



Kanaka Bar & a Pipeline

Union of BC Indian Chiefs

June 28, 2018

<http://www.kanakabarband.ca/>

Kanaka Past and Current Development Requirements

- ▶ Economic Development has been essential for our community for 8000 years.
- ▶ Regenerative and sustainable economies can exist (come to Kanaka!).
- ▶ If its reasonable and makes sense, we are going to listen. Small scale and diversity is integral to sustainability.
- ▶ Recent successful projects include Coquihalla Highway, Kwoiek Hydro Project, ILM and Highland Valley Copper.

Ask!

A Kokpi high level review:

Can the land or resource handle the ask?

Respect!

1. Do it right.
2. Take what you need, no more.
3. If you take it in, take it out.
4. Clean it up when your finished.

Pipeline Engagement

Kanaka has participated, listened and shared!

- ▶ NEB
- ▶ NRCAN
- ▶ EAO
- ▶ Kinder Morgan
- ▶ BC Oil and Gas
- ▶ MOTI
- ▶ MFLNRO
- ▶ 14 Nlaka'pamux Communities
- ▶ Other First Nations
- ▶ AFN and UBCIC

- ▶ Pipeline in place since the early 50s
 - ▶ before we could even vote!
- ▶ Now a new one is proposed which will triple flow through our lands.
- ▶ New Chief and Council May 2015
- ▶ Council updated 1st Mondays and 3rd Thursdays
- ▶ July 18, 2016: Letter - Kanaka engaged!
- ▶ Aug 23, 2016 Watershed Map
- ▶ March 16, 2017 Nation Map
- ▶ June 26, 2018 letter - Kanaka No!

Kanaka Bar has now said “No”!

Why?

1. The First Pipeline (1950's)

- ▶ It's a working profit centre for 3rd parties.
 - ▶ Why do we need more?
- ▶ Canada allowed despite indigenous rights and title.
 - ▶ We were not even an oversight!
- ▶ Where are existing land, royalty and revenue sharing agreements?
 - ▶ \$1200 “lump sum” for Coldwater?
- ▶ Crown cant have another until they have done right by us for the first one.

2. Where is it going?

- ▶ Has the original route been found?
 - ▶ What's the condition?
- ▶ New route is known/not known?
 - ▶ Coldwater Options: 1-2 are opposed
 - ▶ 3 not even been considered.
- ▶ What about geographical or arch site showstoppers?
 - ▶ not everything can be avoided or mitigated.
- ▶ How then can consent, permitting or construction occur if you don't know the Where?

3. Who!

Is the Developer?

- ▶ Trans Mountain
 - ▶ sold to Kinder Morgan
- ▶ Kinder Morgan
 - ▶ Abandoning or selling pipeline
- ▶ Canada?
 - ▶ The Crown!
 - ▶ Has offered to buy for 5.4 Billion?
 - ▶ Completely changes the project
 - ▶ Crown to Settle specific claims first!
 - ▶ Crown to address original pipeline issues!

Are the Indigenous People?

- ▶ Nation or Community (Maps?)
 - ▶ Direct versus indirect (proximity)
 - ▶ Upstream and downstream
- ▶ People, time, technology and money
 - ▶ everyone has deficiencies.
- ▶ Divisions happening (*intentional or not*)
 - ▶ Nation versus Nation
 - ▶ Community versus community
 - ▶ Family versus Family
 - ▶ Individuals (each other and all the above)

4. Conduct Unbecoming..

..leadership required?

- ▶ **Language used is misleading**
 - ▶ Expansion versus New
 - ▶ grandfather attempt?
 - ▶ Minimising risk
 - ▶ Consent does not mean no?
- ▶ **Integrity**
 - ▶ Who is creating uncertainty in the first place?
 - ▶ Who is exploiting divisions now?
 - ▶ Who is altering information post meetings?
- ▶ **Bulling**
 - ▶ Who is making veiled threats like “build with the Army” and “Do what it takes”?
- ▶ **Transparency**
 - ▶ Is the current pipeline leaking?
 - ▶ Can a spill be cleaned up?
 - ▶ Information overload is not consultation.
 - ▶ Overwhelming reviewers and decision makers with quantity, short time frames without additional resources.
 - ▶ Project life cycle is not reviewed
 - ▶ mandate restrictions
 - ▶ Pipelines are forever
 - ▶ Did you know any pipeline that has been removed after operations seized?

