



Metlakatla Governing Council

EMAIL TRANSMISSION

October 4th, 2021

Fern Stockman
Project Assessment Director
Environmental Assessment Office
Fern.Stockman@gov.bc.ca

Stephanie Soebagio
Senior Policy Advisor, Pacific Region
Impact Assessment Agency of Canada
Stephanie.Soebagio@iaac-aeic.gc.ca

Re: Notice of Intent to Participate in the Environmental Assessment process for the Ks Lisims LNG Project

Dear Fern Stockman and Stephanie Soebagio,

Metlakatla First Nation (MFN) has received communication from both the BC Environmental Assessment Office (BC EAO) and the Impact Assessment Agency of Canada (IAAC) regarding the commencement of Environmental Assessment (EA) processes for the Ks Lisims LNG project (“the Project”). The intent of this letter is to respond to the questions received from both the BC EAO and the IAAC.

Participating Indigenous Nation

The BC EAO has requested confirmation as to whether the MFN intends to be a ‘Participating Indigenous Nation’ during the EA process. The MFN confirms that they will participate fully in the EA process as a ‘Participating Indigenous Nation’.

Entity or Representatives

The BC EAO has requested a description of the entity or representatives chosen by the MFN to represent the Nation throughout the EA process and decision-making in relation to the proposed Ks Lisims LNG project. MFN has designated the Metlakatla Stewardship Society (MSS) to participate and engage in the technical review for the EA on behalf of MFN. The Metlakatla Governing Council will retain responsibility for 1) working to resolve any important non-consensus items during the EA that have not been resolved at the technical table, and 2) decision-making relating to project consent, project consent with specific conditions, or lack of consent for the project.

Technical Advisor

The BC EAO has requested that the MFN provide notice if they wish to participate as a Technical Advisor. The MFN designates the following MSS staff to participate as Technical Advisors:

Erin Mutrie
Environmental Assessment Manager
Metlakatla Stewardship Society
412 McBride St, Prince Rupert, BC
emutrie@metlakatla.ca; 250-622-2816

Deanne Watts
Referrals Coordinator
Metlakatla Stewardship Society
412 McBride St, Prince Rupert, BC
dwatts@metlakatla.ca; 250-622-2816

Review and comments on the Initial Project Description (IPD) by MSS staff will be shared with the BC EAO and IAAC in a separate communication.

Capacity Funding

The IAAC has identified that a \$5000 grant is available from the federal government to assist the MFN's participation in the Planning Phase for the Ksi Lisims EA. The MFN accepts the grant and requests that the funding be sent to the MSS. Please mail a cheque to the following address with a note indicating that the funds are intended for the review of the IPD for the Ksi Lisims LNG EA:

C/O Patty Sankey
Metlakatla Stewardship Society
P.O. Box 224
Prince Rupert, BC V8J 3P6

The BC EAO has also identified that funding is available for the MFN's participation in the Early Engagement Phase of the EA for the proposed Ksi Lisims LNG project. Please connect with Erin Mutrie, MSS' Environmental Assessment Manager to provide additional information with respect to the available funding and associated engagement and review requirements or opportunities during this phase of the process.

Governance Role

The BC EAO has requested that the MFN provide a preliminary description of the MFN's governance role in relation to the area affected by the proposed project. The Project proposed on and adjacent to Pearse Island, and the associated shipping route, are within Metlakatla First Nation territory. Both the project and shipping route are subject to Metlakatla's aboriginal rights and title, which are protected by Section 35 of the *Constitution Act*. The Metlakatla First Nation has never ceded or surrendered their territory or any of their interests or rights within their territory. Metlakatla views lands and marine waters to be seamless; adverse impacts to the land will also impact the marine environment and vice versa. Should Metlakatla's rights or interests be infringed by the Project, consultation and accommodation will be necessary. The Project requires the consent of Metlakatla First Nation to proceed to construction and operation.

Interests, Rights and Potential Project Impacts

The BC EAO has requested that the MFN provide a preliminary description of the MFN's interests and rights and information relating to how the proposed project could interact with or impact those interests. Please see the Attachment #1 identifying preliminary expected impacts to MFN's rights and interests from the proposed project.

Collaboration Terms of Reference

On June 5th, 2018, a Collaboration Terms of Reference (CTOR) was signed between the BC EAO, the MFN, and the Lax Kw'alaams Indian Band. The MFN is aware that since the signing of the CTOR, new provincial environmental legislation has come into force. The MFN requests a meeting to review the 2018 CTOR to confirm and ensure that the elements of the CTOR continue to be honoured during this EA and future EA processes.

In closing

The MFN expects the federal and provincial governments to continue to consult to ensure that all potential impacts to Metlakatla Aboriginal title, rights and interests are fully assessed and that meaningful measures to avoid, mitigate and address those impacts are identified throughout the regulatory review. Please contact Erin Mutrie (emutrie@metlakatla.ca) to further discuss the contents of this letter and the preliminary information provided in the Attachment. The MFN looks forward to working with your departments throughout the EA review process.



