



# BATTLEGROUND BC

## THIS PIPELINE SHALL NOT PASS!



## DIG IN YOUR HEELS AND FIGHT LIKE HELL



**Peter McCartney**  
Climate Campaigner,  
Wilderness  
Committee

[@Climate\\_Pete](#)

So it has come to this. British Columbians have spent years fighting a disastrous proposal to export dirty tar sands oil across the region's waterways. In that time, folks from all walks of life have come together to oppose Kinder Morgan's reckless scheme to pipe the heavy product from Alberta's tar sands to Burnaby, BC and beyond.

Indigenous people and their allies have united to protect the Fraser River and Salish Sea from a catastrophic oil spill and to prevent the pipeline from fuelling dangerous levels of climate change.

First Nations and environmental groups are joined by municipal leaders, major trade unions, local businesses, students associations, faith groups, elected representatives, community organizations and even the provincial government in standing up to Ottawa to oppose Kinder Morgan's pipe dreams.

Now, the company is preparing to start construction of its Trans

Mountain pipeline. They'll have to go through all of us to do it.

If there were ever a moment to put it all on the line – the time is now. Ecological alarm bells are deafening here and around the world. But so is the drumbeat from the communities standing up to defend the Earth.

When Prime Minister Justin Trudeau approved Kinder Morgan's pipeline, we told reporters that opponents would fight this project in the courts, at the polls and on the streets. An onslaught of federal and provincial court cases followed, with rulings expected in 2018.

In May of last year,

British Columbians elected an NDP provincial government opposed to Kinder Morgan's pipeline and the tar sands tankers it would require. They vow to use every legal means available to stop this terrible project.

People have taken to the streets again and again to voice popular opposition to this project.

If Kinder Morgan decides to put shovels in the ground, they will meet an army of folks determined to stop them.

Indigenous communities and their friends, neighbours and allies all across the region are already preparing to mount a fierce resistance to a pipeline that has no consent.<sup>1</sup>

**Neither the company nor the federal government seem prepared for the long, ugly battle that is surely ahead.**



Photo top: Over 5,000 people attend anti Kinder Morgan rally in Vancouver (Michael Wheatley).

Photos above: Killer whale breaching in Salish Sea (Flip Nicklin), Burnaby tanker and Kinder Morgan terminal (Joe Foy).

## OIL AND WATER DON'T MIX

Over and over again, we see the same story play out – on the North Saskatchewan River, the Kalamazoo, in South Dakota, the Gulf of Mexico, near Bella Bella and even English Bay.

After every new spill, there's plenty of finger pointing and blame. But it does no good for the land and waters now polluted, the creatures poisoned and the communities left with the aftermath.

There's only one sure way to prevent these man-made disasters and that's not to put toxic oil there in the first place. But Kinder Morgan wants a sevenfold increase in the number of tar sands tankers navigating the coastal waters of the Salish Sea. And the pipeline to fill them would cross over 900 streams and rivers in BC – all of which eventually drain into the Fraser River.

One bad day is all it would take for the life-bearing waters of our region to suffer permanent, catastrophic damage. Prince William Sound in Alaska has never recovered from the



Photo: Harbour seal (Robert McCaw).



Photo: Oil cleanup (WC files).

Exxon Valdez tanker spill. Decades later, oil still scars the beaches. Only 12 of the 27 species impacted have a hope of recovering.<sup>3</sup> One pod of killer whales, which lost nine of 22 members, has never birthed a calf again.<sup>4</sup> The Pacific herring in Prince William Sound, a fishery once worth \$8 million a year, remains closed.<sup>5</sup>

Tsleil-Waututh Nation, whose territory centres around the Burrard Inlet where Kinder Morgan's oil export terminal lies, did an extensive assessment of the proposal.<sup>6</sup> They found a 79 to 87 per cent likelihood of a spill in their waters over the span of fifty years if the pipeline went ahead, with a 29 per cent chance of a worst-case disaster – a 100,000 barrel spill.

This marvellous place we call home, from the thriving shores of the Salish Sea to the pristine headwaters of the Fraser River, cannot be allowed to become yet another landscape poisoned by Big Oil.

