

Kinder Morgan TransMountain Pipeline Expansion
Frequently Asked Questions
January 2016

Q: What is the Kinder Morgan TransMountain pipeline proposal?

A: Oil pipeline giant Kinder Morgan wants to build a new pipeline near an existing pipeline from the Alberta tar sands oil fields to an oil shipping terminal in Burnaby, British Columbia, a suburb of Vancouver, B.C. The project would roughly triple pipeline capacity from approximately 300,000 barrels per day to 890,000 barrels per day. If the new pipeline is built, most if not all of the new capacity will be destined for marine oil tankers, which must travel through U.S. waters upon leaving port.

Q: What is the Canadian National Energy Board?

A: Canada's National Energy Board (NEB) is the Canadian federal regulatory agency charged with reviewing this project. The NEB has been holding hearings and gathering evidence about the risks, harms, and benefits of the project for two years; ultimately, the NEB will recommend to the Canadian federal government whether the project should be approved, disapproved, or approved with conditions. The final project decision lies with the Canadian federal government.

Q: What the timeline – what's next?

A: Kinder Morgan filed its pipeline application in December 2013. In February 2014, four U.S. Tribes—the Swinomish, Tulalip, Suquamish, and Lummi—intervened in regulatory proceedings to oppose the project. (There are over 400 intervenors in the proceedings.) The U.S. Tribes and Canadian First Nations gave oral traditional [testimony](#) to the NEB panel about the impacts of the proposed pipeline in October 2014. In 2015, the U.S. Tribes and other intervenors presented written evidence about the impacts and risks posed by the project. TransMountain submitted its final written and oral argument to the NEB panel in late 2015. The U.S. Tribes submitted final written argument on January 12, 2016 that the project will harm their treaty-reserved fishing rights and increase the risk of oil spills that could devastate the Salish Sea. Oral presentations from intervenors will be given from January 19 through February 5, 2016; the U.S. Tribes will present their oral argument on January 22, 2016.

Q: What is the Salish Sea?

A: The Salish Sea includes the Puget Sound, the Strait of Juan de Fuca, the Strait of Georgia, and all their connecting channels and adjoining waters, such as Haro Strait, Rosario Strait, Bellingham Bay, Hood Canal, and the waters around and between the San Juan Islands in the United States and the Gulf Islands in British Columbia, Canada. Major port cities on the Salish Sea include Vancouver, Bellingham, Everett, Seattle, and Tacoma.

Q: Why do U.S. tribes and Canadian First Nations care about Salish Sea impacts?

A: Although the pipeline itself rests solely on Canadian soil, the project, with its massive increase in oil tanker traffic, will have a direct impact on Washington tribes, which have treaty-protected fisheries rights in Washington waters and are co-managers of those fisheries with the State of Washington. If built, the project will result in a significant increase in the number of oil tankers navigating through Boundary Pass, Haro Strait, and the Strait of Juan de Fuca. According to Kinder Morgan's own estimates, the existing Westridge Marine Terminal typically loads 5 tankers and 2-3 barges per month. If the project is approved, the number of tanker loadings is predicted to increase to at least 34 per month.

These oil tankers—both empty and loaded for export—must travel through waters where Washington tribes have treaty-reserved usual and accustomed fishing areas. 444 loadings per year means that Kinder Morgan plans to send 1 oil-loaded tanker through tribal fishing grounds every single day, and on every fifth day it would send 2 tankers.

Several projects are pending that will increase vessel traffic in the Salish Sea and the risk of oil spills and other accidents, including coal export terminals in both Washington and British Columbia. If all these projects proceed, the potential increase in additional tankers and bulk cargo vessels in this sensitive and already-threatened ecosystem is staggering.

Q: What's at stake?

A: The TransMountain pipeline, with its massive increase in ocean-going oil tankers, presents many issues of concern to the Tribes, including (1) impact of vessel traffic on exercise of treaty fishing rights, access to fishing areas, and safety impacts of increased vessel traffic; (2) impacts of an oil spill on coastal waters and intertidal areas along the marine transportation route, including on salmon, orcas, shellfish and crabs; (3) impacts of additional vessel traffic and potential oil spills on cultural resources; (4) oil spill response technologies and preparedness; (5) the fate and behaviour of tar sands crude oil, more precisely known as diluted bitumen (dilbit), in the marine environment; (6) the importance of being prepared for a catastrophic oil spill in shared US/Canadian waters; (7) impacts of increased extraction of tar sands crude on the First Nations in the Alberta area; and (8) harmful climate change impacts from the extraction and burning of tar sands crude.

Q: Are there any other U.S. parties involved in this Canadian proceeding?

A: The 4 U.S. Tribes, Washington State Department of Ecology, and conservation group Friends of the Earth submitted final written argument this month. The Makah Tribal Council participated in some of the earlier proceedings; the U.S. Environmental Protection Agency and several individuals living in the San Juan Islands submitted comment letters in September 2015.

Q: So who makes the decision and when?

A: The NEB Panel will issue a report to the Canadian Governor in Council which will include a recommendation to either approve the application or to deny it. In either case, the Panel must specify terms and conditions that would apply to the project should the Governor in Council approve it. The Governor in Council can accept the Panel's recommendation, send the application back to the Panel for further information and input, or reject the Panel recommendation. The Governor in Council is a federal-level appointed body.