

### Penticton Indian Band

R.R. #2, Site 80, Comp. 19 Penticton, British Columbia Canada V2A 6J7

Telephone: 250-493-0048 Fax: 250-493-2882

**DECEMBER 1, 2016** 

PRIME MINISTER of CANADA

Office of the Prime Minister 80 Wellington Street Ottawa, Ontario K1A 0A2

MINISTER of NATURAL RESOURCES
The Honourable James Carr, Minister
80 Wellington Street
Ottawa, Ontario
K1A 0A2

PREMIER of BRITISH COLUMBIA
The Honourable Christy Clark, Premier
Office of the Premier
West Annex, Parliament Buildings
Victoria B.C.
V8V 1X4

ATTENTION: The Right Honourable Justin Trudeau

The Honourable James Carr The Honourable Christy Clark

Dear Mr. Trudeau, Mr. James Carr, Ms. Christy Clark;

RE: CONSULATATION and INDIGENOUS CONSENT – KINDER MORGAN TRANS MOUNTAIN EXPANSION and ENBRIDGE NORTHERN GATEWAY PROJECTS

Further to our letters dated June 12<sup>th</sup>, 2012 and June 17<sup>th</sup>, 2016, the Penticton Indian Band hereby re-affirms our complete rejection and opposition to the recent decision for the Kinder Morgan's Trans Mountain Expansion Project and the Enbridge Northern Gateway Pipelines Project.

We would also like to take this opportunity to register our complete rejection to the statement from the Federal Minister of Natural Resources Jim Carr, that Canada only needs to inform and accommodate the concerns, interests and rights of First Nations regarding the approval of proposed resource development projects.

### CONSULTATION and CONSENT

December 1, 2016 Page 2.

The protection of our territorial lands against downstream environmental and cultural infringement is paramount within our title lands and your governments recent decision requires our full involvement and complete consent.

The *Delgamuukw*, *Haida* and recent *Tsillnqot'in Nation* Supreme Court decisions confirm what we have been saying for generations that title and rights govern our lands and the Province does not have jurisdiction. Consent is part of Canadian law which obligates the Province to prove whether it has sufficient jurisdiction to provide a legally certain tenure for all proposed projects.

Also as stated in our previous letter, the law in Canada is clear and is also based on Canada Supreme Court decisions that prior to proof of Aboriginal rights and title your governments have an obligation to consult with our Nations whenever you contemplate a decision that may impact our asserted Aboriginal rights and title. The content of this duty varies with the circumstances, but the evidence is clear that the Kinder Morgan's Trans Mountain Expansion Project and Enbridge Northern Gateway Pipelines Project will have a significant adverse effect on our strong claims of Aboriginal rights and title, and therefore your governments are at a minimum required to fully engage our Nations in agreed on processes and legally required consent.

We need to remind you of your open letter to Canadians, your commitment to bring real positive change and a renewed Nation-to-Nation relationship with Indigenous peoples across Canada based on recognition of rights, respect, reconciliation, co-operation and partnership. Our Okanagan Nation member bands were encouraged and had hopes for a more open and honest government under your leadership.

The Penticton Indian Band is bitterly disappointed in your governments broken promises and failure to follow through with your commitment in building a renewed Nation-to-Nation relationship.

Sincerely,

Chief Chad Eneas

PENTICTON INDIAN BAND

cc. OKANAGAN NATION ALLIANCE

Member Bands

UNION of BC INDIAN CHIEFS

Grand Chief Stewart Phillip, President

### INDIAN and NORTHERN AFFAIRS CANADA

Honourable Carol Benett, Minister

### MINISTRY of ENERGY and MINES

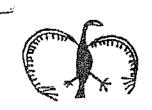
Minister Responsible for Core Review Honourable Bill Bennett, Minister

### MINISTRY of ENVIRONMENT

Honourable Mary Polak, Minister

### MINISTRY of ABORIGINAL RELATIONS and RECONCILIATION

Honourable Jan Rustad, Minister



### Cook's Ferry Indian Band

Nlaka'pamux Nation 3691 Deer Lane P.O. Box 130 Spences Bridge B.C V0K-2L0

Phone: (250) 458-2225 Fax (250) 458-2312

Email: david.walkem@cooksferry.ca

December 5, 2016

Office of the Premier of British Columbia 501 Belleville Street Victoria, BC V8V 1X4

Attention: The Honourable Premier Christy Clark

Dear Premier:

### Re: Kinder Morgan's Proposed Trans Mountain Expansion Project

We write to formally record our opposition to the Minister approving the environmental assessment for the proposed Trans Mountain Expansion Project (the "Pipeline") as the infringements from the Pipeline on our Aboriginal Rights and Title are severe and unmitigated.

