

Appendix K.2
Aboriginal Issues
Information Request #2

December 12, 2014

Catherine Ponsford
Project Manager
Canadian Environmental Assessment Agency
Pacific and Yukon Regional Office
410-701 Georgia Street West
Vancouver, BC V7Y 1C6

Dear Ms. Ponsford:

Reference: Aboriginal Issues Information Request #2, Physical and Cultural Heritage

This letter responds to the request for Outstanding Information received from the Canadian Environmental Assessment (CEA) Agency on August 14, 2014.

Information Request #2

CEAA –Outstanding Information:

Baseline information is outstanding regarding each Aboriginal group's physical and cultural heritage. Therefore the assessment of impacts to physical and cultural heritage of Aboriginal peoples, as required in paragraph 5(1)(c) of CEAA 2012, is incomplete. While the technical memos for Chapters 20 and 26 of the EIS address this IR in part, the proponent has not provided sufficient baseline information to support the conclusions regarding environmental effects of the Project.

The proponent's response indicates that PNW LNG anticipates that project-specific Traditional Knowledge/Traditional Use (TK/TU) information will be provided by Aboriginal groups during the environmental assessment and that this new information will be evaluated and updates to the assessment of project effects provided at a later date, including in the regulatory permitting phase. The Agency is aware that PNW LNG has recently received the anticipated studies from most Aboriginal groups involved in the process; an updated assessment of effects, including mitigation measures, to physical and cultural heritage, should be presented for each potentially-affected Aboriginal group separately.

The Agency requires this information during the EIS review phase, and prior to regulatory permitting, in order to effectively support a decision regarding environmental effects of the Project related to 5(1)(c) of CEAA 2012. The response does not provide a separate assessment for each Aboriginal group. Information from TK/TU about physical and cultural heritage would support a decision under CEAA 2012 by: assisting in site identification, determination of archeological potential and cultural value of Lelu Island and significance assessment; providing geographic, cultural and historical context of CMTs; determining appropriate mitigation measures; and identifying current use of lands and resources related to cultural/spiritual purposes.

Pacific NorthWest LNG Limited Partnership (PNW LNG) – Response:

This technical memorandum provides additional assessment of effects to Aboriginal groups' physical and cultural heritage activities and interests due to project related environmental changes. This technical memorandum:

- Provides baseline physical and cultural heritage information for each Aboriginal group
- Outlines issues and concerns related to potential effects of the Project on Aboriginal groups' physical and cultural heritage, as raised by each Aboriginal group



- Provides an assessment of the original conclusions regarding potential effects of the Project on physical and cultural heritage, as presented in Section 20, 25, and 26 of the original Environmental Impact Statement, in light of new baseline information
- Provides a new assessment of potential effects of the Project on physical and cultural heritage, for each Aboriginal group.

Baseline Information on Physical and Cultural Heritage Provided by Aboriginal Groups

This technical memorandum adopts the following definition of physical and cultural heritage provided to PNW LNG by the Canadian Environmental Assessment (CEA) Agency on May 26, 2014:

With respect to Aboriginal peoples, physical and cultural heritage provide evidence of the distinctive culture and legacy of an Aboriginal group and has historic, cultural or spiritual value. It includes:

- Physical objects, structures or human works (e.g., middens, culturally-modified trees, traditional crafts, fossilized remains, historic buildings)
- Sites or places (e.g., burial sites, sacred sites, cultural landscapes)
- Attributes (e.g., language, beliefs).

During the Environmental Impact Statement (EIS) review phase, Traditional Use/Traditional Knowledge (TU/TK) information was provided in Traditional Use Study (TUS) reports submitted between May 2014 and August 2014 for Metlakatla First Nation, Gitxaala Nation, Kitselas First Nation, and Kitsumkalum First Nation. Gitga'at First Nation has also submitted an interim TUS report. Efforts were made by PNW LNG to engage the Lax Kw'alaams and provide funding for a TUS; however the Lax Kw'alaams refused to engage further on this manner.

Following receipt of each report, the Proponent held a series of individual face-to-face meetings with Metlakatla First Nation, Gitxaala Nation, Kitselas First Nation, and Kitsumkalum First Nation to review findings, clarify site specific interactions and issues with the Project, and discuss potential mitigation measures. While specific details provided in these meetings remain confidential, the meetings have informed the information and analysis presented below.

The following sections detail the information provided by each Aboriginal group related to physical and cultural heritage.

Metlakatla First Nation

Overview

On May 13, 2014 Metlakatla First Nation, provided PNW LNG with the Metlakatla First Nation Traditional Land Use and Ecological Knowledge of the Proposed Pacific NorthWest LNG Project Final Report (Metlakatla TUS). Metlakatla First Nation had previously provided PNW LNG with an interim report on December 2, 2013 and relevant information from that interim report was incorporated into PNW LNG's EIS. The Final Metlakatla TUS provides PNW LNG with additional information regarding traditional use sites and practices by Metlakatla First Nation members.

Contextual Information Related to Physical and Cultural Heritage

The Metlakatla TUS contains contextual information on the Tsimshian, Metlakatla First Nation traditional territory, socio-political structure, Traditional Ecological Knowledge (TEK) and seasonal round. Contextual information of relevance to physical and cultural heritage is outlined below:

- In addition to their winter villages located throughout the Prince Rupert Harbour area, the Nine Tribes of the Coast Tsimshian, owned smaller villages on the lower Skeena River, seasonal villages along the coast used for harvesting marine resources, and fish camps at the mouth of the Nass River where Coast Tsimshian harvested and processed eulachon in the spring and salmon during the summer and fall months.

