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B.C. First Nations Leaders Set Record Straight on Misleading Claims of Support for Petronas' Pacific Northwest LNG – Call on Trudeau to reject project

OTTAWA – A delegation of senior First Nations leaders from northwest British Columbia warned the Trudeau government Tuesday that claims of widespread First Nations support for Petronas's Pacific Northwest LNG project are false.

They called upon the federal government to reject the project.

The delegation included the hereditary chiefs of Lelu Island, a former Lax Kw'alaams Mayor, President of the Union of B.C. Indian Chiefs, and hereditary chiefs from the upriver Wet'suwet'en and Gitxsan First Nations.

"We have travelled to Ottawa to set the record straight with the Canadian government. As the proper title holders and decision-makers for Lelu Island and Flora Bank, we have not been properly consulted. Without our agreement, this project cannot and will not proceed," said Simoyget Yahaan, hereditary chief of the Gitwilgyoots Tribe of the Lax Kw'alaams people.

Lelu Island, near Prince Rupert, B.C., is where PNW LNG proposes to build a \$11.4-billion gas plant and shipping terminal. The project, currently awaiting a decision by the federal government, threatens Canada's second largest wild salmon run, and would become one of the largest greenhouse gas emitters in the country, undermining Canada's international climate change commitments. The project, spearheaded by the Malaysian state-owned oil company Petronas, has been aggressively promoted by the B.C. government, which has publicly claimed that B.C. First Nations support the project.

"Contrary to the mythical claims of First Nations support being spread by B.C. government officials and Petronas lobbyists in Ottawa, there is a deeply entrenched, extensive and broad Indigenous opposition to the proposed PNW LNG project," stated Grand Chief Stewart Phillip of the Union of B.C. Indian Chiefs. "Prime Minister Trudeau and his cabinet ministers can no longer pretend that this is not a significant factor in deciding if the project goes ahead."

Members of the delegation brought a message from one of the most revered First Nations hereditary leaders in Canada, Simoyget Delgamuukw (Earl Muldon) of the Gitxsan First Nation. He said: "Petronas and the province have spent hundreds of millions of dollars lobbying Canadians and the federal government to approve a dangerous project. But they have been unable to buy our consent, and they cannot purchase our legal system. Nor can they hide behind rogue elected band officials acting without proper authority. The Prime Minister and, especially, the Justice Minister should be under no illusions - we will fight this ill-considered and illegal project, in the courts and on the land if need be, and we will win."

Last year, Lax Kw'alaams communities emphatically rejected the PNW LNG project, even after more than \$1-billion in benefits were promised by the company. But last month, Jon Helin, newly elected mayor of the Lax Kw'alaams First Nation, wrote to Environment Minister Catherine McKenna signaling conditional support for the project – a letter that has been seized upon by the proponents as evidence of the community's support. Last week, it emerged that the letter was not authorized by the band council and Helin had not consulted with hereditary leadership, the community, or even his own council before sending it.

"The B.C. government has been saying that we've changed our minds and support the project," said former Lax Kw'alaams Mayor Txaxgax (Garry Reece). "That's simply not true, and Jon Helin had no business sending a letter to that effect without consulting his elected council, hereditary chiefs and our community. That letter does not represent the position of the Nine Allied Tribes of Lax Kw'alaams."

Many up-river First Nations have also come out against the project, which entails construction of an 800-kilometre pipeline that would cross dozens of First Nations territories and would impact salmon harvests. "First Nations leaders from the entire Skeena river are standing together in opposition to this project," said Chief NaMoks of the Office of Wet'suwet'en. "As hereditary chiefs, it is our people who make decisions on our ancestral lands, not elected band councils. We cannot allow this project to move forward, and even if the Government of Canada grants it approval, we will tie it up in the courts through legal challenges."

"This project threatens all our communities' food supplies," said Glen Williams, Chief Negotiator of the Gitanyow First Nations. "It threatens our wild salmon, yet as upriver First Nations we have been side-lined in the environmental assessment of this project all along. We will protect our rights in the courts if we must."

Meanwhile, Simoyget Yahaan referred to a recent threat by the Prince Rupert Port Authority, an arm of the federal government, to initiate legal action against him and other Lax Kw'alaams community members if they don't remove a camp they built on Lelu Island last year.

"Is this how Trudeau's Liberals intend to conduct a new relationship with First Nations? By siding with a foreign oil company, ignoring the legitimate leadership of our ancestral lands, threatening our cultures and livelihoods, denying us our Constitutionally protected rights, ignoring peer-reviewed science, accusing us of trespassing on our unceded lands, and unleashing an environmental disaster that will hurt all Canadians?"

"Prime Minister, respectfully, and on behalf of the millions of Canadians who placed their trust in you to stand with First Nations – not to attack us – let me say just this: We shall not be moved."

WHO IS IN THE DELEGATION?

Lax Kw'alaams: Simoyget Yahaan, Donnie Wesley, is hereditary chief of the Gitwilgyoots Tribe of the Lax Kw'alaams First Nation. He is the ranking chief for the ancestral lands and waters that include Lelu Island and Flora Banks and Agnew banks (proposed site for PNW LNG). Gwishawaal (Ken Lawson) is a hereditary chief responsible for Lelu Island.

