

From: [Rina Gemeinhardt](#)
To: [Walls, Lisa \[CEAA\]](#)
Cc: <email address removed>; [Don Roberts](#); <email address removed>; <email address removed>; <email address removed>; scott.bailey@gov.bc.ca; [Leung, Quincy \[CEAA\]](#)
Subject: Kitimat Clean Energy dEIS review #KITSUM-147
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Attachments: [August 8 2016 letter to CEAA.pdf](#)

Hi Lisa, attached are Kitsumkalum's comments on the draft EIS for the Kitimat Clean Energy project.
Thank you.

Rina Gemeinhardt, RPF, MF, ROWP
Environment, Lands and Referrals
Kitsumkalum First Nation
14303 Highway 16 West
Terrace, BC, V8G 0C8
250-635-5000 Ext 6 (w)


KITSUMKALUM

INDIAN BAND

P.O. BOX 544, TERRACE, BC
CANADA V8G 4B5

TEL: (250) 635-6177
FAX: (250) 635-4622

August 8, 2016

#KITSUM-147

Lisa Walls
Canadian Environmental Assessment Agency
Box 10114
Vancouver, BC, V7Y 1C6
lisa.walls@ceaa-acee.gc.ca

Dear Lisa:

RE: Kitsumkalum Response to draft Environmental Impact Statement Guidelines for Kitimat Clean Refinery (KCR) Project

Thank you for your letter dated July 13, 2016 regarding the above proposed project. The Kitsumkalum Indian Band expects this project to have significant impacts to our members individually and our Nation as a whole.

We are relieved to see that CEAA has opted to conduct a federal environmental assessment and not to rely on the provincial substitution process. Kitsumkalum invites CEAA to explain to us the merits and differences of taking this project to a review panel and how, if at all, our engagement in that process would change.

During the EA process we will receive, review and provide comments on a myriad of documents as well as on the revisions to those documents. When we review revised documents, we find it difficult or impossible to figure out what changes occurred without a tracked-changes document. If CEAA or the proponent does not want to provide a track-changes document, we request the documents in "WORD" format so that we can do the comparison ourselves. We appreciate the tracking tables, but to actually go through a document with a tracking table as a guide is very cumbersome and time consuming, if not impossible.

The proponent has not contacted us. We have no funds to engage with this and are paying out of our own pocket. This is not sustainable for us. We request that the proponent contact

us and start discussions on engagement funding. So far there has been no consultation. If the proponent does not come forward, we expect Canada to cover our engagement at cost.

Comments on draft EIS Guidelines: Part 1 Key Considerations

SECTION 3, SCOPE OF ENVIRONMENTAL ASSESSMENT

1. The shipping of raw materials via rail will need to be included in the scope of this project. The impact of increased rail traffic and the issues that come with shipping raw bitumen along the Skeena River, the life blood of our people, needs to be addressed and assessed. Kitsumkalum expects to see the rail corridor in the assessment as a Local Study Area.
2. The marine transportation corridor needs to be included in the scope as well. The ships carrying diesel, jet fuel and gasoline will most likely be travelling through Kitsumkalum territory past Triangle Islands. Even an accident in Douglas Channel will affect our waters further out. Not only environmental effects of malfunctions, accidents and increased traffic needs to be assessed, but also the impacts to the socioeconomic, human and cultural health of our people if our access to our marine resources is impeded needs to be included.
3. The Kitimat airshed and therefore the effects of air emissions from Kitimat extend past Kalum Lake. So the scope of the EIS needs to include all pollutants, not “just” CO₂. Airshed health is one of the Valued Components (VC) where cumulative effects need to be considered and evaluated especially careful. Kitsumkalum expects the airshed past Kalum Lake to be in the regional study area. We also expect the proponent to discuss with us before they set the study area temporal and spatial boundaries and determines the locations for air monitoring station.
4. It is essential that Kitsumkalum will have the opportunity to comment on and influence the appropriate scope, both geographically as well as temporal, for all VCs. Baseline studies need to provide enough information to show a trend over a few years and to show all seasons and life stages represented. This is the only way to determine impacts of the project. A snapshot picture does not suffice. Where the baseline development includes literature reviews, the proponent will provide Kitsumkalum with a list of the references and also a spreadsheet which identifies the year and season in which the reference information field work was conducted in.
5. There needs to be more emphasis on Human Health assessments and impacts from the changes to the environment through the proposed project's impacts.
6. Reserves need to be included in socioeconomic assessments. Kitsumkalum's main reserve needs to be in the Regional Study Area.

Part 2 Content of the Environmental Impact Statement

SECTION 3.1 PROJECT COMPONENTS

Permanent and temporary linear infrastructure like roads, railroads, pipelines etc. need to be included in their entirety in the Local Study Area.

SECTION 3.2.2 OPERATION

The description needs to include how the proponent will plan for and implement continuous improvement of environmental management and upgrading for technology advances and improved best management practices.

