



Metlakatla Stewardship Office

P.O. Box 224
Prince Rupert, BC
V8J 3P6

Phone: (250) 628-3315
Fax: (250) 628-9259

EMAIL TRANSMISSION

March 10, 2016

Catherine Ponsford
PNWLNG Project Manager
Canadian Environmental Assessment Agency
Catherine.Ponsford@ceaa-acee.gc.ca

RE: Metlakatla Comments on CEAA's draft Environmental Assessment Report and Potential Conditions for the PNWLNG Project

Dear Catherine Ponsford,

The Metlakatla First Nation (MFN) holds the rights and title for the lands and waters to be impacted by the proposed Pacific Northwest LNG (PNWLNG) Project. The Project area lies at the core of Metlakatla territory, with the lands of Lelu Island hosting hundreds of years of Culturally Modified Trees (CMTs) and the surrounding waters providing safe passage for marine navigators between Metlakatla Pass and the Skeena Estuary for generations. Metlakatla's continued use and occupancy of the Project area, particularly for marine harvesting, is clearly defined through oral history (*Adawx*) and traditional use studies conducted specifically for the PNWLNG environmental assessment. Metlakatla's management goals for their territory, including the Skeena Estuary, are clearly outlined in land and marine use plans, and recognized through collaborative planning processes with the federal and provincial governments.

The Metlakatla Stewardship Society (MSS), the delegated body of the MFN responsible for ensuring the health of Metlakatla resources for perpetuity, has been deeply involved in the PNWLNG federal environmental assessment since initiation, demonstrating Metlakatla's interest in and dedication to the Project area. We appreciate the work carried out by CEAA in overseeing the Project review and recognize the efforts of PNWLNG in the past year to improve the Project design and decrease predicted impacts to Flora Banka and associated fish habitat.

Despite the intensive environmental assessment process, after reviewing the draft Environmental Assessment Report (EA Report) and Potential Conditions, we believe that a number of outstanding issues regarding the Project remain. Given the scale and possible impacts of the Project and the uncertainty surrounding potential residual and cumulative effects on key valued components,

(as detailed in numerous prior submissions by the MSS to CEAA)¹, the conditions attached to the Project, if approved, must be precautionary, comprehensive, unambiguous and enforceable.

With the above in mind, please see the attached Schedule 1 for our comments and requests for improvement for the Potential Conditions. In particular, we ask CEAA to carefully review many of the follow-up program conditions which lack specificity regarding timing of submission, consultation requirements, and implementation processes. Furthermore, we ask CEAA to provide clear direction as to how the Agency will ensure compliance for several of the proposed conditions. In addition to comments on conditions, we offer a suite of comments on the report itself (see Schedule 2).

Our review revealed several overarching and consistent themes, highlighted below. Please see the attached for a further detailed description of each issue.

- **Modelling:** As ongoing deficiencies contained in PNWLNG's modelling of impacts to Flora Bank have not yet been addressed, additional modelling is still needed to ensure accuracy of potential local effects to the Project area and potential impacts on fish and fish habitat. Additionally, more stringent conditions are needed to ensure that the Proponent continues the necessary modelling work in order to verify findings, minimize impacts to fish and fish habitat, and develop a long term monitoring framework. This work must be done before PNWLNG can gain authorization to begin construction activities.
- **Adaptive Management and Monitoring:** In order to address ongoing uncertainty in this EA, PNWLNG should be required to pursue any follow-up program as part of a larger, rigorous Adaptive Management approach, as described in the CEAA Operational Policy Statement (OPS) for Adaptive Management Measures. Metlakatla environmental monitors should be closely involved with any monitoring required as a part of follow-up and adaptive management programs, particularly to address issues of key concern and uncertainty that have the potential to impact Metlakatla's use of their territory and resources.
- **Greenhouse Gas Emissions:** Despite the Agency's conclusion that the Project's effects on greenhouse gas emissions are significant, the Potential Conditions document does not include conditions specific to GHG reduction requirements. See Schedule 1 for proposals to improve conditions regarding GHG emissions.
- **Cumulative Impacts:** Metlakatla has consistently expressed concern over the potential cumulative effects of the PNWLNG project in combination with the PRGT pipeline project and other LNG and Port related developments. Stringent conditions must be developed to ensure PNWLNG is accountable to address cumulative effects of their project in combination with other current and future projects, including when requested to do so by Aboriginal Groups.
- **Duty to Consult:** The majority of CEAA's draft conditions require the Proponent to execute the conditions in consultation with Aboriginal groups, however, some of these conditions are not

May 10, 2013 submission re: PNWLNG draft Environmental Impact Statement guidelines

May 5, 2014 submission re: PNWLNG detailed Application/Environmental Impact Statement

July 18, 2014 submission re: PNWLNG Information Request (IR) Responses

December 14, 2015 submission re: PNWLNG Final Submission to CEAA to Address IR No.2

December 18, 2015 submission (as a member of TESA) re: Third party review of PNWLNG modelling of Flora Bank

attached to a federal authorization and therefore contain no reference, nor further guidance on how the federal Crown will ensure consultation is appropriately executed.

- **Technical Implementation Committee:** Metlakatla requests that a technical committee/working group comprised of representatives from the Proponent, the Agency, relevant Aboriginal groups, and appropriate federal authorities be established to manage the technical implementation of conditions and oversight of all follow-up and monitoring programs. Though the committee structure would not fulfill the Proponent's delegated consultation obligations, (which would have to proceed directly with Metlakatla), it would ensure the same information is being shared and discussed with all parties, issues are identified early and in a transparent setting, and solutions can be addressed regularly, consistently, and with the input of appropriate experts. We suggest a condition should establish the requirement for a committee with direction to collaboratively develop a Terms of Reference once the CEAA Decision Statement is released.

Should the PNWLNG Project advance, it will be the Metlakatla First Nation, its members, and its resources which will most acutely experience the impacts of the development. As such, we ask CEAA to carefully consider the attached recommendations from the MSS which aim to improve the final product and ensure that any potential impacts from the Project will be carefully monitored, identified as early as possible, and well mitigated in advance of the permeation of negative effects to the ecosystem.

Should you require any further clarification on the attached or would like to discuss next steps, please do not hesitate to contact myself (ausborne@metlakatla.ca), Ross Wilson, Director of the MSS (rwilson@metlakatla.ca), or Chief Councillor Harold Leighton of the Metlakatla First Nation (hleighton@metlakatla.ca); 250-628-3315.

Kind regards,
<Original signed by>

Anna Usborne
Environmental Assessment Coordinator, Metlakatla Stewardship Society

Cc: Chief Harold Leighton, Metlakatla First Nation
Ross Wilson, Director, Metlakatla Stewardship Society
Jane Hauser, Environmental Assessment Assistant, Metlakatla Stewardship Society
Candace Anderson, Crown Consultation Manager, CEAA

Attachments: Schedule 1: Table of Comments on the Draft Conditions
Schedule 2: Table of Comments on the Draft Environmental Assessment Report