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NORTHERN GATEWAY PIPELINE APPROVAL OVERTURNED
 Federal Court of Appeal finds Canada failed to consult with First Nations on pipeline project. The Federal Court of Appeal has overturned approval of Enbridge's controversial Northern Gateway project after finding Ottawa failed to properly consult the First Nations affected by the pipeline. "We find that Canada offered only a brief, hurried and inadequate opportunity ... to exchange and discuss information and to dialogue," the ruling says. "It would have taken Canada little time and little organizational effort to engage in meaningful dialogue on these and other subjects of prime importance to Aboriginal Peoples. But this did not happen." The majority ruling was signed by two of the three judges on the Appeal Court panel. Judge Michael Ryer wrote a dissenting opinion. Pipeline opponents have called the decision "landmark." "At every turn you're going, you are seeing nails in the coffin of the Enbridge project," said Peter Lantin, president of the council of the Haida Nation, one of the parties that appealed. "I don't think there's enough room for another nail in the coffin." First Nations, local communities, and environmental

interests said no to Enbridge 12 years ago when it first proposed the project. And now that "no" has the backing of the courts," said Ecojustice lawyer Barry Robinson. "Between on-the-ground opposition and the federal government's promises to keep B.C.'s North Coast tanker free and demonstrate climate leadership, this pipeline is never getting built." Northern Gateway president John Carruthers issued a statement saying Enbridge will consult with Aboriginal groups, but is still committed to the project and "protecting the environment and the traditional way of life of First Nations and Métis peoples and communities along the project route." The federal government gave the go-ahead to the Northern Gateway project after a National Energy Board joint review panel gave its approval subject to 209 conditions. But the government was also supposed to meet a constitutional requirement to consult with Aboriginal Peoples following the release of that report. According to the ruling, the project would significantly affect the B.C. First Nations who were parties to the appeal: Gitxaala. Haisla. Gitga-at. Kitasoo Xai'Xais Band Council. Heiltsuk Tribal Council. Nadleh Whut'en and Nak'azdli Whut'en. Haida Nation.

Their traditional territory includes the waterway that would be used by tankers, the Kitimat terminal and some of the land the pipeline would cross. The ruling noted that the Aboriginal groups generally availed themselves of the joint review panel hearings, submitting both oral and written testimony to the NEB. But the release of the joint review panel report was only the third step in a five-part process before the permit to build the pipeline could be issued. In the fourth phase, the Crown was supposed to consult with Aboriginal Peoples "on any project-related concerns that were outside of the Joint Review Panel's mandate." The Appeal Court ruling says the standard for consultation doesn't have to be perfection, but rather "whether 'reasonable efforts to inform and consult' were made." The judges found the federal government had not met that standard. "The inadequacies — more than just a handful and more than mere imperfections — left entire subjects of central interest to the affected First Nations, sometimes subjects affecting their subsistence and well-being, entirely ignored," the ruling says. "Many impacts of the project — some identified in the Report of the Joint Review Panel, some not — were left undisclosed,

undiscussed and unconsidered." The appeal court also pointed out that this was not a case where the proponent of the project itself had failed to reach out to Aboriginal Peoples. "Far from it," the ruling says. "Once the pipeline corridor for the project was defined in 2005, Northern Gateway engaged with all Aboriginal groups, both First Nations and Métis, with communities located within 80 kilometres of the project corridor." In what the judges themselves described as a "complicated" case, the Appeal Court was also asked to consider the legal viability of the order in council which allows the government to issue a certificate for the project. The court found the government is entitled to come to a decision by balancing the economic, cultural and environmental considerations affecting the project. But because of the Aboriginal consultation, the panel quashed the approval of the pipeline. In his dissenting opinion, Ryer said he found the government had adequately consulted with First Nations. He rejected the assertion that the pipeline would affect governance rights of asserted Aboriginal title.

The judge said he agreed with the Crown's assertion that it had created an extensive consultation process through means which included the joint review panel and that many of the First Nations' concerns were addressed in the NEB's 209 recommendations.

The ruling says the government can now reconsider the submissions which are already on the public record in order to consider the concerns of First Nations or they can redo Aboriginal consultation. Either way, once the process is completed, the approval of the project will go back to the federal government for consideration.

ALTON NATURAL GAS STORAGE PROJECT TO RESUME CONSTRUCTION NEAR STEWIACKE

Nova Scotia Supreme Court will hear an appeal from the Sipekne'katik First Nation in August. Construction on the Alton natural gas storage project near Stewiacke is scheduled to resume later this month, but members of the Sipekne'katik First Nation are not ready to give up their fight against the venture. AltaGas Ltd., the company behind the project, plans to move in heavy machinery like excavators this summer to begin work on the bank of the Shubenacadie River. However the company said in a statement that the actual process of solution mining—referred to as brining—will not begin until after the Nova Scotia Supreme Court hears an appeal by the Sipekne'katik First Nation in August. It's the brining process that is at the root of the band's objections to the project. AltaGas wants to use water from the river to dissolve the underground salt formations to create three natural gas storage caverns. "Our concerns with the

project is brine going into the river and killing all the fish," said Chief Rufus Copage. Salinity levels of riverThe company maintained in its release that the water released back into the river will be within normal salinity levels, but the band worries about what will happen. "The issue is that it's untried and untested, and we don't even know the impact," said Sipekne'katik band solicitor James Michael. "And by the time it gets released, the band fears that it may be too late, the river will suffer irreparable harm." Green light from provinceThe project was originally put on hold in 2014 as the province delayed issuing permits then subsequently dealt with several appeals. But in January 2016, the provincial government gave the company the green light to proceed, saying that after 18 months AltaGas had satisfied its obligation to consult with the First Nations and enough modifications to the project were made. Critical habitat proposal