## CONSENT IS NOT AN OPTION

Indigenous communities rely on traditional food from the lands and waters they've stewarded since time immemorial. They know how a catastrophic oil spill or the runaway climate crisis will destroy their way of life.

That's why – despite pressure from the company and the federal government – two-thirds of the First Nations at risk from this project have not given their consent.<sup>15</sup>

As Canada looks to pass the UN Declaration on the Rights of Indigenous Peoples into law, the hypocrisy is unbearable. This country plans to embrace the need for free, prior and informed consent only after trampling the rights of communities who face the destruction of their territories with toxic oil.

"It doesn't say consent only for nations that agree with industry, it says consent, by First Nations, period. **Standing with our brothers and sisters, the Tsleil-Waututh, they've been explicitly clear. The answer is no,**" states Chief Bob Chamberlain, Union of BC Indian Chiefs.

When you eat the same wild food your ancestors did, when your creation story arises from the lands and waters around you, when the place you call home births your very identity, you can be sure you're going to protect it.

After a long history of trying to eliminate Indigenous cultures, Canada cannot start down the road to reconciliation by building a pipeline that again threatens their way of life.



Photo: Adams River sockeye run (Isabelle Groc).



Photo: First Nations canoes in front of Kinder Morgan's terminal in Burnaby, BC (Michael Wheatley).

## AS THE WORLD BURNS

Never in human history has there been a worse time to build another oil pipeline. Our global climate crisis is, to be frank, spiralling out of control. But Kinder Morgan quite literally wants to shovel even more fossil fuel on the fire.

**British Columbia's 2017 wildfire season was the worst on record by every measure.**

A record 12,000 km<sup>2</sup> of forest burned – an area 40 per cent the size of Vancouver Island.<sup>7</sup> More than 65,000 people had the terrifying and traumatic experience of being driven from their homes in what was the province's longest state of emergency on record.

By the time it was over, the province spent a record \$750 million fighting the wildfires and for relief efforts.<sup>8</sup> We lost more than 500 homes and businesses. And it wasn't just here. Last year, unprecedented wildfires tore through New Zealand, Chile, Brazil, South Africa, Siberia, across southern and eastern Europe and the western United States, killing at least 168 people.<sup>9</sup>



Photo: Ashcroft Reserve wildfire burning at Loon Lake, BC (Creative Commons, Shawn Cahill).

Climate change can often feel abstract. But people losing their lives as they flee a towering inferno on both sides of the roadway has become a horrifying reality in our rapidly warming world.

Direct links between increasing frequency and severity of wildfires and global warming are well-established.<sup>10</sup> Warmer temperatures bring drier brush, stronger winds and even more lightning.<sup>11</sup> While poor forest management is also a factor, the science is crystal clear. Scientists expect British Columbia's fire season to be 50 days longer in 2040.<sup>12</sup>

That brings us to Kinder Morgan's pipeline and the carbon pollution that would flow through it. Burning all that oil is similar to adding 34 million cars to the road.<sup>13</sup> Worse, it would lock in the expansion of the tar sands for decades to come – ensuring extremely dangerous levels of global warming and a world

paralyzed by natural disasters.

If we are to stay within globally agreed upon boundaries of "safe" climate change set out in the Paris Agreement, **we simply cannot build any new fossil fuel infrastructure.**<sup>14</sup> Every

decision must now be made based on whether it helps or hurts this fight for our future. And by allowing Kinder Morgan's pipeline, Canada is helping damn us to an unlivable world.

Plans for a carbon tax and the phase-out of coal electricity are just not enough. Canada is far off track to meet even its woefully inadequate climate targets.

Premier Rachel Notley and Prime Minister Trudeau's half-hearted climate plans would be acceptable if we started 40 years ago when we first knew global warming was a growing problem. Now, the



Photo: New suit, same poor decisions (Andy Goertz).

only option left is a managed but rapid decline of one of our most polluting industries – the tar sands.