- In the spring, the Coast Tsimshian travelled from their winter villages located on Kaien Island and throughout Metlakatla Pass to their eulachon fishing sites on the lower Nass River around Mill Bay and Kincolith and in the Observatory Inlet/Portland Canal areas.
- Fishing stations were also located along the coast of Chatham Sound, where they used intertidal fish traps to harvest a variety of sea foods. No specific mention is made of Lelu Island as a fishing station.
- In June, several Coast Tsimshian tribes travelled to the islands just west of Prince Rupert Harbour to collect eggs from birds' nests.

Physical and Cultural Heritage in Relation to the Local and Regional Assessment Areas

The Metlakatla TUS states that according to Metlakatla First Nation Elders, Lelu Island, Chatham Sound, and surrounding lands, waters, and islands within and near to the project area are culturally sensitive and spiritually significant areas for the Metlakatla First Nation people. Areas within the local assessment area (LAA), but not on Lelu Island, and unspecified areas adjacent to existing shipping routes serve as important meeting places and feasting sites. They also may hold Tsimshian placenames and have spiritual or cultural significance for the Metlakatla First Nation. Lelu Island has been identified as culturally significant to Metlakatla and they currently use the island for traditional purposes.

The Metlakatla TUS notes that there are historic sites throughout Metlakatla First Nation territory, including pictographs, culturally modified trees (CMTs), petroglyphs, fish traps, weirs and fences, gravesites and archaeological sites. A ground-truthing trip to Lelu Island undertaken by Metlakatla First Nation in October 2013 revealed many CMTs along the perimeter of the island.

The Metlakatla TUS notes that many permanent and temporary campsites, cabins, foundations, fire hearths, and other habitation areas are found throughout the islands located near and adjacent to the potential shipping routes. The Metlakatla TUS states that many "suitable" campsites are located along the perimeter of Lelu Island within the project area however they did not identify any specific sites currently used on Lelu Island. Metlakatla First Nation also notes that an old Metlakatla Indian Reserve (Phelan Reserve) is located in close proximity to Lelu and Stapledon Islands.

The Metlakatla TUS does not indicate the specific location of culturally sensitive and spiritually significant areas in relation to the Project. Follow up meetings and discussions with Metlakatla did not identify spiritual and ceremonial sites or practices on Lelu Island. The assessment of effects to CMTs and other recorded archaeological sites on Lelu Island is provided in Section 20 of the EIS (Archaeology and Heritage Resources). No campsites, habitations, geographic features, land formations, or trails were identified by Metlakatla First Nation on Lelu Island.

Archaeological evidence of camping locations or temporary settlements on Lelu Island was not identified during archaeological surveys on Lelu Island (Section 20 of the EIS).

Lax Kw'alaams First Nation

PNW LNG offered to provide Lax Kw'alaams with necessary capacity to undertake a TUS. Lax Kw'alaams has not undertaken a TUS to date. PNW LNG recognizes Lax Kw'alaams First Nation's strong claim to Aboriginal rights to hunt, fish and gather plants and cedar bark on Kaien and Ridley Islands.

Lax Kw'alaams provided indirect cultural and heritage information with respect to their cultural and heritage values at, and immediately around the project site, at Lelu Island in the 100's of comments provided to British Columbia (BC) Environmental Assessment Office (EAO), CEA Agency and in some cases, directly to PNW LNG as they participated in the environmental assessment (EA) processes with both regulatory authorities up until June 2014.

Their cultural and heritage values, specific to Lelu Island can be summarized as follows:

Potential of Wetlands to Contain Archaeological Resources

Lax Kw’alaams asserted that current wetlands on Lelu Island may contain archaeological resources from times when those areas were not wetlands.

Culturally Modified Trees

Lax Kw’alaams stated that the loss of CMTs and other archaeological resources in their original context at any site (e.g., not specific to Lelu island) cannot be overstated or compensated for.

Lax Kw’alaams believes that incremental destruction of CMTs and other cultural heritage features in the regional area very likely as a result of several new projects proposed in this territory and that as a result cumulative effects are likely and must be characterized in this section.

No other specific cultural and heritage information can be “gleaned” from the 100’s of comments. In the absence of this information, the Proponent has made reasonable efforts to collect information related to Lax Kw’alaams First Nation’s physical and cultural heritage from secondary sources.

Table 1 presents secondary sources reviewed.