We are part of the Nlaka'pamux Nation that holds Aboriginal Title and Rights in the Central Interior of British Columbia and our band holds reserve land in the Nicola Valley located less than 1 km from the Pipeline.

The Nlaka'pamux people govern themselves in accordance with their collective responsibilities. One of these responsibilities is to "protect, enhance and practice our Aboriginal Rights, Title and Culture." This Pipeline threatens the survival of our culture, language, and very identity by impacts on our ability to use and enjoy our lands, the serious and unknown risks of the Pipeline's operation on the environment, and climate change associated with the extraction, transportation, and consumption of oil.

### Summary of Our Concerns

### 1. Pipeline Expansion

- a. We have not been provided the risk register for the Pipeline's construction, operation and closure. We cannot meaningfully identify the potential impacts and infringements to our Aboriginal Title and Rights without being fully informed about all of the risks from the Pipeline's construction and operation.
- b. There continues to be concerns about the severity of the impacts from the Pipeline on our people, our way of life, and the contribution to Climate Change associated with the extraction, transportation, and consumption of oil.

### 2. Inadequate Consultation & Accommodation

- a. The consultation timelines provided by the Crown have been arbitrarily short, unrealistic and unworkable. As such, we are unable to identify, mitigate or accommodate potential impacts and infringements to our Aboriginal Title and Rights.
- b. The concerns and impacts raised in our Traditional Knowledge Project for the Pipeline were shared with the Environmental Assessment Office; however, no adequate and concrete measures or mitigation were taken to address these identified impacts on our Aboriginal Title and Rights.
- c. The Crown has not engaged in deep and meaningful consultation and accommodation with the Band and has failed to implement processes and arrangements that allow us the opportunity to make an informed decision, and to participate in regulatory decision-making for the construction, operation and closure of the Pipeline.
- d. There has been no accommodation measures or benefits from the Pipeline that reflect the level, degree and nature of the risk borne by our community, community members, and future generations.

### Recommended Action by Provincial Government

We ask that any decision for the Pipeline approval by British Columbia be delayed until such time as the Band's concerns are adequately addressed through deep and meaningful consultation and accommodation by the Crown, and the implementation of processes and arrangements that allow us the opportunity to make an informed decision, to participate in regulatory decision-making for the construction, operation and closure of the Pipeline.

If the Crown is to implement its commitments to reconcile the relationship between British Columbia and Indigenous Peoples, there must be a fundamental change from inadequate consultation and accommodation processes to shared decision-making processes for any land and resource development in our territories.

We look forward to discussing this matter with you. K'uk'scemx'

Cook's Ferry Indian Band

Chief David Walkem

Councillor Pearl Hewitt

Jouncillor Tina Draney

Councillor Christine Minnabarriet



### TSAWOUT FIRST NATION

7728 Tetayut Rd., Saanichton, BC V8M 2E4

December 16, 2016

Honourable Christy Clark,

Tsawout First Nation understands that the Province of B.C. is currently considering whether to grant approval for the Kinder Morgan Trans Mountain Pipeline ULC Expansion Project.

We write to you with regards to condition #4 of the 5 conditions the Province described in its 11 January submission to the National Energy Board, requiring that "Legal requirements regarding Aboriginal and treaty rights are addressed, and First Nations are provided with the opportunities, information and resources necessary to participate in and benefit from a heavy-oil project." (11 January 2016, Final Argument of the Province of British Columbia.) Additional correspondence on the other conditions may follow.

