



# TSLEIL-WAUTUTH NATION

*People of the Inlet*



## TWN Band Council Resolution

*Passed unanimously on May 21, 2015*

### **Resolution in respect of Tseil-Waututh Nation's Stewardship Policy decision about the Trans Mountain Pipeline and Tanker Expansion Proposal**

#### **Whereas:**

- We are the People of Burrard Inlet and we have occupied, governed, and acted as stewards of our territory since time out of mind;
- We have a sacred, legal obligation to protect, defend, and steward the water, land, air, and resources in our territory;
- Our stewardship obligation includes the responsibility to maintain and restore conditions to provide and allow for the environmental, cultural, spiritual, and economic foundation for our Nation and community to continue to thrive;
- The Tseil-Waututh Nation, along with other Coast Salish Nations, signed the *International Treaty to Protect the Salish Sea* which, among other things, affirms that our ancestral laws place upon us the sacred responsibility to protect the Salish Sea and requires us to take all lawful actions necessary to protect the Salish Sea;
- Cumulative effects of development around Burrard Inlet have, for many years, caused adverse impacts to the area which far exceed what is permissible under our laws;
- We cannot consent to any new development that will significantly contribute to cumulative effects, threaten our Marine Stewardship Program, and deny or further delay re-establishment of our subsistence economy;
- Kinder Morgan Canada has proposed to build and operate the Trans Mountain Pipeline and Tanker Expansion project (TMEX proposal). The TMEX proposal contemplates a tripling of the volume of crude oil which is currently transported on the existing pipeline route. It also contemplates approximately 70% of the oil transported later being shipped from the Westridge Marine Terminal in Burrard Inlet;
- The elements of the TMEX proposal include:
  - (i) 987 km of new pipeline from Edmonton to Burnaby;
  - (ii) an expanded petroleum storage facility in Burnaby;
  - (iii) a new and expanded dock complex at the Terminal;
  - (iv) two new pipelines from the storage facility to the Terminal, and
  - (v) a roughly seven-fold increase in the frequency of tanker departures from Burrard Inlet, from about once a week to once or more each day;
- In BCR 014-01, Chief and Council directed Tseil-Waututh's Treaty, Lands and Resources Department (TLR) to carry out a technical assessment of the TMEX proposal under our Stewardship Policy;
- TLR hired 6 independent experts to assist TLR in assessing the potential impacts of the TMEX proposal on Burrard Inlet and Tseil-Waututh's title, rights, and interests, as well as other risks associated with the TMEX Proposal which are relevant to the Tseil-Waututh Nation;
- TLR has since completed its assessment of the TMEX proposal and provided its report to Chief and Council;
- Some of the potential effects and other risks associated with the TMEX Proposal identified in the

report include the following:

- The likelihood of oil spills in Burrard Inlet will increase if the TMEX proposal is implemented, and because spilled oil cannot be cleaned up completely, the consequences in such circumstances will be dire for sensitive sites, habitat, and species, and in turn for the Tsleil-Waututh subsistence economy, cultural activities, and contemporary economy;
- Any delay in spilled oil cleanup response will decrease the total volume of oil which may be cleaned up significantly, and in turn increase the negative effects and consequences;
- The direct effects of marine shipping are likely to add to the effects and consequences of spilled oil, which in turn will further amplify the negative effects of the TMEX Proposal on Tsleil-Waututh's title, rights, and interests;
- The effect of the TMEX proposal on Tsleil-Waututh cultural activities is as large as if not larger than its effect on natural resources;
- The Tsleil-Waututh Nation cannot accept the increased risks, effects, and consequences of even another small incident like the 2007 Westridge or 2015 MV Marathassa oil spills, let alone a worst-case spill;
- Implementation of the TMEX proposal will 1) slow or deny achievement of the objectives of our Marine Stewardship Program and 2) violate Tsleil-Waututh law because it will undermine our stewardship obligations;
- TLR also concludes in its report that the TMEX proposal:
  - has the potential to deprive past, current, and future generations of Tsleil-Waututh peoples of control and benefit of the water, land, air, and resources in our territory;
  - does not represent the best use of our territory and its water, land, air, and resources to satisfy the needs of our ancestors, and the needs of present and future generations; and
  - fails the first lens test of the Stewardship Policy;
- TLR has recommended that Chief and Council continue to withhold Tsleil-Waututh Nation's support for the TMEX proposal;

**NOW THEREFORE TSLEIL-WAUTUTH NATION, AT A DULY CONVENED BAND COUNCIL MEETING AT WHICH QUORUM IS PRESENT, HEREBY RESOLVES THAT:**

1. The conclusions reached by TLR in the report about the potential for the TMEX Proposal to cause adverse impacts in Burrard Inlet and on Tsleil-Waututh's title, rights, and interests are hereby accepted and adopted.
2. Because the Project fails the first lens test of the Stewardship Policy:
  - (a) Kinder Morgan Canada shall not be granted the legal authority under Tsleil-Waututh law for the TMEX Proposal to proceed in Tsleil-Waututh territory; and
  - (b) The Tsleil-Waututh Nation does not consent or authorize the TMEX Proposal to proceed in Tsleil-Waututh territory.
3. TLR is directed to inform Kinder Morgan Canada, British Columbia, and Canada of items 1-2 above, and to request a meeting with Canada to (i) advise of Tsleil-Waututh's decision in relation to the TMEX Proposal, and (ii) offer to engage in good faith discussions and/or consultation regarding our decision.
4. TLR is directed to take all lawful means necessary to ensure that Tsleil-Waututh's decision in relation to the TMEX Proposal is recognized, respected, and enforced.