Table 1 Secondary Sources Reviewed for Lax Kw’alaams Physical and Cultural Heritage

Title	Date	Relevant Information	Source
Recent and ongoing Environmental Assessments			
Canpotex Potash Terminal Project	2013	Lax Kw’alaams included as an Aboriginal Group. No detailed information on Lax Kw’alaams physical and cultural heritage is provided in this document.	http://www.ceaa-acee.gc.ca/050/documents/p47632/81285E.pdf
Northwest Transmission Line Project	2010	The Lax Kw’alaams First Nation asserted territories include territories on the lower Skeena River, winter villages at Prince Rupert Harbour, coastal areas such as the outer islands around Prince Rupert such as the Dundas islands and Stephens Island, and areas north of the Skeena River to Portland Inlet, including Work Channel and the Khutzymateen Inlet. No information related to physical and cultural heritage is provided in this document.	http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_299.html
Prince Rupert Gas Transmission Project	Under review	No information specific to Lax Kw’alaams physical and cultural heritage is provided in this document.	http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_403.html
LNG Canada Export Terminal Project	In progress	Lax Kw’alaams included as an Aboriginal Group. No information related to Lax Kw’alaams First Nations’ physical and cultural heritage is provided in this document.	http://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=80038
Prince Rupert LNG Project	In progress	Lax Kw’alaams included as an Aboriginal Group. No information related to Lax Kw’alaams First Nations’ physical and cultural heritage is provided in this document.	http://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=80042
Aurora LNG Digby Island	In progress	Lax Kw’alaams included as an Aboriginal Group. No information related to Lax Kw’alaams First Nations’ physical and cultural heritage is provided in this document.	http://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=80075

Title	Date	Relevant Information	Source
Lax Kw'alaams First Nation's Public Information			
Lax Kw'alaams First Nation website	n.d.	No information related to Lax Kw'alaams First Nations' physical and cultural heritage is provided and on the site.	http://laxkwaams.ca/
Legal Decisions			
Lax Kw'alaams Indian Band v. Canada (Attorney General), 2011 SCC 56, [2011] 3 S.C.R. 535	2011	No information related to Lax Kw'alaams First Nations' physical and cultural heritage provided	https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7972/index.do
Scholarly and Grey Literature			
English, Schmidt, Ruggerone, and Devitt. Surveillance Report British Columbia Commercial Sockeye Salmon Fisheries. Intertek Moody Marine: Dartmouth, NS	2012	No information related to Lax Kw'alaams First Nations' physical and cultural heritage provided	http://www.msc.org/track-a-fishery/fisheries-in-the-program/certified/pacific/british-columbia-sockeye-salmon/assessment-downloads-1/20120828_SR_SAL19.pdf
Charles R. Menzies and Caroline F. Butler, "The Indigenous Foundation of the Resource Economy of BC's North Coast" Labour/Le Travail, 61 (Spring 2008), 131–149.	2008	No information related to Lax Kw'alaams First Nations' physical and cultural heritage provided	http://www.iltjournal.ca/index.php/ilt/article/view/5529/6393
Matthews and Young (2005). Development on the Margin- Development Orthodoxy and the Success of Lax Kw'alaams, British Columbia - Journal of Aboriginal Economic Development, 2005	2005	No information related to Lax Kw'alaams First Nations' physical and cultural heritage provided	http://iportal.usask.ca/docs/Journal%20of%20Aboriginal%20Economic%20Development/JAED_v4no2/JAED_v4no2_Article_pg100-108.pdf
Cassidy and Dale After Native Claims?: The Implications of Comprehensive Claims Settlements for Natural Resources in British Columbia. Institute for Research on Public Policy: Halifax, NS.	1988	Discussion of Lax Kw'alaams First Nations' 1983 agreement with Dome Petroleum Ltd. with respect to its Grassy Point LNG Project. No information related to Lax Kw'alaams First Nations' physical and cultural heritage provided	Institute for Research on Public Policy: Halifax, NS.
Kessel Community involvement in "mega-project" planning : a case study of the relationship between the Lax Kw'alaams Indian Band and Dome Petroleum	1984	No information related to Lax Kw'alaams First Nations' physical and cultural heritage provided	http://circle.ubc.ca/handle/2429/25001

Lax Kw'alaams has a Land Use Plan completed in 2004. The proponent has asked for this document several times concluding in a letter to Lax Kw'alaams on January 21, 2014 where PNW LNG requested the plan in writing. There was no response to this request.

Lelu Island and waters to the south and southwest are designated as stewardship areas by the Lax Kw'alaams First Nation in their Strategic Land Use Planning Agreement (2008) concluded with the Province of BC. Kennedy Island, Melville Island, Stephens Island and the northern coastline of Porcher Island are designated as cultural and natural areas.

Kitsumkalum First Nation

Overview

On October 27, 2014, Kitsumkalum First Nation provided PNW LNG with the *Kitsumkalum Traditional Use Study Final Report for Petronas/Pacific Northwest LNG* (Kitsumkalum TUS). The final report provides PNW LNG with additional information regarding traditional use sites and practices by Kitsumkalum First Nation.

Contextual Information Related to Physical and Cultural Heritage

The Kitsumkalum TUS contains information on the traditional ways of life, knowledge and land use of the Kitsumkalum. Contextual information of relevance to physical and cultural heritage includes:

- The presence of CMTs, shell middens, and cabin sites provide evidence that the general areas near Lelu Island were utilized by local Indigenous populations. Note: Archaeological surveys conducted by the Proponent did not confirm cabin sites or shell middens on Lelu Island
- There are numerous CMTs and shell middens on Ridley Island; however, these sites have been affected by previous developments.

Physical and Cultural Heritage in Relation to the Local and Regional Assessment Areas

Information provided in the Kitsumkalum TUS and discussions with Kitsumkalum First Nation indicate that Kitsumkalum First Nation peoples used the areas around Prince Rupert Harbour, which may have included Lelu Island. Kitsumkalum First Nation informed PNW LNG of an historic Kitsumkalum village adjacent to the project site. Archaeological surveys on Lelu Island did not confirm this assertion.