All over the world, people are suffering the effects of climate change without being able to do anything about it. But we have a chance here in British Columbia to make a real difference. We can and will stop Kinder Morgan's pipeline and we'll have a brighter future for it.



Photo: Kinder Morgan protest in front of Vancouver law courts (Rabble.ca).

## Secwepemc Tiny House Warrior Kanahus Manuel:



Photo: Kanahus Manuel.

Ten tiny houses will be built and placed strategically along the 518 km Trans Mountain pipeline route to assert Secwepemc law and jurisdiction and block access to this pipeline. We have never provided and will never provide our collective free, prior and informed consent - the minimal international standard - to the Kinder Morgan Trans Mountain Pipeline Project or the Kinder Morgan man camps.

Investors take note, the Kinder Morgan project and any other corporate colonial project that seeks to go through and destroy our 800,000 km<sup>2</sup> of unceded territory will be refused passage through our territory. We stand resolutely together against any and all threats to our lands, the wildlife and the waterways.

## Sea Wolves Kayak activist Tegan Hansen:

It's been nearly two years since I joined the Sea Wolves to fight Kinder Morgan from the water. Since then, construction has started at the company's tanker terminal. But our resolve has only gotten stronger. Part of that is the nature of kayaking. There's something inherently empowering about being on the water and being so connected to the place that you're defending. Kinder Morgan's latest insult to the inlet is an attempt to block kayakers and water protectors: a menacing 10 foot tall floating fence, topped with razor wire, around the marine construction zone. It's another arrogant claim to unceded waters and an admission that they fear our collective strength. We're looking forward to the new challenge as we gear up for more training and actions this spring. See you on the water!



Photo: Zack Embree.

## Tsleil-Waututh Activist Will George:



Photo: Will George.

I have left my job of 18 years as a local business owner to do whatever it takes to resist this oil companies presence on our lands and waters. I do this work proudly as an Indigenous person, protecting my ceremonies, food, traditions and the future of my son to live in the way our ancestors have done for tens of thousands of years. I am just one person in a crowd of many voices from Tsleil-Waututh standing against Kinder Morgan for future generations.

# WAITING FOR A RULING

In all, the approval of Kinder Morgan's pipeline faces 16 court challenges.<sup>16</sup> Federally, they are wrapped into one mega-case, with the longest hearings in Federal Court of Appeals history.<sup>17</sup>

Six First Nations are suing the federal government for lack of consultation: the Tsleil-Waututh, Squamish, Coldwater, St'k'emlupsemc Te Secwepemc, Upper Nicola and a group of Sto:lo nations. Each of their cases has its own details and merits, but they're all based on Indigenous rights and title.

Environmental groups are suing over the effects of tanker noise on the endangered southern resident killer whales, which they fear could drive the orcas extinct. Thankfully in Canada, that's illegal due to the Species at Risk

Act. Vancouver and Burnaby have both filed for judicial review of the approval, arguing the National Energy Board process was deeply flawed and couldn't take the risks to their communities into account.<sup>18</sup>

One case everyone has an eye on is the Squamish Nation's legal challenge to the province of British Columbia due to improper consultation. If it can overturn the provincial approval for Kinder Morgan, then the new government can make its own decision based on further dialogue with First Nations.

An earlier court decision cancelling permits for the Northern Gateway pipeline took around nine months. A provincial court ruling could come faster since the case is less complex, and federally there's a recognition that

everyone involved wants a decision as soon as possible. We can expect to hear the courts weigh in on the Kinder Morgan pipeline in 2018.

It's important to remember only one of these cases needs to succeed to overturn the decision and delay, and even stop the project. Kinder Morgan, on the other hand, needs to win every legal argument to move their pipeline forward.



Photo: Support for Squamish Nation at Vancouver law courts (Alex Tsui).

# KINDER MORGAN ALREADY WANTS TO GIVE UP

Usually, in these fights, a company is 100 per cent in until they're not. I'd never heard of a company actively discussing pulling the plug on a project of this scale – until now.

