



# TSLEIL-WAUTUTH NATION

PEOPLE OF THE INLET

## NEWS RELEASE

### Tsleil-Waututh Nation Launches Legal Challenge of Kinder Morgan Pipeline and Tankers Project

*Nation says unlawful conduct of National Energy Board, including one-sided cross-examination process, could derail pipeline review*

**NORTH VANCOUVER, B.C. and COAST SALISH TERRITORY; May 2, 2014 –** Today, the Tsleil-Waututh Nation, the “People of the Inlet”, is launching a legal challenge of the National Energy Board’s (NEB) review of the Kinder Morgan Trans Mountain pipeline and tanker project. The Nation says that serious legal errors made by the federal Crown and NEB have led to a flawed and unlawful review process that puts Burrard Inlet and all peoples who live here at risk.

This is the first legal challenge by a First Nation against the new pipeline and tanker proposal, and it opens the project to significant delay and uncertainty.

“The Crown and NEB are running roughshod over our Aboriginal Title and Rights. The process to review Kinder Morgan’s proposed pipeline expansion and tanker project was designed without First Nations consultation or public participation. The timelines appear to have been designed to rush through approvals,” says Chief Maureen Thomas, Tsleil-Waututh Nation.

Legal materials to be filed in the Federal Court of Appeal today will demonstrate that, among other things, the NEB lacked legal authority to start its review process because of the federal government’s failure to first consult Tsleil-Waututh on key decisions about the environmental assessment and regulatory review of the project. A backgrounder on the details of the appeal may be found at: [www.twnation.ca/Newsroom.aspx](http://www.twnation.ca/Newsroom.aspx)

“Our laws establish a sacred trust, a responsibility to care for our lands, air and waters. The federal government has forced us to go to court to defend ourselves and our territory. We will fight this unilateral and one-sided review process, and this project with all legal means,” says Rueben George, Sacred Trust Initiative, Project Manager Public Engagement, Tsleil-Waututh Nation.

The one-sided review would see Tsleil-Waututh elders cross-examined by pipeline company lawyers, but company experts and representatives would not need to testify under oath themselves.

“This challenge goes to the heart of the Crown’s assertion that it can make unilateral decisions about our territories,” continues Chief Maureen Thomas. “Our nation has self government authority to review and make decisions that affect our territory according to our own Law. Canada’s own environmental assessment laws confirm this jurisdiction, and the government’s failure to consult and cooperate with us as Governments has landed them in court. We are enforcing our own laws. We are enforcing Canadian environmental law.”

If approved, Kinder Morgan’s proposal would see the transport of tar sands oil expanded from its present level of approximately 300,000 barrels per day to 890,000 barrels per day. With an almost seven-fold increase in oil tankers moving through Burrard Inlet and the Salish Sea, an increase in groundings, accidents, incidents, leaks and oil spills would be inevitable.



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A serious oil spill would devastate an already-stressed marine environment and risks collapses in the remaining salmon stocks and further contamination of shellfish beds, wiping out Indigenous fishing and harvesting rights.

#### **About Tsleil-Waututh Nation**

Tsleil-Waututh Nation is a progressive and vibrant Coast Salish community of approximately 500 members. The Nation is located along the shores of Burrard Inlet in North Vancouver, B.C., Canada, across the Inlet from the Burnaby terminus of Kinder Morgan's Trans Mountain pipeline.

The Nation's Sacred Trust Initiative is mandated to oppose and stop the Kinder Morgan Trans Mountain pipeline project. For more information visit [www.twnsacredtrust.ca](http://www.twnsacredtrust.ca) and follow the Sacred Trust Initiative on Twitter: [@TWNSacredTrust](https://twitter.com/TWNSacredTrust).

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