No campsites, habitations, geographic features, land formations, or trails were identified by the Kitsumkalum on Lelu Island.

Kitselas First Nation

Overview

On August 15, 2014, Kitselas First Nation provided PNW LNG with the *Kitselas First Nation Traditional Use Study Analysis: Lelu Island and the North Coast of British Columbia* (Kitselas TUS). The report provides detailed information on the Kitselas First Nation's traditional use in areas relevant to the Project. The report draws on data compiled from archival research, traditional use interviews (n=3), traditional land use mapping sessions (n=6), and site visit for the purposes of ground-truthing. Additional interviews were planned for September 2014; however, PNW LNG had not received the results of these interviews at the time of writing.

Contextual Information Related to Physical and Cultural Heritage

The Kitselas TUS contains information on the traditional ways of life, knowledge and land use of the Kitselas First Nation. Contextual information of relevance to physical and cultural heritage includes:

- Kitselas First Nation maintained fixed seasonal villages in the general project area. Villages included houses and stations for processing eulachon oil. None of these villages were identified on Lelu Island

- Eulachon oil and other products were important sources of food but also were used for ceremonial purposes or as trading commodities with inland peoples.

Physical and Cultural Heritage in Relation to the Local and Regional Assessment Areas

The Kitselas TUS indicates that all the Tsimshian accessed the north coast for harvesting purposes. Specific sites were located from the mouth of the Skeena River through Metlakatla Pass up to Canoe Pass and the Nass River. Sites within the local assessment area (LAA) and regional assessment area (RAA) include:

- Metlakatla Pass, which contained winter villages. Two of these villages were found on Digby Island and at Murphy's Point on Kaien Island
- Dehorney Island or "Bold Bluff", which was used and occupied for traditional purposes
- Kennedy Island, or "Place of Broken Teeth", which has spiritual and ceremonial significance
- Smith Island, which was used and occupied for traditional purposes (mostly harvesting of coastal resources)
- Lelu Island and its surrounding waters, which, given its close proximity to village sites and the other islands, Smith Island in particular, may have been used by Kitselas as a site to harvest resources. Lelu Island may also have been used for seasonal migration
- The Kitselas TUS notes the presence of CMTs on Lelu Island.

Additionally, Spkshunt (Port Essington), which translates to "autumn abode", was a traditional fishing site that was used prior to moving to the winter villages. Kitselas First Nation (2014) asserts that the site was used by the Kitselas and Kitsumkalum as well.

No campsites, habitations, geographic features, land formations, or trails were identified by Kitselas First Nation on Lelu Island.

Gitxaala Nation

Overview

In July 2014, the Gitxaala Nation provided PNW LNG with two reports: 1) Gitxaala Valued Components Report and 2) Gitxaala Use Study. A Gitxaala Socio-economic Study was provided to PNW LNG in August of 2014. These reports provide information on land use within the project area by the Gitxaala Nation. These reports draw on workshops undertaken in 2013, review of existing literature, interviews, and field visits.

Contextual Information Related to Physical and Cultural Heritage

The Gitxaala Use Study contains information on the context, culture and structure of the Gitxaala Nation. Information relevant to physical and cultural heritage includes:

- The Gitxaala territory contains numerous house territories and named places, which are known to the Gitxaala, integrated within oral history, and essential to culture.

Physical and Cultural Heritage in Relation to the Local and Regional Assessment Areas

Lelu Island was identified by Gitxaala study participants as a hereditary territory. This means that the entire area could be considered a sacred place or cultural area. A sacred place was identified around Stapledon Island and the east coast of Lelu Island.

Apart from the sacred place on the east side of Lelu Island, no campsites, habitations, geographic features, land formations, or trails were identified by Gitxaala Nation on Lelu Island.

Gitga'at First Nation

Overview

In July 2014, Gitga'at First Nation (Gitga'at) provided PNW LNG with the *Gitga'ata First Nation Traditional Use and Occupancy Study, Prince Rupert Region: Preliminary Results Report* (Gitga'at preliminary TUS). A Final Report has not been provided to PNW LNG.

Contextual Information Related to Physical and Cultural Heritage

The Gitga'at preliminary TUS contains contextual ethnographic information on the Tsimshian (particularly Southern Tsimshian), Gitga'at traditional territory, socio-political structure, origin stories, and traditional economy. Contextual information of relevance to physical and cultural heritage is outlined below:

- The Gitga'at traveled to the mouth of the Nass River for the eulachon fishery as part of their traditional economy
- The Gitga'at had a number of settlements in the region including at Casey Point and Hays Creek on Kaien Island, Wolf Creek in Port Edward and Humpback Bay on Porcher Island. The Gitga'at also had important trading places on the lower Skeena River at the mouth of the Ecstall River, and at Lorne Creek near Doreen on the mid-Skeena River
- Today, most of Gitga'at harvesting is undertaken during day excursions from their homes in either Hartley Bay or Prince Rupert. Sometimes people stay overnight if using their commercial fishing boats for transportation. The major exception to this pattern is the resource camp at Kiel where Gitga'at people from both Hartley Bay and Prince Rupert move for periods in the month of June to harvest and dry seaweed, catch and dry halibut, and harvest other sea foods
- Many of the Gitga'at harvesting areas around Prince Rupert and Port Edward are no longer accessible because of land alienation and pollution.

