

The People's Injunction

WE, THE UNDERSIGNED CITIZENS OF BURNABY AND VANCOUVER AND RESIDENTS, WORKERS AND BUSINESS OWNERS OF WESTRIDGE AND FOREST GROVE NEIGHBOURHOODS IN BURNABY, RESIDING ON UNCEDED COAST SALISH TERRITORY, DECLARE THAT:

1) Whereas the expansion of the Kinder Morgan pipeline is opposed by the cities of Burnaby, Vancouver and surrounding districts on unceded Coast Salish territory, and by a majority of residents in these neighbourhoods, for the following reasons:

i) According to Burnaby Fire Chief Chris Bowcock, if the expanded 26-tank facility proposed at Burnaby terminal were to accidentally ignite, this would create an uncontrollable catastrophe involving “clouds of poison gas, explosions of molten crude and fires burning for days”, particularly given that it is directly adjacent to residential areas and Forest Grove Elementary;¹

ii) Kinder Morgan has proceeded with tree removal and construction plans before a decision has been handed down from 15 court hearings in October, 2017, which is a blatant affront to the judicial system of this country;

iii) According to Dipak Dittani, Burnaby Director of Corporate Services, “this will significantly impact the Brunette River conservation area; it will decrease its conservation value; it will impact the buffer area...between Shellmont Tank Farm and Meadow Wood/Forest Hill...and will sterilize Cottonwood Park. Furthermore, in the event of a spill, for products such as dilbit, the impact in such a sensitive area will be devastating. There will not be enough time at all for containment.”;²

iv) According to SFU President Andrew Petter, “the tank farm expansion poses significant and deeply concerning risks that would be viewed as unacceptable to the university.”

v) Because this new pipeline, and expanded tank farm and port, would be in a densely populated area and in inherently hazardous geographic locations, they present unacceptable risks to citizens and the environment;

vi) In the event of a spill in Burrard Inlet, (estimated by the City of Vancouver at 79-87% probability within 50 years) the entire cities of Burnaby and Vancouver would be dramatically affected;

vii) Over 60 businesses and worksites in the vicinity of the tank farm, with over 1700 workers, are vulnerable to the inherent risks associated with these facilities and further expansion creates an increasingly unsafe workplace and threatens the livelihood of the owners and workers of these establishments.

viii) a) The majority of Alberta tar sands production is owned by five large publicly traded companies: Canadian Natural Resources Limited, Suncor Energy, Cenovus Energy, Imperial Oil, and Husky Energy, whose business imperative is corporate profit and increasing shareholder dividends (to mostly non-Canadians) rather than public interest;

¹ Burnaby Now article, “Fire department worried about tank farm expansion”, May 26 2014

² ibid

b) Continued production of tar sands oil are based on profits that are accrued to these companies by externalizing the costs of production on local, regional and global ecosystems and communities;

c) These "carbon liabilities" far outweigh these companies total assets and market capitalization as well as that of the Alberta and Canadian economy as a whole;

d) To remain economically viable, the expanded pipeline would depend on the extraction and exports of bitumen for the next 25 to 30 years, time required to offset the costs of building the pipeline, committing Canada to untold disruption to the earth's bio-systems over time, a prospect that will increasingly become politically and economically unviable. Therefore, in the long range any business accounting, the tar sands exploitation represents a case of "stranded assets", so facilitating the continuing operation of these companies is financially unsound and contrary to the concept of fiduciary responsibility.

ix) Canadian citizens and the global community has experienced increasingly dire threats of climate change including: extreme weather events; catastrophic flooding, forest fires, invasive species infestation; impacts on food production; negative health effects;

x) The Canadian federal government is a signatory to the Paris Climate Accord which came into effect on November 4, 2016 and which committed Canadians to a carbon budget consistent with the goal of no greater than a 1.5C – 2C rise in global temperatures beyond pre-industrial levels. Reaching these goals will necessitate a steady scaling down of oil, gas and coal production and combustion and NOT an increase in fossil fuel extraction, production and transportation.

ix) Alberta's bitumen reserves are so massive, we cannot possibly keep the world below the Paris target of 2C rise if they are extracted and burned. According to the former head of NASA scientist James Hansen, the further development of Canada's tar sands will mean "game over for the planet".

AND

2) Whereas the people of the districts named above have not been properly or meaningfully consulted by Kinder Morgan or the government of Canada, in the following respects:

i) the consent of the Tsleil-Waututh, Squamish and Musqueam peoples for this project to proceed has never been properly sought or attained;

ii) According to Derrick Corrigan, the mayor of Burnaby, regarding the National Energy Board process "I think citizens felt that they really didn't have an opportunity to be listened to. They didn't have an opportunity to ask questions of the people who were making decisions."³

³ Burnaby City video, Feb 16 2018

iii) According to Robyn Allan, former CEO of ICBC and senior economist of BC Central Credit Union, “the residents of Burnaby and the City of Burnaby are faced with broken promises, and corporations, regulatory agencies and governments that say one thing and do another”⁴

iv) Kinder Morgan claimed in the NEB process that this was a twinning of a pipeline, when in fact the route is entirely new, more than doubling the cost and risk, and this enhanced risk has not been addressed by any regulatory agency;

v) There was no consideration given by the NEB to alternative routes, Canada’s commitments to the Paris Climate Change agreement, or contributions to upstream and downstream global climate effects;

Therefore

WE, THE UNDERSIGNED CITIZENS, WORKERS AND BUSINESS OWNERS OF BURNABY AND VANCOUVER AND RESIDENTS OF WESTRIDGE, FOREST GROVE AND MEADOW WOOD NEIGHBOURHOODS IN BURNABY, ORDER THAT:

1) Kinder Morgan, and any other company or individual in its employ for the purpose of expanding the Trans Mountain pipeline, are hereby enjoined or restrained from:

a) continuing work on expanding the Trans Mountain pipeline, including construction for that purpose at both Westridge Marine Terminal and Burnaby Terminal;

b) destroying public land, trees or other property in the vicinity of either of these sites;

c) threatening citizens with civil action for damages because they have acted in opposition to this destruction;

d) unjustly obliging police to arrest citizens for opposing this project;

e) proceeding without the consent of either Tsleil-waututh, Squamish or Musqueam bands, none of which has ever ceded this land to the government of Canada.

2) We, the citizens of Vancouver and Burnaby and residents of Westridge neighbourhood, are by signing this declaration empowering ourselves to take such action to enforce it as will be decided by us in free and open discussion.

⁴ ibid