



Luutkudziiwus

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Pacific Northwest LNG Plant & Prince Rupert Gas Transmission Pipeline

Press Briefing Backgrounder

November 5, 2014 – FOR IMMEDIATE RELEASE



Luutkudziiwus shuts the gate to proposed LNG development on their territory

This Luutkudziiwus press briefing backgrounder provides concerns and comments in regard to the proposed Pacific NorthWest LNG Project (PNW LNG) and its supply pipeline project – the Prince Rupert Gas Transmission Pipeline (PRGT). This massive project would impact Luutkudziiwus lands, resources, and cultural practices, including infringing on the constitutionally protected aboriginal rights and the exercising of those rights.

Luutkudziiwus' perspective regarding the CEAA and BC Environmental Assessment Office's (BC EAO) environmental assessment of the PNW LNG project, and BC EAO's environmental assessment of the PRGT pipeline project, is in conflict with BC Government's plans. To date, BC Government has fallen short of meeting their obligations and duties to consult with Luutkudziiwus regarding the proposed PRGT project and the PNW LNG project.

BC Government actions are contrary to:

- Court decisions regarding legal recognition of aboriginal rights;
- the Province's commitment to building a new relationship with First Nations;
- Provincial policies such as respecting aboriginal rights, engaging Luutkudziiwus in a predictable and transparent process;
- Reconciliation of Luutkudziiwus aboriginal rights and interests.

Consultation is always required when the following two conditions exist together:

- the Province has knowledge, or should have knowledge of Luutkudziiwus's proven aboriginal rights as they were part of the landmark Delgamuukw litigation;
- proposed government decisions may impact Luutkudziiwus's proven aboriginal rights.

Luutkudziiwus is comprised of Aboriginal people with Aboriginal rights guaranteed by Section 35(1) of the Constitution Act, 1982 and further affirmed as one of the plaintiffs in the Delgamuukw case. Luutkudziiwus presented evidence that was accepted, which confirmed that their ancestors used and occupied their traditional Madii Lii territory lands and waters since time immemorial.

Luutkudziiwus members are stewards of their land, water, and resources. Luutkudziiwus' special relationship to the land, water, and respective resources provides grounds for and affirms their title over Madii Lii territory.

Luutkudziiwus are a part of the Gitksan Nation and as such, share cultural, social, economic, and environmental values. Salmon have sustained Luutkudziiwus since time immemorial and continues to sustain the Gitksan people. Luutkudziiwus members regard the return of the salmon as an integral part of their survival.

TransCanada is proposing construction and operation of the PRGT pipeline project. The proposed PRGT would cross Madii Lii territory for about 34 km from Suskwa Pass to the Shegunia (Salmon) River. Approximately one-half – 16 km – lies on top of the Babine Trail, the ancestral grease trail connecting Gitanmaax with Fort Babine.

BC EAO has not addressed Luutkudziiwus' request for consultation regarding the PRGT pipeline project nor have they initiated any consultation in regard to the proposed PNW LNG plant located in the Skeena estuary. From Luutkudziiwus' perspective, the proposed pipeline and LNG plant are one large project; however, the Province has split the project into two consultation processes for environmental assessment purposes.

From what is currently known, The Province has not consulted with neighboring First Nations in northeast BC concerning the proposed fracking activities, the current massive cumulative effects in their territories, and the loss of ability to exercise their aboriginal rights.

In summary, the Province has not honoured their legal duties and obligation to First Nations, and specifically to Luutkudziiwus. Implications from the Province's actions include the impact on aspects of Luutkudziiwus's aboriginal rights, particularly those rights revolving around social, cultural, economic, and environmental factors. Luutkudziiwus says this is unacceptable and non-negotiable. On Aug. 26, 2014, Luutkudziiwus declared their Madii Lii territory closed to all natural gas pipeline development. Luutkudziiwus has built and is now occupying a basecamp at the entrance to their Madii Lii territory (15 km on the Suskwa Forest Service Road) to enforce the prohibition of LNG development on the territory.



Kitson Is., Flora Bank, and Lelu Island: Skeena Estuary – location of proposed PNW LNG

The Skeena River is the most productive salmon-bearing river in BC and has very high fish values. The Skeena is a major producer of chinook, pink, sockeye, coho, and steelhead salmon, all of which are fished by First Nations, commercial, and recreational fisheries on the coast and in-river.

Juvenile salmon swim downstream to the Skeena River estuary. In the estuary, the salmon fry and smolts adapt physiologically and behaviorally to the marine environment. The Skeena estuary adaption period is the most critical survival period during their complex life history. Juvenile salmon surveys conducted in spring 2014, in the Skeena Estuary, indicated roughly 85-90% of all Skeena juvenile salmon were present in the vicinity of Lelu and Ridley islands, which are proposed LNG plant locations.

Many more LNG plants and export facilities are proposed for the mid and outer Skeena estuary. Pacific NorthWest LNG Ltd. proposes to construct and operate a liquefied natural gas (LNG) facility and marine terminal on Lelu Island for export to Pacific Rim markets in Asia.

Impact assessment information from the proposed PNW LNG plant and PRGT pipeline projects has been largely inadequate. There is no information specific to which salmon stocks utilize critical estuarine juvenile salmon habitat adjacent to Lelu Island. Therefore, potential adverse effects to stocks are unknown, including salmon essential to fulfilling Luutkudziiwus's Food, Social, and Ceremonial constitutionally protected rights. Thus, it is likely impossible for the proponent and the Crown to predict potential adverse effects to Luutkudziiwus's Aboriginal rights.



Luutkudziinus territory and proposed Pipelines

Luutkudziinus has been here for thousands of years, and we will not relinquish our rights and title to our traditional territory to allow BC Government to pursue ill-gotten LNG get-rich schemes. It is time for BC Government to step up and be respectful, pursue reconciliation, and follow the law as prescribed by the Supreme Court of Canada. Charlie Wright (Chief Luutkudziinus) notes “This will ensure that future generations of Luutkudziinus members are able to live and benefit from all that their ancestral land provides.”



Madii Lii “NO LNG PIPE” celebration – October 25, 2014



Luutkudziiwus Chiefs, family, and friends at Madii Lii celebration Oct. 25, 2014



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