Physical and Cultural Heritage in Relation to the Local and Regional Assessment Areas

The Gitga'at preliminary TUS identifies at least nine Gitga'at habitation sites in the Prince Rupert and lower Skeena River regions. These habitation sites were not mapped in the report.

In the Prince Rupert region, the earliest documented habitation site of ancestors of the Gitga'at is at the mouth of the Ecstall River where ancestors of the raven clan lived, and later the blackfish clan after leaving Temleham and before founding the village in Kitkiata Inlet.

After the Gitga'at established in Kitkiata Inlet, the Ecstall River became a vital travel and trade route to the Skeena River region and further north. This route provided an alternate route to the longer canoe route down Douglas Channel and up Grenville Channel.

The eight other Gitga'at habitation sites in the Prince Rupert region are located on the west side of Kaien Island at Casey Point and Hays Creek; at Wolf Creek in Port Edward; in the area of Phelan on the north shore of Inverness Passage; at Humpback Bay and Island Point on the north end of Porcher Island; at Squaderie on the north end of Stephens Island; and at Alpha Bay on the northwest end of Pitt Island.

While living at these sites, Gitga'at people harvested a wide variety of land and marine resources in the surrounding areas. Casey Point, Hays Creek and Wolf Creek were also noted as important trading sites where people from upriver came to trade with the Gitga'ata for products from the interior for products from the coast.

The Prince Rupert and lower Skeena region remain important areas to the Gitga'at community. Some of the Gitga'at people interviewed were born and grew up at habitation sites and resource harvesting areas identified in the research. Other places have ties to grandparents and great grandparents. A number (~300) of Gitga'at people currently live in Prince Rupert.

Areas like the mouth of the Ecstall River and Tye have ancestral ties which are remembered by one of the chiefly families today. Other areas like Hays Creek and Casey Point also have associated ancestral stories and continue to be areas considered by Gitga'at to be their place.

No campsites, habitations, geographic features, land formations, or trails were identified by Gitga'at First Nation on Lelu Island.

Issues and Concerns Related to Physical and Cultural Heritage

Metlakatla First Nation

Metlakatla First Nation raises a concern that the Project may prevent members from accessing spiritual sites, historical sites, and habitation areas. Metlakatla First Nation also raises a concern about the Project's potential to directly damage or destroy areas holding placenames. A further concern is that loss of access and removal of important places will result in loss of knowledge and sense of place associated with heritage sites.

No placenames were identified by MFN on Lelu Island in the report. The Metlakatla TUS raises concerns regarding potential disturbance of unknown or unmarked "gravesites, petroglyphs, CMTs and other cultural and spiritual sites in areas not on Lelu Island (with the exception of the CMTs) within and around the proposed LAA," including potential effects of vessel wakes on archaeological sites such as petroglyphs. Archaeological investigations to date have identified CMTs on Lelu Island and two artefacts in foreshore surveys (Archaeological and Heritage Resources - Section 20 of the EIS).

Metlakatla First Nation's CMT Policy states that

"No matter their age, [CMTs] are physical evidence of Metlakatla's occupation, use, and ownership of the Metlakatla traditional territory through time. CMTs signify the presence of Metlakatla peoples on the land and indicate the traditional uses of our ancestors. As CMTs were created and left by our Metlakatla ancestors, no individual, organization, or government agency has the right to cut them down, destroy them, or deface them in any way".

Metlakatla First Nation considers the removal of recorded CMTs on Lelu Island as significant, as no mitigation measure can compensate for the "loss of context" of these CMTs.

Metlakatla First Nation recommend a "multiple stage process for generating mitigation strategies", including avoidance of traditional land use sites; minimization of impacts such as reducing the size of the project area near TLU sites; hiring Metlakatla First Nation monitors and traditional knowledge holders as advisors throughout project development, construction, and operations; mitigation (when impacts are unavoidable) such as supporting programs that would preserve the transfer of traditional knowledge, and supporting the development of cultural heritage programs, infrastructure, and events.

Metlakatla have concluded an agreement with PNW LNG on mitigation measures to address issues and concerns related to the environmental assessment. Further, Metlakatla are concluding and executing an Impact Benefit Term Sheet with PNW LNG. This agreement will lead to a letter to CEA Agency whereby Metlakatla indicate their support for the Project.

Lax Kw'alaams First Nation

Lax Kw'alaams First Nation asserted that current wetlands (peat bogs) on Lelu Island may contain archaeological resources from times when those areas were not wetlands. Note: PNW LNG consulting archaeologists did not support that assertion.

Lax Kw'alaams First Nation has stated that the loss of CMTs and other archaeological resources in their original context cannot be overstated or compensated.

Lax Kw'alaams believes that cumulative effects on CMTs and other cultural heritage features in the regional area is very likely as a result of several new projects proposed in the territory.

Kitsumkalum First Nation

The Kitsumkalum final TUS raises a concern that sense place experienced at Lelu Island would be lost as a result of project construction, site clearing, and regular operations.