SECTION 5.1 INDIGENOUS GROUPS AND ENGAGEMENT ACTIVITIES

Kitsumkalum has had no contact with the proponent other than a brief high level lunch meeting with Mr. Black. I do not even have any proponent contact information to cc this letter to.

SECTION 6.1.1 ATMOSPHERIC ENVIRONMENT

The proponent needs to discuss air monitoring stations locations with Kitsumkalum. Even though much information has been collected by BC and other proponents in this airshed, all information comes from valley bottom locations. We need stations in higher elevation and in side valleys.

SECTION 6.1.4 RIPARIAN, WESTLAND AND TERRESTRIAL ENVIRONMENTS

The proponent needs to ensure that small (>1ha) wetlands are included in the baseline studies. There needs to be a representation of various sizes of wetlands. This overlaps with the studies for air quality. The proponent needs to assess how changed air quality changes small and bigger wetland chemistry and habitats.

SECTION 6.1.5 GROUNDWATER AND SURFACE WATER

Baseline studies and monitoring plans need to include water chemistry, especially as chemistry might change with the air emissions from the proposed project.

SECTION 6.1.12 HUMAN ENVIRONMENT

Federal lands include reserves, Kitsumkalum's main reserve needs to be in the Regional Study Area for environmental VCs and in the Local Study Area for socioeconomic VCs. Kitsumkalum expects to conduct our own socioeconomic study, funded by the proponent.

SECTION 6.2.3 CHANGES TO RIPARIAN, WETLAND AND TERRESTRIAL ENVIRONMENTS

This section needs also include

- Changes to wetland chemistry

It is not acceptable to limit changes assessment to key habitat. This needs to be a holistic assessment, cause and effect assessment of the system and inter-dependent relationships. If the air gets polluted so that bees get effected then salmonberries do not get pollinated, then robins and fish do not get fed and bears and forests are impacted etc etc.

SECTION 6.3.6 INDIGENOUS PEOPLES

Kitsumkalum expects to conduct our own Traditional Use Study as well as Socioeconomic Study, financed by the proponent. We will not accept other people doing this assessment on us. The EIS should instruct the proponent to make it so.

Kitsumkalum expects to be involved in the Human Health Risk Assessment work. The EIS should instruct the proponent to make it so.

SECTION 6.6.1 EFFECTS OF POTENTIAL ACCIDENTS OR MALFUNCTIONS

The heading to this section makes no sense. It should be "Effects of accidents and malfunctions".

The second paragraph under Accidents and Malfunctions to Marine and Rail Transportation states: If serious accidents or malfunctions are likely to occur and if the necessary data are available, the proponent will determine whether it is necessary to carry out an assessment..... The phrase: *and if the necessary data are available* needs to be deleted. It should suffice that this is a serious risk if accidents are likely to occur. No wiggle room should be given to the proponent.

What is the definition or the parameters for the If necessary... in the third paragraph. This needs to be clarified in the instructions to the proponent, or better yet, deleted. Suggested wording: If the proponent finds any potential for minor or major accidental release of fuel or loss of dangerous goods, then the proponent will also provide an analysis of the potential environmental effects.....

SECTION 6.6.3 CUMULATIVE EFFECTS ASSESSMENT

Instructing the proponent to conduct cumulative effects (CE) assessments on certain VCs is good, but the cumulative effects assessment should also assess the cumulative effects of all the VCs as a whole. For example, a fish might be able to withstand noise, and it might be able to withstand light, and it might be able to withstand changes in water quality. But can it also withstand the cumulative effects of noise, light and changes in water quality coming at it all together?

Air quality and socioeconomic VCs as well as rail and ship corridors need to be included in the CE assessment. The air emissions guidelines are already at a maximum for some chemicals. There is no room even now before LNG Canada or Kitimat LNG come on line. Kitsumkalum expects to see early dialogue on this topic.

SECTION 8 FOLLOW-UP AND MONITORING PROGRAMS

Kitsumkalum suggests that the proponent be instructed to set up a standing monitoring committee with representation offered to the First Nations and funded by the proponent. This committee would be responsible for the planning and implementation of the follow-up and monitoring programs.

The last two words in Section 8.2 “where appropriate” need to be deleted.

Please note that this response is without prejudice and does not constitute a complete list of Kitsumkalum concerns and suggestions. It is expected that opinions and concerns will evolve as the assessment moves forward.

Sincerely



Rina Gemeinhardt
Environment, Lands and Referrals
Kitsumkalum Indian Band
250-635-5000 Ext 6
<email address removed>

Cc: Don Roberts/Sm'oogyit Wiidildal, Waap (House of) Lagaax,
Chief Councillor, Kitsumkalum Indian Band, <email address removed>
Steve Roberts, Kitsumkalum Band Manager, <email address removed>
Alex Bolton/Hat'Axgm Lii Midiik – Treaty Negotiator/Hereditary Chief
<email address removed>
Siegi Kriegl, Advisor, <email address removed>
Quincy Leung, CEAA, quincy.leung@ceaa-acee.gc.ca
<email address removed>