish in that stream.

The first pollution situation would trigger an IA and participation of Fisheries and Ocean; the second ghg situation would not, even though the pollution is only a potential threat that may never occur, whereas the ghgs will be pumped into the atmosphere everyday with certainty.

We submit that threats to fisheries from climate change are well-documented scientifically, widely observed globally, and are part of the "extra provincial damage" noted by Canadian courts.

The ghg effects are direct, as the courts described their "*nature as a diffuse atmospheric pollutant and from their effect in causing global climate change.*" The fact that any particular incident cannot be connected to specific ghg molecules is not a get-out-of-jail-free card.

This is an important issue in Atlantic Canada. Last year, Fisheries and Ocean Canada issued a news release that began with this sentence: **"The Government of Canada recognizes that some fisheries in Quebec and**

**Atlantic Canada are facing serious challenges, including climate change and the resulting disruption of aquatic ecosystems."**

*In Solution Mode: The Government of Canada launches its transition plan for the future of fisheries in Quebec and Atlantic Canada*

<https://www.canada.ca/en/fisheries-oceans/news/2024/01/in-solution-mode-the-government-of-canada-launches-its-transition-plan-for-the-future-of-fisheries-in-quebec-and-atlantic-canada.html>

Food industry observers also noted at that time:

*"As we navigate through the first 6 months of 2024, the Canadian fish industry faces significant challenges brought on by the escalating impacts of climate change. **From fluctuating water temperatures to shifting marine ecosystems, climate change effects are reshaping the landscape of one of Canada's most vital economic sectors.**"*

*"One of the most immediate impacts of climate change is the increase in ocean temperatures. Warmer waters have caused several fish species to migrate northward in search of cooler habitats. shift has been particularly evident with species like cod and mackerel, traditionally abundant in the Atlantic provinces, moving further north. Consequently, this migration disrupts established fishing patterns and forces fishermen to venture into unfamiliar waters, often at higher costs and greater risks."*

*Consequences of Climate Change for the Canadian Fish Industry in first half of 2024*

<https://www.xtrafoodmagazine.com/impact-climate-change-canadian-fish-industry/>

Other problems include:

- Warmer waters affect fish reproduction rates and survival.
- Increased levels of carbon dioxide in the atmosphere have resulted in higher levels of ocean acidification. This change in the ocean's chemistry affects shellfish species such as mussels, clams, and oysters, which are crucial to Canada's aquaculture industry.
- Storms, hurricanes, and unpredictable weather patterns have become more common, posing substantial risks to fishermen and their vessels

**We believe that a federal IA is necessary if this project goes forward, as that level of government is the only one with the capability and responsibility to ascertain how to address this problem of shared responsibility for the climate effects of a specific project.**

**The Issues Specified by the IAAC - Migratory Birds**

We are certain that you will receive expert comments on specific birds and cases, as the Chignecto peninsula is a major migratory route. However, as in the case above with fisheries, climate change caused by ghgs is affecting bird migration, in Canada and elsewhere.

An article in *Nature Canada* entitled "*How climate change is affecting birds*" lists the problems:

- Egg laying is occurring earlier
- Migration times are shifting
- Bird behaviour and their environment are becoming mismatched
- Distributions are changing
- Ecological communities are disrupted
- Extinction risks are on the rise

*How climate change is affecting birds*

<https://naturecanada.ca/discover-nature/about-our-birds/how-climate-change-is-affecting-birds/>

*Impacts on avian migratory patterns due to climate change and hormonal disruption: a review*

Published: 30 August 2024 Volume 29, article number 69, (2024)

<https://link.springer.com/article/10.1007/s11027-024-10163-z>

*How Climate Change Is Disrupting Bird Migration Patterns*

<https://www.animalsaroundtheglobe.com/how-climate-change-is-disrupting-bird-migration-patterns-2-327388/>

There are even tragic local illustrations of the intersecting climate threats to fish and fowl. In Atlantic Canada puffins and gannets both experienced significant population crashes. Warming waters cause fish to seek cooler waters. Migrating seabirds that are dependent on the fish when returning along ancient migratory paths are then left without their food source and starve in great numbers.

*Warming waters cause concern for Atlantic puffins, other seabirds*

<https://www.cbc.ca/news/canada/new-brunswick/atlantic-puffin-seabirds-warming-water-1.7267953>

*Young gannets continue to starve at Cape St. Mary's*

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<https://www.cbc.ca/news/canada/newfoundland-labrador/young-gannets-continue-to-starve-at-cape-st-mary-s-1.3202922>

**Again, only a federal IA can address this issue.**

### **Issues for Indigenous People**

We do not speak for indigenous people, though we are often allied with them on climate and environmental issues.

However, we note that while for the last year the new provincial government has worked to improve relationships with First Nations, the relationship during the preceding 6 years was filled with animosity, distrust, and questionable government actions.

This is important because here, as elsewhere, indigenous people often are more affected by climate change, due to their closer relationships to, and dependence on, the land and water, even if they are not affected by direct threats like water pollution. As in the cases above, wildlife migration and fishery issues that are affected by climate change greatly affect many indigenous communities.