Kinder Morgan has repeatedly told investors that delays could force it to abandon its pipeline project, and it has already pushed back its in-service date nine months to September 2020. The company blames permitting delays with the City of Burnaby for its false start. But it mostly seems to be its own fault.

In November, the company filed a notice of motion to the National Energy Board (NEB) to develop a process to override local and provincial permitting. It claimed Burnaby was unnecessarily holding up its approvals for things like zoning requirements and environmental bylaws.

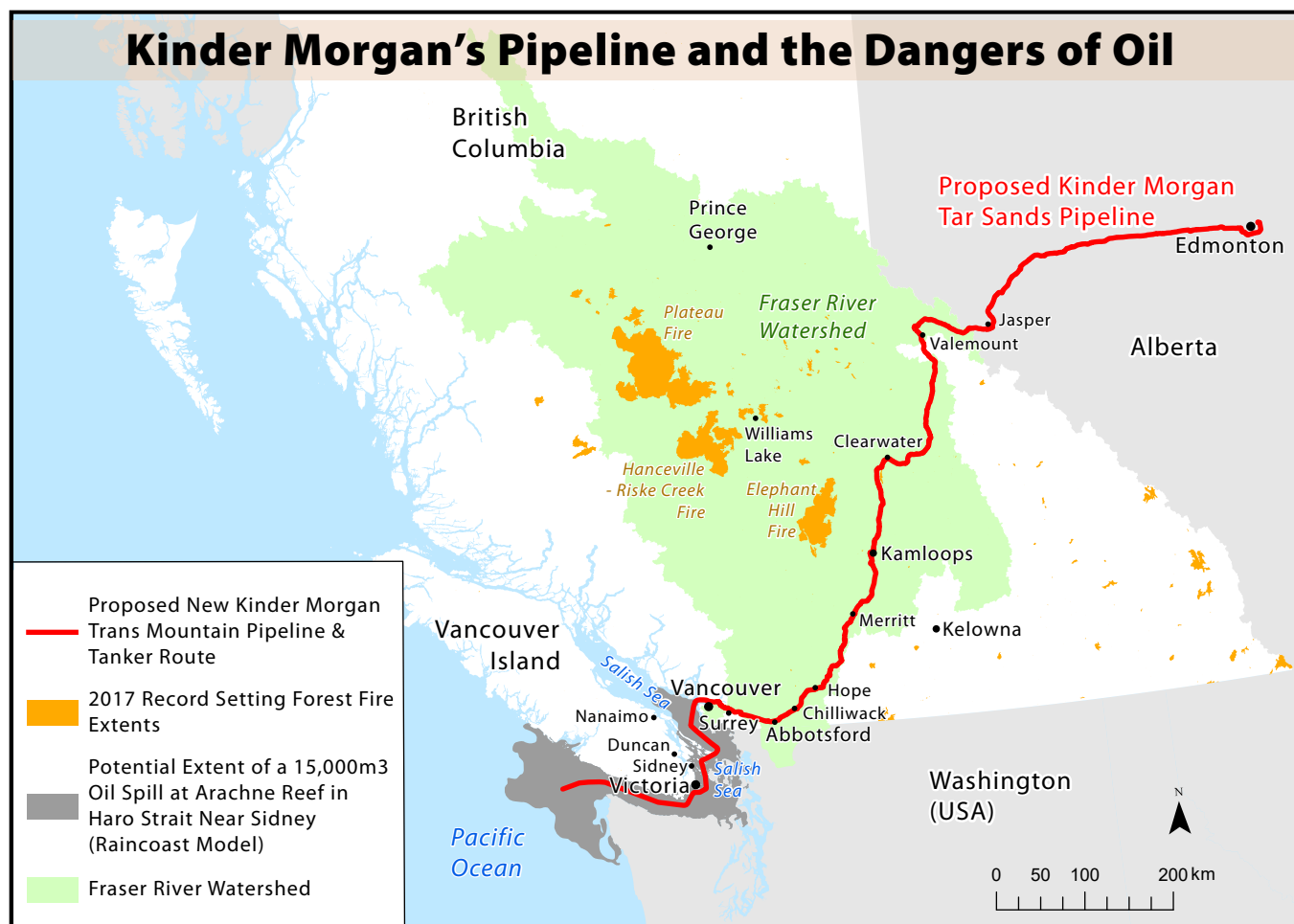
Burnaby shot back – it blamed any delay on the company's incompetence and ineptness at following the city's standard permitting process.<sup>19</sup> It even suggested Kinder Morgan had fabricated the dispute in order to secure a way to bypass provincial approvals.