- ▶ **Conflict of Interest**
 - ▶ Can we say that the project has been assessed objectively?
 - ▶ Ignoring original pipeline issues including cumulative impacts.
 - ▶ NEB - says best interests of Canada
 - ▶ Canada - it's a National Interest project?
 - ▶ yet it's a profit centre for sale!
 - ▶ Can an approver also be the developer?
 - ▶ Now we are offered ownership?
- ▶ **Fiduciaries (examples 1984 Guerin; 2015 Louie)**
 - ▶ Manage land and resources for future generations
 - ▶ Must ask first and not seek post forgiveness.
- ▶ **Unconscionable Agreements**
 - ▶ Incorrect or missing information
 - ▶ invalidates agreements and process
 - ▶ Futile to protest
 - ▶ Buying “Yes”
 - ▶ Shame
- ▶ **This is not going to go away!**
 - ▶ Silence is not a position neither is I don't know!

Missing or Misleading Information “Free - Prior - Informed”

5. Benefits *overstated!*

- ▶ We are asked to assume construction, operations and “end of life” risk while benefits will flow to others.
- ▶ Construction is short term. Operations minimal (unless there is a spill?).
- ▶ Too many people competing for few jobs.
- ▶ Are we even qualified for the jobs that will be available?
- ▶ No revenue sharing (Federal)
- ▶ Agreements are not for full project life cycle so not valued appropriately.
- ▶ Looks like then just “money” on the table?

6. Missing Information

- ▶ Risks are understated or minimised.
 - ▶ Pipelines leak and tankers wreck!
 - ▶ Has a pipeline ever cleaned up after operations (environmental impacts are too high)
- ▶ Project Life Cycle
 - ▶ Kanaka requirement that end of life must be reviewed before construction but reviewers not allowed
 - ▶ How can a project be “approved” then when the whole impacts or true risks are not know?
- ▶ NEB Abandonment Policy
 - ▶ only consider “end of life” when operations phase over. That’s offloading onto future generations.

Crown way or the Highway?

Whose land and resources is it anyways?

7. Denier Policy

- ▶ Royal Proclamation of 1763
- ▶ Crown: a political policy to delay or ignore the issue since exploration & colony days!
 - ▶ Title (land) and Right (decision making) proven time and time again in Court.
- ▶ Crown position: No review nor retroactivity for original pipeline.
- ▶ Linear project
 - ▶ Uncertainty was not created by us
 - ▶ complexity is not our issue either
 - ▶ No from multiple impacted first nations
 - ▶ No from Province
 - ▶ No from Municipalities and Schools

8. Law of Canada is.....Consent!

- ▶ Time immemorial - inherent
- ▶ 1857-1858 Fraser Canyon War
- ▶ 1910 Declaration to Laurier
- ▶ 1972 Calder
- ▶ 1982 Section 35
- ▶ 1997 Delgamuukw
- ▶ 2014 Tsilhqo'tin
- ▶ Sept 2014 Four (4) Principles
- ▶ May 2016 UNDRIP “*without qualification*” = FPIC

Do we have to go to Court for an Nlaka'pamux Title Declaration?



Our Land Is our future!

What you do to the land, you do to yourselves!

9 Climate Change

- ▶ The debate is over!
- ▶ The abnormal has become the norm and impacts are growing in frequency, duration and intensity!
- ▶ Harm reduction and harm reversal
 - ▶ Exporting “more” is neither!
- ▶ Status quo is acceptable
 - ▶ Original pipeline works - what is proposed is more or “greed”.
- ▶ Alternative economies exist but ignored!

10 Its all connected !

- ▶ A Nlaka’pamux language, culture, history, law and governance built around the land, water and wild salmon.
- ▶ Its not just a menu choice: Salmon are facing extirpation from all of the above and the current pipeline poses a risk (its leaking) and the proposed project **WILL** add to the risk!
- ▶ Its not a question of if, its when!

NO Kanaka will not put at risk nor sell our future generations for this project.