Union of B.C. Indian Chiefs: Grand Chief Stewart Phillip, former chief of the Penticton Indian Band, has served since 1998 as President of the Union of B.C. Indian Chiefs. He is one of Canada's foremost and fiercest defenders of Aboriginal title and rights.

Wet'suwet'en: NaMoks (John Ridsdale) is an hereditary chief of the Tsayu (Beaver) Clan of the Wet'suwet'en First Nation. He is the designated spokesperson for the Office of the Wet'suwet'en, an upriver First Nation that depends on Skeena salmon. .

Gitanyow: Malii (Glen Williams) is Chief Negotiator of the Gitanyow First Nation, an upriver tribe that depends on Skeena salmon.

Gitxsan: Giphaygwim ganaa'u (Richard Wright) is the spokesperson for the House of Luutkudziiwus of the Gitxsan Nation. Luutkudziiwus are a house group who are deeply opposed to Petronas's plans to push the Prince Rupert Gas Transmission project (PRGT) through their Madii Lii territory.

Others in the delegation:

Lax Kw'alaams: Txaxgax (Garry Reece), former mayor and community member of the Lax Kw'alaams First Nation.

Haisla: Ga Gaum Guist (Gerald Amos), elder and former elected chief of the Haisla First Nation; chair, Friends of Wild Salmon.

Other spokespeople:

Gitxsan: Delgamuukw (Earl Muldon) was the named plaintiff in one of the most important Aboriginal rights cases in Canadian history, when the Supreme Court of Canada ruled in 1997 that Aboriginal rights had not been extinguished in Canada. His comments carry huge weight in Indigenous and legal circles in Canada.

To arrange interviews, please contact:

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Grand Chief Stewart Phillip: [250-490-5314](tel:250-490-5314)

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ISSUE BRIEFS

CLIMATE CHANGE:

When upstream emissions are included, the Pacific Northwest LNG project would add between 18.5 and 22.5% to British Columbia's GHG emissions. This would make it virtually impossible for B.C. to meet its GHG emission reduction targets, and would undermine Canada's international climate change commitments. The Canadian Environmental Assessment Agency (CEEA) has found that the carbon emissions of the proposed PNW LNG terminal and associated upstream natural gas development would be "high in magnitude, continuous, irreversible and global in extent." Claims that LNG exports will replace consumption of oil and coal in markets like China are unsubstantiated.

LEGAL ISSUES:

Skeena River Aboriginal groups have identified two critical legal issues that have emerged from the federal environmental assessment of the project. These issues have not yet been resolved and demand the federal government's immediate attention. The legal issues that arise from the federal assessment process are:

- the absence of consultation with upriver aboriginal groups whose s. 35 rights will be affected by the Project; and
- the exclusion of some hereditary groups from the aboriginal consultation process.

Luutkudziwus, a 600-member house of the Gitxsan Nation, plans to file a judicial review in B.C. Supreme Court challenging regulatory permits issued for the Prince Rupert Gas Transmission pipeline, a 900-kilometre line that would stretch from Hudson's Hope in northeast B.C. to the Pacific Northwest LNG plant proposed for Lelu Island. The pipeline's route would cross 34 kilometres of the Luutkudziwus' traditional territory known as the Madii Lii and the Gitxsan house believes that poses a significant and unacceptable environmental risk.

Several other First Nations and are preparing to launch legal action if the project receives federal approval.

Michael Sawyer asserts that the PRGTP should be subject to federal jurisdiction despite the fact that it is wholly located in British Columbia. Mr. Sawyer argued to the National Energy Board that the PRGTP will be operated together with TransCanada Pipelines' NOVA Gas Transmission Limited System. He relied on the test set out by the Supreme Court of Canada in *Westcoast Energy Inc. v. NEB* and asserted that PRGTP will be operated with NGTL as a "single federal undertaking" and is therefore subject to federal jurisdiction. In February 2016, the Federal Court of Appeal granted Mr. Sawyer leave to appeal the NEB's decision. There is no information about when the appeal will be heard. If Mr. Sawyer's appeal is successful, it would introduce more uncertainty around the Pacific Northwest LNG project.

FLAWS IN THE ENVIRONMENTAL ASSESSMENT PROCESS:

In March of this year, more than 130 scientists wrote to Environment Minister Catherine McKenna, urging her to reject CEEA's draft report on the environmental risks of the PNW LNG project as "scientifically flawed and represent(ing) an insufficient base for decision-making."

The scientists said the CEEA report:

- Misrepresented the importance of the project area to fish populations, especially salmon. "A worse location is unlikely to be found for PNW LNG with regards to potential risks to fish and fisheries."
- Formed flawed assumptions based on a lack of information. "There are many aspects of this ecosystem and the proposed PNW LNG project for which there is little scientific knowledge. Lack of knowledge does not equate to a lack of risks."
- Relied to heavily on science that was funded by the proponent. CEAA adopted the conclusions of a proponent-funded model that claimed "*no harmful effects*" from the PNW LNG project, "even though external and professional analyses identified several critical errors in their methods."

A copy of the full letter to Minister McKenna is available on request.