

From: Helena Arbuckle <email address removed>

Sent: March 11, 2016 10:47 PM

To: Pacific Northwest LNG / GNL Pacific Northwest (CEAA/ACEE)

Subject: Reject Pacific Northwest LNG Project- Stop Colonizing Indigenous Peoples

To Whom It May Concern,

I am a third year university student studying Political Science, Philosophy and Indigenous Studies at UVic. I am writing to express my utmost concern and opposition to the Pacific NorthWest LNG Proposal.

Firstly, this project is being proposed on the un-ceded and un-surrendered territories of the Lax Kw'alaams Peoples, who voted unanimously to reject the project. Under Canadian Law, common-law occupancy rights (now known as the doctrine of collective native title) and the Doctrine of Legal Continuity dictate that rights to land can only be extinguished through treaty. Moreover, if Indigenous Peoples inhabit a territory and their title has not been extinguished through treaty, their laws remain in force. Thus, not only is this project breaking Indigenous Law by assaulting their lands and livelihoods, but Canadian law as well.

If this project is pushed through despite overwhelming opposition from First Nations, settler allies, environmentalists, scientists, Skeena Watershed Conservation Coalition, Friends of Wild Salmon, and the Canadian Centre for Policy Alternatives, it may be taken to the supreme court of Canada and the BC government has a high probability of losing. Under section 35 of the 1982 Constitution Act, "existing aboriginal rights and treaty rights are hereby recognized and affirmed." This maintains the doctrine of common law title, legal continuity, and the Royal Proclamation. Moreover, "treaty rights" means existing treaties, future treaties, and land claims- the Lax Kw'alaams have laid claim to their traditional territory and these constitutionally entrenched rights therefore apply.

Moreover, the Haida Nation vs BC (2004) court decision set precedence maintaining that development on land subject to claim requires "consultation and accommodation." The Lax Kw'alaams' have not been sufficiently consulted and First Nations upriver from the estuary have not been consulted at all regarding this project. Moreover, the health, culture, and economy of Indigenous communities would be directly affected by salmon declines, and these communities bear much of the cost without foreseeable benefit from this project. First Nations are therefore not being adequately accommodated.

As if that isn't grounds to reject the project outright, I submit the additional concerns and criticisms for your continued deliberation.

The Skeena is the second largest salmon-producer in Canada, and has supported First Nations fisheries on the coast and upriver for at least 5,000 years.

It is well-established that industrial activity in estuaries is known to reduce salmon survival. As described in the Lelu Declaration, both ancestral knowledge and modern science confirms that Flora and Agnew Banks are critical to the future abundance of the wild salmon that communities and wildlife rely on.

A study commissioned by the Lax Kw'alaams Band revealed that Flora Bank sediments are held in place by a dynamic equilibrium of complex tidal and river currents. The report by SedTrend Analysis Ltd. concluded that the bridge supports, trestle pilings, dredging and tanker traffic could disrupt this balance, eventually destroying the salmon habitat by erosion or deposition. So far, the CEAA has - without cause - ignored this and similar reports (peer-reviewed and otherwise), opting instead for a study by the project proponent (Petronas).

In closing, I would like to remind the CEAA, Honourable Minister McKenna, and all others concerned that this project does nothing to mitigate the effects of runaway climate change, only accelerate them. Should the Pacific NorthWest LNG proposal succeed, this new industry (along with the fracking fields in B.C.'s northeast needed to fuel it) would constitute Canada's next largest "carbon bomb." According to Canada's Greenhouse Gas Emissions Reporting Program, the facility's estimated emissions would rank it third among emitters in the oil and gas sector, and be more than double the current total emissions of the Natural Gas Distribution Sector in Canada. (See page 36 of the CEAA draft report on the Lelu Island LNG Plant.)

Simply put, this project completely disregards overwhelming oppositional scientific evidence, the recommendations put forward by the Truth and Reconciliation Commission, and goes so far as to threaten the viability of local communities and economies by undermining their livelihoods and food source.

I urge you to reject this proposal and stop this ongoing processes of colonization,

Sincerely,

Helena Arbuckle