



## **FEDERAL COURT OF APPEAL GRANTS CHIPPEWAS LEAVE TO APPEAL THE NATIONAL ENERGY BOARD'S DECISION REGARDING ENBRIDGE'S LINE 9B PIPELINE**

**Muncey, Ontario—June 10<sup>th</sup>, 2014**

Chippewas of the Thames First Nation has been granted leave to appeal the National Energy Board (NEB) decision regarding Enbridge's Line 9B pipeline. The NEB decision allows Enbridge to modify its Line 9B pipeline potentially impacting the environment and the Chippewas of the Thames Aboriginal and Treaty rights. .

In April of this year, Chippewas of the Thames filed a notice of application with the Federal Court of Appeal to appeal the decision regarding the Line 9B. The approval of the appeal, which was issued late last week, is a victory for the Chippewa who are receiving support from other First Nations and environmental groups in the Toronto-area as they navigate the appeals process to assert and protect their aboriginal and treaty rights.

The federal Crown provided no consultation on the proposed project despite the Chippewas' asserting their Aboriginal and Treaty rights would be impacted. The Line 9B pipeline crosses the Thames River, the same river that runs through the Chippewas traditional territory and provides a source of drinking water to the First Nation. Chippewas of the Thames Chief, Joe Miskokomon, feels that the time is right to begin a wider dialogue on a principled approach to natural resources and safer energy projects involving First Nations.

Chief Miskokomon is of the view that, "We know that there is a lot of public debate about oil pipelines because we are beginning to see that the old ways of doing business are no longer acceptable because of issues like global climate change and species extinction. Our elders have taught us that when we don't respect Mother Earth our actions will come back to us".

In the coming weeks, Chippewas of the Thames will be launching a campaign to support its appeal which calls on various industries and governments to seek a new way of doing business that draws upon First Nations values and honours the original treaty relationship.

"We do not agree with the NEB's decision enabling Enbridge to reverse the flow of Line 9B. While the NEB can give certain approvals, it does not give Enbridge the social license to operate. Now we are in the position of having to argue about this pipeline in the Federal Court of Appeal on the issue of aboriginal consultation. Regardless of the outcome of our appeal, we need to raise awareness about the environmental concerns and scientific uncertainty with a pipeline dating back to the 1970's that will have new stresses that will be placed on it", according to Chief Miskokomon.

Rolanda Elijah, the Director of Lands and Environment for the First Nation, shares the same concerns, "First Nations are being drawn into pipeline discussions with Line 9B and Energy East projects. Chippewa is expressing concerns about the land and water but we find ourselves having to make assertions in areas covered by treaty. We want to help define what a new approach should be, as we prefer not be in the courts, and these matters should become standard practice".

Chief Miskokomon points to initiatives under the federal Natural Resources Minister, Greg Rickford, to develop processes to develop a tripartite dialogue with BC First Nations and an office to coordinate major projects and pipelines in western Canada. Miskokomon states that similar processes should be developed for federally-approved projects in the Chippewas' territory so that First Nations do not have to make continuous assertions in the courts in order to see the same results from the federal government.

“We need the public and First Nations across this country to see this appeal as an opportunity to lend their support to Chippewa, and to strongly encourage government and industry to pursue alternative approaches to address how natural resources are developed to benefit the seventh generation”, concludes Chief Miskokomon.