

## The Recommendation for Approval by the National Energy Board Continues a Pattern of Unlawful Conduct

VANCOUVER, BC and MUSQUEAM, SQUAMISH and TSLEIL-WAUTUTH TERRITORY --(Marketwired - June 22, 2016) - The Tsleil-Waututh Nation, the "People of the Inlet," has launched a second legal challenge of the National Energy Board's (NEB) review of the Kinder Morgan Trans Mountain pipeline and tanker expansion proposal (KMEX). Tsleil-Waututh has applied to the Federal Court of Appeal seeking to set aside the NEB report recommending KMEX project approval, referring to the NEB recommendation as "unlawful, invalid, or unreasonable" in its court documents.

The first legal action taken in May 2014 and still before the Federal Court of Appeal challenged the NEB failure to consult Tsleil-Waututh during the scoping process for the environmental review. The second legal action filed includes, among other things, a charge that significant adverse environmental effects associated with project-related marine shipping activities were not considered by the NEB as required under the *Canadian Environmental Assessment Act*. It also includes a charge that the NEB failed to consider the landmark independent assessment of the KMEX project conducted by Tsleil-Waututh as a matter of its own law and jurisdiction.

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 at risk. "The NEB report does not address the many issues that concern Tsleil-Waututh," says Chief Maureen Thomas. "We are asking the court to make things right, both for our community and for everyone who lives around the inlet."

"Our laws establish a sacred trust, a responsibility to care for our waters, lands, air and resources. The federal government has forced us to go to court once again to defend ourselves and our territory," says Rueben George, Project Manager for Tsleil-Waututh's Sacred Trust Initiative.

This second legal challenge may take years to work through the court system. It will delay project implementation, escalate construction costs, and increase the legal and financial risk for Kinder Morgan shareholders. Arguments in the first legal action are complete and a ruling from

# Tsleil-Waututh Launches a Second Legal Challenge of the Kinder Morgan Pipeline and Tanker Proposal

Written by Joan Russow

Thursday, 23 June 2016 11:01 -

---

the Federal Court of Appeal is expected in the near future. If Tsleil-Waututh prevails, the environmental review of the expansion project could be sent back to the NEB to correct numerous legal errors.

The Tsleil-Waututh case is one of several legal challenges to the NEB's report. The City of Vancouver, Squamish Nation, and a coalition of environmental groups have all filed cases challenging the controversial NEB process and recommendation, and more are expected.

If the federal government were to ultimately give approval, Kinder Morgan's proposal would see the transport of tar sands oil triple from its present level of approximately 300,000 barrels per day to almost 900,000 barrels per day. With a seven-fold increase in oil tankers moving through Burrard Inlet and the Salish Sea, from about one a week to more than one a day, an increase in groundings, accidents, incidents, leaks, and oil spills would be inevitable.

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. It would also set back the numerous environmental stewardship initiatives undertaken by the Tsleil-Waututh Nation in recent years and the improvements achieved to date.

## About Tsleil-Waututh Nation

Tsleil-Waututh Nation is a progressive, 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 and tanker expansion. For more information visit [twnsacredtrust.c](http://twnsacredtrust.ca)  
[a](#) and follow the  
Sacred Trust Initiative on Twitter: @TWNSacredTrust.

## Contact Information

# Tsleil-Waututh Launches a Second Legal Challenge of the Kinder Morgan Pipeline and Tanker Proposal

Written by Joan Russow

Thursday, 23 June 2016 11:01 -

---

## **Contact:**□

Sarah Thomas  
Tsleil-Waututh Nation  
[604-358-3371](tel:604-358-3371)  
[media@twnation.ca](mailto:media@twnation.ca)