Harold Leighton
Chief Councillor, Metlakatla First Nation

Cc:

Ross Wilson, Executive Director, Metlakatla Stewardship Society
Erin Mutrie, Environmental Assessment Manager, Metlakatla Stewardship Society
Deanne Watts, Referrals Coordinator, Metlakatla Stewardship Society
Joelle Houde, Senior Funding Officer, Impact Assessment Agency of Canada
Leith Anderson, Project Assessment Officer, BC Environmental Assessment Office
Tanner May-Poole, Project Assessment Officer, BC Environmental Assessment Office
Quincy Leung, Project Manager, Impact Assessment Agency of Canada
KsiLisimsLNG@iaac-aeic.gc.ca

Attachment 1: Preliminary description of Metlakatla's rights and interests that may be impacted by the proposed project

Attachment #1: Preliminary description of Metlakatla's rights and interests that may be impacted by the proposed project

Metlakatla Interest	Definition of Right	Project Interactions	Potential Effect
Terrestrial Harvesting	Right to hunt, fish, trap and gather terrestrial resources.	<ul style="list-style-type: none"> • Site clearing resulting in permanent removal of vegetation, wetlands, timber and wildlife habitat. • Changes in air (dust) and water quality resulting in potential decreased quality and quantity of valued vegetation and wildlife. • Noise, visual changes and increased human activity resulting in increased sensory disturbance, decreased wildlife abundance. • Accidents or malfunctions could lead to the contamination of vegetation or wildlife. 	<ul style="list-style-type: none"> • Reduced opportunity to harvest • Reduced harvesting success • Avoidance of harvestable areas due to industrial disturbance
Marine Harvesting	Right to fish, hunt, and gather marine resources	<ul style="list-style-type: none"> • Site clearing resulting in sedimentation and riparian clearing resulting in changes to fish quality and abundance and marine bird abundance and distribution. • Marine infrastructure resulting in change in fish, marine mammal and marine bird abundance and distribution, and loss of marine and intertidal harvesting sites. • Vessel transit, berthing, terminal operations and shipping activities resulting in change in fish, marine mammal and marine bird abundance 	<ul style="list-style-type: none"> • Alienation of marine and intertidal harvesting sites. • Reduced harvesting success • Avoidance of harvesting sites in the vicinity of the Project and shipping route due to industrial disturbance and increased marine traffic.

Metlakatla Interest	Definition of Right	Project Interactions	Potential Effect
		<p>and distribution, and interference with harvesting activities.</p> <ul style="list-style-type: none"> • Jetty construction resulting in permanent removal of marine vegetation. • Accidents or malfunctions could lead to the contamination of marine resources. • Project hiring resulting in increased recreational marine users and increased competition for marine resources 	<ul style="list-style-type: none"> • Reduced quiet enjoyment of place-based activities. • Disturbance of cultural and spiritual sites.
Sense of Place	<p>Right to maintain emotional and spiritual attachment to special places.</p> <p>Right to peaceful enjoyment of the lands and waters.</p>	<ul style="list-style-type: none"> • Vegetation clearing and infrastructure development resulting in loss or alteration of cultural and spiritual sites. • Industrial disturbance resulting from construction (site clearing, lighting, noise, infrastructure development), operations (shipping, lighting, noise, loading activities etc.). 	<ul style="list-style-type: none"> • Restricted physical access to Project Area • Interference with marine transportation routes.
Access and Travel	Right to access lands and waters.	<ul style="list-style-type: none"> • Site clearing, jetty construction, marine shipping and anchorages resulting in interference with terrestrial and marine access and travel. • Restricted access to land and shoreline and marine areas surrounding Project infrastructure. 	<ul style="list-style-type: none"> • Restricted physical access to Project Area

Metlakatla Interest	Definition of Right	Project Interactions	Potential Effect
Governance and Decision-making	Right to make decisions about land and marine use in accordance with governance and decision-making rights.	<ul style="list-style-type: none"> Industrialization of land and increased marine traffic. 	<ul style="list-style-type: none"> Reduced ability to exercise land and marine management functions.
Health and Safety	Right to the highest attainable standard of physical, mental and social health.	<ul style="list-style-type: none"> Construction and operation activities resulting in water, land and air pollution and noise. Project-related restrictions in resource harvesting and land use. Project-related alteration to cultural landscapes. Potential for shipping transport accidents and malfunctions resulting in stress and anxiety. Increased marine traffic resulting in increased potential for marine collisions. Project hiring resulting in increased potential violence to women and girls. Project hiring resulting in population influx and increased burden on local health care system and social services. 	<ul style="list-style-type: none"> Decreased physical health Decreased mental health Decreased personal safety
Economic Development	Right to derive economic benefit from land and waters.	<ul style="list-style-type: none"> Project development resulting in restricted access to and reduced availability of commercially harvested resources and trade items. 	<ul style="list-style-type: none"> Loss of income/livelihood (including trade). Loss of economic development opportunities.

Metlakatla Interest	Definition of Right	Project Interactions	Potential Effect
		<ul style="list-style-type: none"> Alienation of lands that could be used for economic development purposes by Metlakatla Project hiring resulting in increased recreational marine users and increased competition for marine resources 	<ul style="list-style-type: none"> Gain of income/livelihood (job acquisition)
Cultural Identity	Right to maintain cultural distinctiveness and integrity	<ul style="list-style-type: none"> Site clearing and access restrictions resulting in loss of a cultural landscape and reduced opportunity to maintain and transmit knowledge Construction and operation of marine facilities and marine shipping resulting in reduced opportunity to maintain and transmit knowledge 	<ul style="list-style-type: none"> Reduced ability to transmit knowledge between older and younger generations Loss of place-based knowledge
Physical Heritage	Right to maintain cultural heritage.	<ul style="list-style-type: none"> Project clearing resulting in loss and alteration of archaeological, historical, spiritual and cultural sites. 	<ul style="list-style-type: none"> Permanent removal of archaeology features—both pre- and post-1846- which prove continued use and occupancy by Coast Tsimshian for millennia to present day. Disturbances to unmarked gravesites, petroglyphs, CMTs and other cultural and spiritual sites within and around the proposed Project footprint.