In the end, the NEB predictably sided with the company. It allowed Kinder Morgan to start work on its Burnaby facilities without first having obtained the required permits. It has not yet ruled on establishing a process

to bypass future permits Kinder Morgan deems "delayed." When Ottawa games its process to strongarm a pipeline through over mass community opposition, it should not be surprised when people feel they have no other

option but to put their bodies in its way.

Now the question is – how long do opponents need to hold up construction in order for the company to see the writing on the wall and cut its losses?



# BC LEADING THE WAY TO A SUSTAINABLE ECONOMY

British Columbians have built a vibrant and diverse economy, with the province's natural beauty and abundance of life at the core of its economic engine. Put simply: people want to live here, work here and play here.

What sorts of industries would an oil spill put at risk? Seafood, of course, which contributed \$415 million to BC's GDP in 2016.<sup>20</sup> Tourism, naturally, which employed 127,700 people in 2015.<sup>21</sup>

But those are hardly the only jobs Kinder Morgan's pipeline puts in peril. Real estate makes up almost 20 per cent of the province's economy, an even greater share than the tar sands hold in Alberta.<sup>22</sup> Burst an oil tanker in English Bay and watch how quickly it all evaporates.

Not only that, the public would be on the hook for the lion's share of cleanup costs. Ships registered in some far off country could be expected to muster a maximum of \$1.36 billion in a spill, but direct costs could exceed \$10 billion even before damages to local industries.<sup>23</sup>

British Columbia is a tremendous success story in building an economy that's ready for the future. Our burgeoning tech sector employs over 100,000 people – more than forestry, mining and oil and gas combined.<sup>24</sup> Policymakers, businesses and everyday citizens have gone to great effort over decades to create sustainable jobs and show the world it can be done.

Alberta Premier Rachel Notley demands we put this way of life at risk in a desperate attempt to pump a little life into the failing tar sands industry. But a pipeline won't do a thing to raise the price of oil. It's up to us to defend the life we've built across this province from becoming another casualty of the fossil fuel industry's relentless and callous greed.



Photo: Installing solar panels (Gordon Howell).

Our province can set an example for the rest of the country of an economy that thrives because of healthy ecosystems, Indigenous rights and climate action – not in spite of them. Or, it can be a cautionary tale, another painful warning of extractive industry run amok.

That's why we must win and it's why we will win. Unlike Kinder Morgan, we plan to live here for the foreseeable future, and you can bet your behind we're going to fight for it.

Stay tuned to the fight with our resistance podcast:

[LineInTheSandPodcast.ca](http://LineInTheSandPodcast.ca)



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Photo: Kinder Morgan rally (Alex Tsui).



## TAKE ACTION

Please write to the Prime Minister of Canada and urge the federal government to freeze tar sands expansion by:

- Sitting down with your member of Parliament and demand they pressure the federal government to abandon its support for the Kinder Morgan pipeline project.
- Keeping up to date with construction and frontline protests using Wilderness Committee's interactive map at [KM-Watch.ca](http://KM-Watch.ca)
- Calling Prime Minister Trudeau's office at 613-995-0253 and asking him to respect community wishes and stop the Kinder Morgan pipeline. Tell him why thriving waters, climate action and Indigenous rights are so important to you and how this project endangers them.

Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2



Photo: Great blue heron (Natashia Meens).

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# YES! LET'S STOP THIS PIPELINE!



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## CREDITS

**Writing:** Peter McCartney.  
**Editing:** Alex Hsuan Tsui.  
**Art Director:** Sue Fox.  
**Graphic Designer:** Perry Jack.  
**Mapping:** Geoff Senichenko.  
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