



**GITXAAŁA ENVIRONMENTAL MONITORING**  
#280-110 1<sup>st</sup> Ave West, Prince Rupert, BC V8J 1A8  
Phone: 250-624-3339 Fax: 250-624-3338  
GITXAAŁA NATION



October 22, 2019

Meghan Gilgunn  
Regional Director, Pacific and Yukon  
Canadian Environmental Assessment Agency

Emailed to [megan.gilgun@canada.ca](mailto:megan.gilgun@canada.ca)

**Re: Request for Comments on the Potential Federal Assessment of the Proposed Cedar LNG Project in Kitimat, British Columbia**

Gitxaala Nation, through Gitxaala Environmental Monitoring, has conducted a preliminary review of the of the Project Description for the Cedar LNG Project, and the information contained in your letter to Chief Councillor Linda Innes, dated September 19<sup>th</sup>, 2019.

It is our understanding that this proposed project includes the following components:

- The development, construction and operation of a floating liquified natural gas facility and marine export terminal in Kitimat, BC
- Production of 3-4 million tons of LNG per year
- Include storage capacity for up to 250 000 cubic metres of LNG
- 25 year lifespan
- Marine shipping is included in the Initial Project Description as an incidental activity to the Project and as such, will be included in the assessment
- Anticipates 40-50 shipments of LNG per year, resulting in 80-100 individual transits through Gitxaala territory annually

**Request For Substitution of a Provincial Process**

Gitxaala Nation (the Nation) understands that the review of this proposed project will be conducted under the new Impact Assessment legislation. The Nation also understands that the proposed project is to be reviewed under the existing British Columbia Environmental Assessment Act (BCEAA), despite a new Act coming into force this Fall. Based on conversations with Fern Stockman from the British Columbia Environmental Assessment Office, we recognize that they intend to conduct the review in “the spirit of the new Act” – meaning the existing BCEAA process will be altered ad hoc to better incorporate consensus seeking and a broader understanding of cultural and heritage impacts.

The Nation has serious concerns about a substitutive environmental assessment process. We have participated in several substitutive reviews for similar projects (Aurora LNG, WCC LNG, Grassy Point LNG) and watched as areas that fall under federal jurisdiction are inadequately assessed due to a lack of complete and fulsome participation from the Impact Assessment Agency (the Agency) and other federal authorities. We have voiced this same concern in every one of these substitutive reviews, only to have the issues remain unresolved.



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The Nation would like to remind the Agency that coordination does not alleviate the federal government from its obligations with respect to consultation. Until the substitutive review process is reevaluated and Gitxaała can be certain that the federal Minister will be accurately informed making their final decision, we require that the request for a substitutive review be denied.

While the BC EAO remain confident in their ability to manage the review and act on behalf of the Agency, it has been our experience that they lack the resources and jurisdictional experience and authority to deal with impacted areas such as the marine environment and national greenhouse gas emissions. The current substitutive review process simply does not work in areas of complex cross jurisdictional interplay, like the Douglas Channel.

Further to this point, the Nation is concerned that by conducting this review under a hybrid of both the current BCEAA and the new Act, unnecessary confusion will result and complicate an already complex process. Given the disparity between the Provincial Acts, and the vague nature of the hybridized process, Gitxaała has little confidence that the resulting environmental review will be rigorous enough to address our key concerns with the Project.

#### **Key Concerns Regarding the Project**

It is our understanding that the project's proposed shipping routes include passage through Gitxaała lands and waters. Gitxaała has both Rights and Title in these areas and as a result anticipates full and comprehensive consultation on the project. Through a review of the Project Description, Gitxaała Nation has identified a variety of concerns with the Project. These concerns include, but are not limited to, potential direct and cumulative effects on:

- Marine harvesting
- Human Health
- Marine Mammals
- Marine fish and other marine species
- Aboriginal Rights and Title
- Gitxaała-specific Valued Components
- Community health and wellbeing
- Air Quality and Green-house Gas Emissions
- Marine navigation
- Accidents and malfunctions

From this preliminary review, the Nation is of the opinion that the project has the potential to affect both Gitxaała's Rights and Title and factors listed under Section 22 (1)(c) of the Impact Assessment Act. The precedent for reviewing shipping related affects to Gitxaała Rights and Title has been set in a number of federal assessment, including LNG Canada and the inclusion of shipping in the review of the newly proposed Kitimat LNG expansion amendment.

Thank you for your attention to our concerns, and feel free to contact the Gitxaała Environmental Monitoring office with any questions regarding the issues we have raised. We look forward to continuing to work with the Agency with respect to this project.



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Regards,

<Original signed by>

Samantha Wagner

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