

**From:** "Mochrie, Paul" <Paul.Mochrie@vancouver.ca>  
**To:** "Direct to Mayor and Council - DL"  
**CC:** "City Manager's Correspondence Group - DL"  
**Date:** 9/4/2019 1:55:52 PM  
**Subject:** Statement of CoV on being denied leave for judicial review on TMX

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Dear Mayor and Council,

The City of Vancouver has not been granted leave for judicial review on Trans Mountain Pipeline expansion project. We will issue the following statement to respond to this decision:

*The City is disappointed that the Federal Court of Appeal has not granted us leave to judicially review the government's approval of the Trans Mountain Pipeline expansion project. However we are encouraged the First Nations groups have been granted leave and this gives them an opportunity to address their concerns around consultation before the court.*

*The City remains of the view that the project would have significant environmental impacts, including the unacceptable risk of oil spills and the effects they would have, and increased greenhouse gas emissions related to the project at a time when the world needs to reduce emissions. The City does not believe the ostensible economic benefits of the project outweigh the unacceptable environmental risks. Vancouver, like many other cities worldwide, has declared a climate emergency, recognizing the need to halve our emissions by 2030. The Government of Canada has also declared a climate emergency and this project ignores that reality. The City is now considering its next steps, as well as awaiting the decision of our appeal to the BC Court of Appeal in connection with the decision to issue an environmental assessment certificate for the project.*

Please see below a background in the total number of applications and the parties that have been granted leave for judicial review.

### **Background:**

12 applications in total and they include:

- Raincoast Conservation Foundation and Living Oceans Society
- Chief Ron Ignace and Chief Rosanne Casimir, on their own behalf and on behalf of all other members of the Stk'émulpsemc Te Secwepemc of the Secwepemc Nation
- Squamish Nation
- Coldwater Indian Band
- Federation of BC Naturalists carrying on business as BC Nature
- Tsleil-Waututh Nation
- Stz'uminus First Nation
- Aitchelitz, Skowkale, Shxwhá:y Village, Soowahlie, Squiala First Nation, Tzeachten, Yakweakwioose
- Shxw'Owhamel First Nation
- Olivier Adkin-Kaya, Nina Tran, Lena Andres and Rebecca Wolf Gage
- Upper Nicola Band
- City of Vancouver

The following six parties ( first nations applications) have been granted leave for judicial review:

1. Aitchelitz, Skowkale, Shxwhá:y Village, Soowahlie, Squiala First Nation, Tzeachten, Yakweakwioose;
2. Chief Ron Ignace and Chief Rosanne Casimir, on their own behalf and on behalf of all other members of the Stk'émulpsemc Te Secwepemc of the Secwepemc Nation;
3. Coldwater Indian Band;
4. Squamish Nation;
5. Tsleil-Waututh Nation; and
6. Upper Nicola Band.

Best,  
Paul

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*The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.*