**We suspect that First Nations would be more trusting of any IA conclusions if they came from a federal rather than provincial source.**

The Impacts Of Climate Change on Indigenous Communities  
<https://indigenousclimatehub.ca/effects-on-indigenous-communities/>

*CLIMATE CHANGE AND INDIGENOUS PEOPLES' HEALTH IN CANADA*  
*National Collaborating Centre for Indigenous Health and Public Health Agency of Canada*  
[https://www.nccih.ca/Publications/Lists/Publications/Attachments/10367/Climate\\_Change\\_and\\_Indigenous\\_Peoples\\_Health\\_EN\\_Web\\_2022-03-22.pdf](https://www.nccih.ca/Publications/Lists/Publications/Attachments/10367/Climate_Change_and_Indigenous_Peoples_Health_EN_Web_2022-03-22.pdf)

### **The Capability to Assess and Operate**

Finally, we must express our lack of confidence that our provincial government has either the resources or expertise to both assess the parameters of this project, and oversee it, particularly if NBPower, which tendered the proposal, is involved, or can influence the government regulatory agencies.

The aeroderivative turbine that is at the heart of this proposal may be proven technology (we have not had time to thoroughly research that), but

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it is new technology to New Brunswick. NBPower has a history replete with failures to handle new technology.

- In the 1960's it failed to test the concrete used in the Macquatac Dam generating station in the actual conditions where it would be used. Subsequently, swelling of the concrete has cut 40 years off of the lifespan of the dam and precipitated the current energy crisis.

*Investigating a big dam concrete problem*

<https://news.mit.edu/2017/concrete-researchers-investigate-big-dam-problem-0913>

- The Point Lepreau nuclear generating plant, commissioned in 1983, was troubled from the start, refurbished in 2012, and since 2014 has been one of the poorest-performing reactors among dozens of similar facilities in five countries. Overspending on the original reactor and the rebuild together represent almost two-thirds of NB Power's nearly \$6-billion debt

*N.B.'s Point Lepreau nuclear plant ranked as poor performer among international peers*

<https://www.cbc.ca/news/canada/new-brunswick/nb-power-point-lepreau-poor-1.7148879>

- In 2004, the province lost \$700 million by making alterations to the Colson Cove generating station in order to burn Orimulsion - a cheap Venezuelan fuel mixture. Unfortunately, the alterations were made just as Venezuela decided to stop making the fuel.

*Orimulsion issue a closed chapter, says N.B. premier*

<https://www.cbc.ca/news/canada/new-brunswick/orimulsion-issue-a-closed-chapter-says-n-b-premier-1.646874>

- In 2019, the province invested \$13 million in Joi Scientifica, whose energy technology was akin to a perpetual motion machine - promising 200% efficiency. It didn't work.

*Joi Scientific technology NB Power poured millions into doesn't work*

<https://www.cbc.ca/news/canada/new-brunswick/joi-scientific-technology-update-1.5340245>

- In recent years the province has invested in 2 new technologies for Small Nuclear Reactors - ARC Clean Energy Canada (\$20 million at least) and Moltex Canada (\$5 million at least). Both firms are circling the bankruptcy drain and the technology still exists only on paper.

*Time for N.B. Power to shop around for nuclear options, ex-CEO says*

<https://www.cbc.ca/news/canada/new-brunswick/arc-clean-energy-small-modular-reactors-1.7247328>

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*'Risk of insolvency' at parent company of N.B. nuclear developer*  
<https://www.cbc.ca/news/canada/new-brunswick/moltex-canada-parent-potential-sale-1.7512014>

Given the list above, plus NBPower's nearly paranoid level of secrecy, as evidenced by its attempts to bypass the Energy Utility Board with this project, means trusting their judgment is not an option. **We need to know what a comprehensive IA would reveal about alternatives and the safety/operational details of the plant.**

### **Summary**

In short, this project is not acceptable on climate terms, even if its title references renewable energy. **It will add ghgs and increase warming. It will lock us into fossil fuels**, while scientists have told us that for years we should not be adding fossil burning infrastructure or new ways to burn those fuels. **Such projects will literally make us climate criminals.**

**It will likely directly affect local wildlife and landscape** in the sensitive Chignecto peninsula, and its additional contributions to climate change **will affect fish and migratory wildlife everywhere. Its ill effects will return to Atlantic Canada** in various ways.

We did not address the serious health problems associated with fossil fuel burning or with climate change, as we are sure that organizations with expertise in that area will do so. We would also not be surprised if New Brunswickers felt that health concerns were a threat to the "security of their persons" as delineated by Section 7 of the Charter of Rights and Freedoms, and took appropriate legal action.

Serious actions to transition away from fossil fuels need to start somewhere. Building renewable energy is only part of the answer. Another part is the decreasing usage of fossil fuels.

We say let's start that here in New Brunswick by rejecting this and any project that calls for more fossil fuel usage.

Thank you for your attention and consideration.

Sincerely, Jim Emberger

Jim Emberger, Spokesperson  
New Brunswick Anti-Shale Gas Alliance