Michael said the band is doing everything it can to protect the river. On June 28, the band submitted a proposal to the Department of Fisheries and Oceans to have the Shubenacadie River listed as critical habitat for salmon. "The band is trying to exhaust all of its legal remedies," he said. "But Alton gas aside, it's trying to protect the resources in the river."

HELIUM PRODUCERS EYE CANADA AS U.S. RESERVE SHRINKS

An approaching squeeze in U.S. helium supplies has producers of the gas, used in everything from party balloons to magnetic resonance imaging (MRI) machines, looking north to Canada's wheat fields. Almost three quarters of U.S. helium demand is filled by an underground reserve in Amarillo, Texas. But the U.S. government, which controls it,

has announced plans to get out of the commercial helium business by 2021. That has prompted refiners and customers to look further afield, taking them to the Canadian provinces of Saskatchewan and Alberta. In April, Virginia-based Weil Group Resources opened Canada's only high-grade helium plant near the village of Mankota, Saskatchewan, population 211. The US\$10 million project provided welcome economic activity in a province hit hard by the oil price crash. The plant, which can produce 40 million cubic feet per year for Germany industrial gas company Linde AG (LNEG:PK) and other buyers, will be followed soon by a plant in Alberta, according to Weil.

"I believe southwest Saskatchewan (and) southeast Alberta to be prolific future helium producers," said Bo Sears, president of Weil Helium. Helium, a \$4.7 billion industry according to Mordor Intelligence, is a byproduct of natural gas production. But because of high prices, small players are exploring fields of helium-bearing gas once considered too expensive to exploit, said helium consultant Phil Kornbluth. Canada has the fifth-largest global helium resource as measured by the U.S. Geological Survey. "The gas in Saskatchewan and Alberta has rich concentration, which you don't find everywhere," Kornbluth said. "And Canada is politically secure. If you have a choice of Canada or Russia, where would you rather do business?" Saskatchewan issued 17 permits and leases from 2014 to January 2016 for helium, its busiest period in 50 years, according to government records reviewed by Reuters. "There's some optimism that this could grow to be a pretty good opportunity," said Saskatchewan Economy Minister Bill Boyd. Quantum Helium Management, which opened a lower-grade

helium plant in Saskatchewan in 2013, is planning to build two more plants within two years in Saskatchewan and Alberta, said president Ovi Marin. The wind-down of the U.S. reserve is a "positive element," Marin said. "We have a niche and we plan to expand on it."

Production outages contributed to a three-year shortage of helium until late 2013. Supplies are currently ample, partly because of new output from Qatar. Exploration firm Helium One also plans to tap new resources in Tanzania. But prices of helium from the reserve managed by the U.S. Bureau of Land Management (BLM) are 84 per cent higher than a decade ago, and the wind-down is forcing refiners Praxair Inc (PX.N), Air Products and Chemicals Inc (APD.N) to look elsewhere for future supply, Kornbluth said. "We realize that the BLM system is in decline and eventually will be depleted," said Air Products spokesman Art George. "At the same time, the world's demand for helium is likely to continue to grow and will require additional new sources." The trend has Western Digital Corp (WDC.O), which uses helium in its hard drives, adding suppliers in more countries including Canada and maintaining a six-month supply buffer, said vice-president of product marketing Brendan Collins. Tightening supplies may encourage helium users to substitute other gases or recycle helium, as they did during the last major shortage. General Electric Healthcare (GE.N), which uses helium to cool magnets in MRI machines, is finding ways to capture helium during manufacturing for reuse and redesigning magnets so they are less dependent on the gas, said spokeswoman Amanda Gintoft. It is also counting on new sources coming online. "Our helium supply is a strategic priority," she said.

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Turtle Lake POWM BEACH
 500 Spruce Road
\$275,000
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 120 x 138 ft double lot
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 12x20 garage in the back yard
 MLS©572654



TURTLE LAKE
 #4 Waino's Kivimaa
 Moonlight Bay Road
\$339,000
 3 BDRMS Year round cabin
 1,152 sq ft
 Total lot size of 65.6 x 84
 Many upgrades
 Back yard is fenced
 Comes with appliances
 MLS©573353



Evergreen Beach (Bright Sand)
 1001 - 1003 Trelayne Place
\$275,000
 984 sq. ft. cabin
 3 BD, 1 BA
 Year round cabin
 Double detached garage.
 MLS© 562772

Turtle Lake
 (Turtle Lake Lodge Cres)
 34 Mathews
\$325,000
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 3 BD, 1 BA
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 34 Utik Lane
\$195,000
 672 sq ft cabin
 3 min walk to public beach
 60x100 ft. titled lot
 2 BD, 3 BA
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Evergreen
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\$329,000
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