Kitsumkalum First Nation members also raise a concern that the historical, archaeological, and cultural values of the area in the vicinity of the Project will be lost. Kitsumkalum First Nation raises the further concern that removal of CMTs on Lelu Island will destroy the associated use, stories and evidence of occupation. Kitsumkalum First Nation believes that cumulative effects on the loss of CMTs will break the continuity of use from pre-contact through to contemporary use that will result in cultural loss.

Kitselas First Nation

The Kitselas TUS did not identify any project specific issues or concerns related to physical and cultural heritage.

Gitxaala Nation

The Gitxaala TUS identifies concerns related to physical and cultural heritage of relevance to the Gitxaala Nation. Gitxaala TUS study participants were concerned about potential effects related to access and navigation with the terrestrial and marine portions of their territory. These concerns extended to both construction and operations phases of the pipelines and terminals.

Concerns also focused on potential effects to traditional governance, harvesting, sacred places, and cultural identity.

Gitxaala Nation raises a concern about the potential effect of vessel wakes on archaeological sites. Gitxaala Nation has raised a concern about the clearing of CMTs on Lelu Island and the potential destruction of archaeological sites, such as fish traps.

Gitga'at First Nation

The Gitga'at has not identified any project specific issues or concerns related to physical and cultural heritage.

Assessment of Original Conclusions and New Assessment of Effects to Physical and Cultural Heritage for Each Aboriginal Group

Metlakatla First Nation

Physical Heritage

Section 20 of the EIS identified effects to the large number of CMTs on Lelu Island. Lelu Island is to be leased in its entirety to the Project. In order to build the LNG facility, many of the CMTs will have to be removed.

After the application of the Archaeological and Heritage Resource Management Plan (a document developed with direct aboriginal group participation), and the mitigations within it, (e.g., chance find protocol and systematic data recovery), no residual effects were found due to the loss of CMTs (see Appendix J. 15 of the EIS Addendum) Archaeological information associated with the removed CMTs will be retained and provided to aboriginal groups. In addition, residual effects on unrecorded and unmitigated CMTs were determined to be unlikely and therefore not significant.

The Metlakatla TUS confirms the importance and cultural value of CMTs on Lelu Island to Metlakatla First Nation, but does not provide further information about the geographic, cultural and historical context of CMTs for Metlakatla First Nation. New baseline physical heritage information derived from the Metlakatla TUS does not alter conclusions relating to CMTs in Section 20 of the EIS.

The Metlakatla TUS identifies an interest in potential undiscovered heritage sites such as middens and burial grounds on Lelu Island, but does not identify any previously unrecorded sites. Archaeological surveys conducted with the assistance of Metlakatla did not record any middens or burial sites.

New baseline physical heritage information derived from the Metlakatla TUS does not alter conclusions relating to archaeological and heritage resources other than CMTs in Section 20 of the EIS.

The Project is not expected to interact with physical heritage sites in areas other than Lelu Island and the mainland privately owned lot (Section 20.2.5.2 of the EIS).

Cultural Heritage

Section 20 of the EIS does not assess potential effects of the Project on Aboriginal group's cultural heritage, or the meanings, values, and practices associated with physical heritage, lands, and resources potentially affected by the Project.

Metlakatla First Nation identifies loss of knowledge, cultural transmission, and "sense of place" associated with potentially affected heritage sites as a concern.

Application of systematic data recovery for CMTs removed by the Project will ensure that knowledge associated with CMTs will not be lost and that cultural transmission with respect to CMTs will not be affected.

Metlakatla First Nation members' sense of place may be affected while using lands, waters, and resources for traditional purposes in the vicinity of the Project (Section 21 of the EIS). However, residual effects on aesthetic experiences while using lands, waters, and resources in the vicinity of the Project is rated as low as Lelu Island is located within an industrial port and the area currently experiences marine and shipping traffic. The effect is predicted to be not significant (Section 21 of the EIS).

Lax Kw'alaams First Nation

In the absence of cultural and heritage information provided directly to the Proponent from Lax Kw'alaams, and given the intertwined ethno-history of Lax Kw'alaams First Nation and Metlakatla First Nation, current interconnections between the two communities, and their shared strength of claim to their shared traditional territory, the Proponent assumes that effects to Lax Kw'alaams First Nation's physical and cultural heritage are roughly similar to those of Metlakatla First Nation.

Lax Kw'alaams First Nation has raised a concern about potential effects of the Project on unrecorded physical heritage located in wetlands/peat bogs on Lelu Island. Mitigation measures applied to unrecorded physical heritage sites, including the chance find protocol, minimizes the likelihood of this effect (Section 20.5.3 of the EIS).

Lax Kw'alaams First Nation has not raised any interests or concerns with regards to cultural heritage.

Gitxaala Nation

Physical Heritage

Section 20 of the EIS identified effects to the large number of CMTs on Lelu Island. Lelu Island is to be leased in its entirety to the Project. In order to build the industrial LNG Plant, many of the CMTs will have to be removed.

After the application of the Archaeological and Heritage Resource Management Plan (a document developed with direct aboriginal group participation), and the mitigations within it, (e.g., chance find protocol and systematic data recovery), no residual effects were found due to the loss of CMTs. Archaeological information associated with the removed CMTs will be retained and provided to aboriginal groups. In addition, residual effects on unrecorded and unmitigated CMTs were determined to be unlikely and therefore not significant.

