



November 4, 2021

Fern Stockman  
Environmental Assessment Office

**Emailed to [Fern.Stockman@gov.bc.ca](mailto:Fern.Stockman@gov.bc.ca)**

**Re: Further Information for Notice by Gitxaala Nation of intent to participate in assessment of Ksi Lisims LNG as a Participating Indigenous Nation**

On behalf of Gitxaala Nation, Gitxaala Territorial Management Agency (GTMA) has reviewed your correspondence of October 20<sup>th</sup>, 2021, which followed the meeting between our offices on October 1<sup>st</sup>, 2021. At that meeting we discussed Gitxaala Nation's concerns with the EAO's request for additional information with respect to the Nation's notice to participate in the environmental assessment (EA) process for the Ksi Lisims LNG Project as a Participating Indigenous Nation (PIN). EAO's request for additional information was initially received via email on September 23<sup>rd</sup>, 2021, in response to Gitxaala Nation's notice of its intent to participate in the EA process as a PIN via letter dated September 21<sup>st</sup>, 2021. GTMA appreciates the additional information provided in your October 20<sup>th</sup> letter and the opportunity to provide the following response.

Through review of your October 20<sup>th</sup> letter GTMA understands that EAO's intention behind the additional requested information serves two main purposes: first to inform a preliminary understanding of the Nation's unique culture and connection to lands, waters, communities, and cultures that have the potential to be affected by the proposed project; and, second to determine how the EAO and Gitxaala Nation will make decisions about the EA process for the proposed project together such that the EA is reflective of Gitxaala Nation's governance requirements. The Nation believes the first purpose has been fulfilled by its participation to date, including identifying that the project has the potential to affect Gitxaala Nation in a number of ways, including on its constitutionally protected Section 35 Rights and Title. The second purpose will be fulfilled through further discussion between our offices.

To inform a preliminary understanding of the scope of Gitxaala Nation's connection to the area and specific concerns regarding the potential effects of the Ksi Lisims Project, Gitxaala Nation had provided substantial feedback prior to EAO's September 23<sup>rd</sup> request for additional details. This includes detailed comments on the Initial Project Description and the proponent's Engagement Plan in our letter of September 21<sup>st</sup>, 2021. Gitxaala leadership and staff have also met with the proponents at their request, prior to and during Early Engagement, to discuss the Nation's preliminary concerns. Gitxaala Nation elected and hereditary leadership are responsible for decision-making in relation to this and all Projects in the Territory; and our September 21<sup>st</sup> letter confirmed the GTMA will represent Gitxaala Nation through the EA Process. We note Gitxaala's preliminary concerns and comments are documented in the Joint Summary of Issues & Engagement dated October 14<sup>th</sup>, 2021, that was prepared by the EAO and the Impact Assessment Agency of Canada and shared via email from your office on October 14<sup>th</sup>, 2021<sup>1</sup>.

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<sup>1</sup> Please note this letter is not a formal response to the Joint Summary of Issues and Engagement as GTMA has not concluded our review at this time.



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To be clear, the Ksi Lisims LNG Project has the potential to adversely affect Gitxaala Nation and Gitxaala Territory, both directly and cumulatively, through its various components and activities. As such, Gitxaala expects full and meaningful consultation to occur throughout the EA process. For additional clarity the following is a summary of areas of potential impact to the Gitxaala Nation that have been identified for the Ksi Lisims LNG Project as of the date of this letter:

- Gitxaala Nation section 35 Rights
- Gitxaala-specific Valued Components
- Marine harvesting
- Human health
- Marine mammals
- Marine fish and other marine species
- Community health and well-being
- Air quality and GHG emissions
- Marine navigation
- Accidents and malfunctions

GTMA staff have also identified concerns regarding the EA-process and its scope, which can be summarized as follows:

- Lack of clarity around the 3 assessment processes (Nisga'a, provincial and federal), and which authorities have jurisdiction for the oversight and management of Project should it be approved.
- Uncertainty around whether all route options for the electrical and natural gas transmission lines to the site and the associated impacts are in scope for the assessment.

Regarding the second purpose of the additional information request i.e., “determining how the EAO and Gitxaala Nation will make decisions about the EA process for the proposed project together such that the EA is reflective of Gitxaala Nation’s governance requirements”, we acknowledge further discussion between our offices is required. However, we are of the view that further responses to the questions posed in your email of September 23<sup>rd</sup> would not provide the clarity EAO is seeking. Regardless we look forward to continuing to work with the EAO to build and complete a fulsome review of the proposed Project, should it proceed to an EA.

Finally, we note that although your letter does not specifically address the Province’s “strength of claim” (SOC) assessment process, nor how the requested additional information would or would not be used in that process, the topic was discussed during our meeting on October 1<sup>st</sup>. At that meeting GTMA staff spoke about the need for Gitxaala to be aware of and have sufficient opportunity to provide additional SOC documentation for the Province’s consideration if/when there is a need to consider Gitxaala Nation’s strength of claim in relation to the review of the Ksi Lisims LNG Project. Based on our experience with SOC work in the past, we recognize it can slow progress on regulatory processes where it is required. As such, we are highlighting the need for adequate time to allow for bilateral work if/when required during this Project review, and we request EAO notify our office immediately if such a need arises.



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Thank you again for your attention on this matter and please contact me if you have outstanding questions or concerns you would like to discuss.

A handwritten signature in blue ink, appearing to read "Heather Johnston".

Heather Johnston

Cc: Samantha Wagner, GTMA ([regaffairs.gtma@gitxaalanation.com](mailto:regaffairs.gtma@gitxaalanation.com))  
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