

**From:** Eko Joshua Goldberg [<email address removed>]  
**Sent:** February 19, 2016 10:56 AM  
**To:** Bennett, Carolyn: HOC; [catherine.mckenna@parl.gc.ca](mailto:catherine.mckenna@parl.gc.ca); [hunter.tootoo@parl.gc.ca](mailto:hunter.tootoo@parl.gc.ca); [jim.carr@parl.gc.ca](mailto:jim.carr@parl.gc.ca)  
**Cc:** eko goldberg; Pacific Northwest LNG / GNL Pacific Northwest (CEAA/ACEE)  
**Subject:** Pacific Northwest LNG Project proposed by Pacific Northwest LNG Ltd

To: Carolyn Bennett, Minister of Indigenous and Northern Affairs  
Catherine McKenna, Minister of Environment and Climate Change  
Hunter Tootoo, Minister of Fisheries, Oceans and Canadian Coastguard  
Jim Carr, Minister of Natural Resources

Cc: Canadian Environmental Assessment Agency

Dear Ministers,

I am writing regarding the Pacific Northwest LNG Project proposed by Pacific Northwest LNG Ltd. (PNG), a consortium led by Petronas. PNG is proposing to construct and operate a liquefied natural gas (LNG) facility and marine terminal, with the facility to be located on Lax U'u'la, aka Lelu Island, with the intention of converting natural gas to LNG for export to Pacific Rim markets in Asia. The proposed project is currently under consideration by the Canadian Environmental Assessment Agency (CEAA) which released its draft environmental assessment report on February 10 and is currently inviting public comments until March 2016 on the draft report and the potential environmental assessment conditions for the project.

I'm writing because I am concerned that the CEAA process does not take into account the fundamental underlying condition that makes this project untenable: the project would be built on unceded Indigenous territory and there has not been free, prior informed consent for this project by Tsimshian, Haida, Gitksan, Wet'suwet'en, and other Indigenous people who would be affected by the proposed project. Without free, prior informed consent the proposed project is in violation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Accordingly the Canadian government must not approve the proposed project.

When interviewed in November about the Liberal party's promise to implement UNDRIP, Minister Bennett indicated that the Canadian government would rebuild the relationship with First Nations, Métis and Inuit peoples by including them in every decision that affects them and their land, and stated "That means starting out right, such that everything has been considered before a decision is taken" (The Star, November 12, 2015, <http://www.thestar.com/news/canada/2015/11/12/canada-will-implement-un-declaration-on-rights-of-indigenous-peoples-carolyn-bennett-says.html>)

Multiple Indigenous nations have, multiple times, expressly said NO to the proposed project including the following:

- In May 2015 Petronas offered Lax Kw'alaams \$1.25 billion to allow Petronas to build their LNG plant on Lax U'u'la territory. In three rounds of voting the Lax Kw'alaams voted 100% unanimously NO to the offer, stating that Flora Banks is off-limits to industrial development and that the project posed a threat to the salmon that have great cultural, economic, and spiritual significance to people of the Skeena watershed and that no amount of money could compensate for the damage that would be caused by the proposed project.
- In August 2015, in response to rumours that Petronas would be conducting test drilling near Lax U'u'la and on Flora Banks, Sm'yooget Yahaan (Donald Wesley) and other Tsimshian people set up camp on Lax U'u'la to protect the lands and waters and ensure that there was no encroachment on Tsimshian territory. Despite clear direction from Tsimshian people to stay away from Flora Banks, contractor companies began test drilling near Lax U'u'la on September 11 and were then turned away on multiple occasions over the following days by Tsimshian defenders.
- In November 2015 the House of Assembly, the legislative body of the Haida Nation, passed a resolution expressing opposition to the BC government's LNG agenda and demanding that the mass export of any fossil fuel through its territory be prohibited. The tankers from the proposed project would pass through Haida waters. (<http://www.coastalfirstnations.ca/news-release/november-9-2015-355pm>)
- On January 23, 2016 the Nine Allied Tribes of the Lax Kw'alaams signed the Lelu Island Declaration proclaiming that Lelu Island, Flora Banks, and Agnew Banks are protected for all time as a refuge for wild salmon and marine resources, to be held in trust for all future generations and asserting the right to use the area without interference to harvest salmon and marine resources for sustenance and commercially in support of Lax Kw'alaams peoples' livelihoods. This Declaration was subsequently signed by many other hereditary and elected Indigenous leaders, including the President and Vice President of the BC Union of Indian Chiefs as well as representatives of Wet'suwet'en, Haisla, Gitksan, and Lake Babine First Nations. (<http://leludeclaration.ca>) More than 300 Indigenous people from coastal and inland First Nations attended the summit where the Lelu Island Declaration was signed, to stand in strength and unity against the proposed project on the basis of its negative impact on salmon people along the Skeena watershed.
- The Gitksan House group of Luutkudziiwus have been operating a camp on their traditional Madii Lii territory since August 2014 to block construction of the proposed pipeline that would supply fracked natural gas to the PNW LNG plant, and are signatories to the Lelu Island Declaration.
- The Unist'ot'en (C'ihlts'ehkhyu / Big Frog Clan) of the Wet'suwet'en have been operating a camp on their traditional Yintah (territory) and has established a checkpoint to protect the Yintah from trespass including trespass by companies seeking to build pipelines that would supply fracked natural gas to the PNW LNG plant.

Traditional indigenous legal systems remain intact and continue to govern Indigenous people and lands. The authority of these systems is recognized not only by Indigenous peoples but also by

many non-Indigenous people such as myself who recognize that our BC and Canadian governments are not acting in ways that are consistent with legal obligations or ethical principles in relation to Indigenous peoples. Even the Canadian courts have recognized that rights conferred by Aboriginal title include the right to decide how the territory will be used; to enjoy, occupy and possess the territory; and to proactively use and manage the territory, including its natural resources.

There are many environmental reasons why this project should not proceed, including the multiple risks to salmon and the cumulative effects from dredging of contaminated sediments, blasting, light and high frequency noise pollution, the potential for accidental spills, removal of terrestrial salmon food sources from Lelu Island, pipeline dredging, and erosion of Flora Banks. Traditional Indigenous knowledge regarding salmon and threats to salmon is supported by peer-reviewed science not considered in the CEAA draft report. However even if there were not fundamental environmental considerations, without free, prior informed consent there is nothing for the CEAA to consider.

At the summit where the Lelu Island Declaration was signed, Grand Chief Stewart Phillip of the Union of BC Indian Chiefs stated: “What binds people together throughout Northwest B.C. is the undeniable fact that wild salmon are at the center of our livelihoods and existence. It is essential that the Trudeau government immediately intervene in the fundamentally flawed Canadian Environmental Assessment process to ensure that the indigenous rights of the nations of the Skeena watershed are upheld.” (<http://indiancountrytodaymedianetwork.com/2016/01/26/nine-first-nations-unite-declaration-against-lng-tankers-bc-salmon-waters-163200>)

If the Canadian government issues permits or approval for the proposed project it will be acting in contravention of UNDRIP and will be violating Aboriginal rights. The world is watching.

Sincerely,

Eko Joshua Goldberg

<contact information removed>