The Gitxaala TUS does not mention CMTs on Lelu Island. However, Gitxaala Nation has identified the general clearing of CMTs as a concern.

New baseline physical heritage information derived from the Gitxaala TUS and ongoing engagements does not alter conclusions relating to CMTs in Section 20 of the EIS.

Section 20 of the EIS assessed effects on archaeological and heritage resources other than CMTs on Lelu Island. Section 20 concluded that the Project will not result in residual effects on archaeological and heritage resources on Lelu Island. Field studies did not identify any other archaeological sites within the LAA. In the event that such sites are present and unrecorded, the application of appropriate mitigation measures – including a chance find protocol and systematic data recovery – are predicted to be sufficient to avoid residual effects. The likelihood of residual effects to unrecorded resources was predicted to be low and not significant.

The Gitxaala TUS identifies a sacred place around Stapledon Island and on the east coast of Lelu Island. Use of the sacred place will not be practical (due to the LNG Plant occupying this area and for safety and security reasons) on Lelu Island if the Project proceeds (Section 21 of the EIS). This effect is rated as moderate and predicted to be not significant (Section 21 of the EIS).

The Project is not expected to interact with physical heritage sites in areas other than Lelu Island except on the privately owned lot on the portion of the mainland southwest of Skeena Drive across from Lelu Island (Section 20.2.5.2 of the EIS).

Cultural Heritage

Section 20 of the EIS does not assess potential effects of the Project on Aboriginal group's cultural heritage – or the meanings, values, and practices associated with physical heritage, lands, and resources potentially affected by the Project.

Gitxaala Nation has raised concerns about potential effects of the Project on cultural identity.

Project components and activities may affect Gitxaala Nation's perceptions of cultural distinctiveness and continuity in relation to Gitxaala Nation members' use of lands, waters, and resources for traditional purposes in the vicinity of the Project (Section 21 of the EIS). These effects are predicted to be not significant (Section 21 of the EIS).

Kitsumkalum First Nation

Physical Heritage

Section 20 of the EIS identified effects to the large number of CMTs on Lelu Island. Lelu Island is to be leased in its entirety to the Project. In order to build the industrial LNG Plant, many of the CMTs will have to be removed.

After the application of the Archaeological and Heritage Resource Management Plan (a document developed with direct aboriginal group participation), and the mitigations within it, (e.g., chance find protocol and systematic data recovery), no residual effects were found due to the loss of CMTs. Archaeological information associated with the removed CMTs will be retained and provided to aboriginal

groups. In addition, residual effects on unrecorded and unmitigated CMTs were determined to be unlikely and therefore not significant.

The Kitsumkalum TUS notes that the presence of CMTs provides evidence that Lelu Island and the surrounding area were utilized by local Indigenous populations. The Kitsumkalum TUS does not provide further information about the geographic, cultural and historical context of Lelu Island CMTs to the Kitsumkalum First Nation.

New baseline physical heritage information derived from the Kitsumkalum TUS and consultation record does not alter conclusions relating to CMTs in Section 20 of the EIS.

Section 20 of the EIS assessed effects on archaeological and heritage resources other than CMTs on Lelu Island. Section 20 of the EIS concluded that the Project will not result in residual effects on archaeological and heritage resources on Lelu Island. Field studies did not identify any other archaeological sites within the LAA. In the event that such sites are present and unrecorded, the application of appropriate mitigation measures – including a chance find protocol and systematic data recovery – are predicted to be sufficient to avoid residual effects. The likelihood of residual effects to unrecorded resources was predicted to be low and not significant.

The Kitsumkalum TUS notes that the presence of shell middens and cabin sites in non-Lelu Island areas provide evidence that the areas surrounding Lelu Island were utilized by local Indigenous populations. Neither shell middens nor historic cabin sites were found on Lelu Island during archaeological surveys.

New baseline physical heritage information derived from the Kitsumkalum TUS and consultation record does not alter conclusions relating to archaeological and heritage resources other than CMTs in Section 20 of the EIS.

The Project is not expected to interact with physical heritage sites in areas other than Lelu Island except on the privately owned lot on the portion of the mainland southwest of Skeena Drive across from Lelu Island (Section 20.2.5.2 of the EIS).

Cultural Heritage

Section 20 of the EIS does not assess potential effects of the Project on Aboriginal group's cultural heritage – i.e., the meanings, values, and practices associated with physical heritage, lands, and resources potentially affected by the Project.

Kitsumkalum First Nation has raised a concern about potential project effects on stories and cultural continuity associated with CMTs. Kitsumkalum First Nation has also raised a more general concern about potential effects of the Project on “sense of place.”

Application of systematic data recovery for CMTs removed by the Project will ensure that knowledge, stories and cultural continuity associated with CMTs will not be lost.

Kitsumkalum First Nation members' sense of place may be affected while using lands, waters, and resources for traditional purposes in the vicinity of the Project (Section 21 of the EIS). However, residual effects on aesthetic experiences while using lands, waters, and resources in the vicinity of the Project is rated as low as Lelu Island is located within an industrial port and the area currently experiences marine and shipping traffic. The effect is predicted to be not significant (Section 21 of the EIS).

Kitselas

Physical Heritage

Section 20 of the EIS identified effects to the large number of CMTs on Lelu Island. Lelu Island is to be leased in its entirety to the Project. In order to build the industrial LNG Plant, many of the CMTs will have to be removed.

After the application of the Archaeological and Heritage Resource Management Plan (a document developed with direct aboriginal group participation), and the mitigations within it, (e.g., chance find protocol and systematic data recovery), no residual effects were found due to the loss of CMTs. Archaeological information associated with the removed CMTs will be retained and provided to aboriginal groups. In addition, residual effects on unrecorded and unmitigated CMTs were determined to be unlikely and therefore not significant.

The Kitselas TUS notes the presence of CMTs on Lelu Island.

New baseline physical heritage information derived from the Kitselas TUS does not alter conclusions relating to CMTs in Section 20 of the EIS.

Section 20 of the EIS assessed effects on archaeological and heritage resources other than CMTs on Lelu Island. Section 20 of the EIS concluded that the Project will not result in residual effects on archaeological and heritage resources on Lelu Island. Field studies did not identify any other archaeological sites within the LAA. In the event that such sites are present and unrecorded, the application of appropriate mitigation measures – including a chance find protocol and systematic data recovery – are predicted to be sufficient to avoid residual effects. The likelihood of residual effects to unrecorded resources was predicted to be low and not significant.

The Kitselas TUS indicates that Lelu Island may have been used by Kitselas First Nation as a site for traditional harvest activities. New baseline physical heritage information derived from the Kitselas TUS does not alter conclusions relating to archaeological and heritage resources other than CMTs in Section 20 of the EIS.

The Project is not expected to interact with physical heritage sites in areas other than Lelu Island except on the privately owned lot on the portion of the mainland southwest of Skeena Drive across from Lelu Island (Section 20.2.5.2 of the EIS).

Cultural Heritage

Section 20 of the EIS does not assess potential effects of the Project on Aboriginal group's cultural heritage – i.e. the meanings, values, and practices associated with physical heritage, lands, and resources potentially affected by the Project.

The Kitselas TUS does not identify cultural heritage attributes in the vicinity of the Project.

The Project is not expected to interact with Kitselas First Nations' cultural heritage.

Gitga'at First Nation

Physical Heritage

The Gitga'at TUS does not identify CMTs on Lelu Island or any specific cultural and heritage resources on or near Lelu Island. New baseline physical heritage information derived from the Gitga'at TUS does not alter conclusions relating to CMTs in Section 20 of the EIS.

Section 20 of the EIS assessed effects on archaeological and heritage resources (in addition to CMTs) on Lelu Island. Section 20 of the EIS concluded that the Project will not result in residual effects on archaeological and heritage resources on Lelu Island. Field studies did not identify any other archaeological sites within the

LAA. In the event that such sites are present and unrecorded, the application of appropriate mitigation measures – including a chance find protocol and systematic data recovery – are predicted to be sufficient to avoid residual effects. The likelihood of residual effects to unrecorded resources was predicted to be low and not significant.

The Gitga'at TUS does not identify archaeological and heritage resources on Lelu Island. New baseline physical heritage information derived from the Gitga'at TUS does not alter conclusions relating to archaeological and heritage resources other than CMTs in Section 20 of the EIS.

The Project is not expected to interact with physical heritage sites in areas other than Lelu Island except on the privately owned lot on the portion of the mainland southwest of Skeena Drive across from Lelu Island (Section 20.2.5.2 of the EIS).

Cultural Heritage

Section 20 of the EIS does not assess potential effects of the Project on Aboriginal group's cultural heritage – i.e. the meanings, values, and practices associated with physical heritage, lands, and resources potentially affected by the Project.

The Gitga'at TUS does not identify cultural heritage that has the potential to interact with the Project.

The Project is not expected to interact with Gitga'at First Nations' cultural heritage.

Cumulative Effects to Physical and Cultural Heritage

The likelihood of potential cumulative effects of past, present and future projects and activities associated with unrecorded physical heritage is low. Combined with the fact that no residual effects on other physical heritage resources within the LAA are anticipated, no cumulative effects are anticipated.

The Project's residual effects on sense of place (aesthetic experience) and cultural identity (cultural distinctiveness and continuity) have the potential to interact with other past, present and future projects and activities to result in cumulative effects.

The Project's liquefied natural gas (LNG) facility, marine terminal and LNG carriers, together with the other operational, approved and reasonably foreseeable projects within the RAA will result in alteration to the current visual quality of the RAA; however, these developments largely occur within the Prince Rupert Port Authority which has been identified for future industrial expansion. These effects are expected to be moderate and are predicted to be not significant (Section 21 of the EIS).

Conclusion

New baseline information regarding Aboriginal group's physical heritage has not altered conclusions in Section 20 of the EIS.

New baseline information regarding Aboriginal group's cultural heritage has resulted in the identification of residual cultural heritage effects for Metlakatla First Nation, Lax Kw'alaams First Nation, Gitxaala Nation, and Kitsumkalum First Nation. Based on the assessments provided in EIS Addendum Section 21, the Project is expected to result in residual effects on sense of place (aesthetic experience) and cultural identity (cultural distinctiveness and continuity). These effects are predicted to be not significant.

Cumulative effects on sense of place (aesthetic experience) and cultural identity (cultural distinctiveness and continuity) are predicted to be not significant.