Tsawout are one of five bands comprising the <u>W</u>SÁNEĆ Nation who have lived within our territory for thousands of years, stewarding out marine waters, our lands, and our resources. Tsawout's home place includes Saanichton Bay, the marine waters surrounding the Bay, the lands and waters of what is now known as the Southern Gulf Islands and San Juan Islands, as well as the village and fishing sites at what is now known as Point Roberts and the surrounding marine areas.

We have never ceded or surrendered our Aboriginal title, rights, and interests within <u>WSÁNEČ Territory</u>. We continue to use and occupy <u>WSÁNEČ Territory</u>, relying upon our marine waters and our lands to sustain us. The marine resources within our territory are vital to our people physically, culturally, and spiritually, as are the birds, animals, plants and other resources we continue to harvest. We have always, and continue to, manage our territory according to Tsawout/<u>WSÁNEĆ laws</u> and principles for the benefit of present and future generations of Tsawout people.

We have consistently affirmed our title and rights to <u>W</u>SÁNEĆ Territory, including through numerous representations to Crown governments since contact.

In 1852, Tsawout affirmed its title and rights by entering into the North Saanich Treaty, also known as one of the Douglas Treaties. The Courts have recognized and affirmed that we have an established Douglas Treaty right to fish as formerly, which includes incidental rights such as being able to travel to and from our preferred fishing areas to carry out our fishery, as well as an established Treaty right to hunt.

We provided the National Energy Board (NEB) and the Crown strong evidence of our use and occupation of our territorial waters and land, and evidence of how we continue to exercise our Douglas Treaty rights. We have also clearly explained to the NEB and the Crown that the Project will cause irreparable harm to our Aboriginal title and rights and Treaty rights, including the right "to fish as formerly." The Crown has failed to properly address the impacts to our Aboriginal title and rights and Treaty rights.

In Saanichton Marina Ltd. V. Claxton (1989), J.A. Hinkson of the BC Court of Appeal wrote:

"There is no question that if the licence of occupation derogates from the treaty right of the Indians, it is of no force and effect. The province cannot act to contravene the treaty rights of Indians, nor can it authorize others to do so."

At our 22 November 2016 meeting, Ross Neil, lead for the Crown consultation team, advised Tsawout First Nation that the Douglas Treaty rights of the Tsawout Indians will be further infringed if approval is given for the Trans Mountain Expansion Project. Shawn Broadbent of the B.C. EAO was in attendance at the meeting.

TSAWOUT CHIEF AND COUNCIL, ON BEHALF OF THE TSAWOUT DOUGLAS TREATY DESCENDANTS, INSTRUCTS THE HONOURABLE CHRISTY CLARK, PREMIER FOR THE PROVINCE OF B.C., TO SAY NO TO THE KINDER MORGAN TRANS-MOUNTAIN PIPELINE EXPANSION PROJECT, AND TO REJECT, DENY, OR DISAPPROVE OF ALL RELATED LICENCING APPLICATIONS.

Chief Harvey Underwood

themes hulered

**Tsawout First Nation** 

Phone: 250-652-9101 Fax: 250-652-9114 Office hours: Mon.-Fri., 8:30 am - 4:30 pm

### Kordyban, Jaya ABR:EX

From:

kindermorgan@realhearings.org

Sent:

Wednesday, October 26, 2016 10:35 AM

To:

Minister, ABR ABR:EX

Subject:

A message about the Kinder Morgan expansion from a concerned citizen

Categories:

DEALT WITH BY MO

### REAL KINDER MORGAN HEARINGS ORG Open, Public Consultations on Pipelines and Tankers

Public comment re: opposition to the Kinder Morgan Pipeline and Tanker Expansion

Dear Minister Rustad,

A member of the public has sent you the following message about the proposed Kinder Morgan Pipeline and Tanker Expansion.

Their comment below was sent through the Real Hearings commenting platform. A copy has been sent to the Prime Minister, the Ministerial Panel appointed by the government in May, and over 80 other elected officials: from MPs in constituencies in Metro Vancouver, Federal Ministers & leaders of other Federal parties, to BC provincial government leaders and Metro Vancouver Mayors and Councils. All comments will be posted online at Real Kinder Morgan Hearings.

### MY COMMENT ON THE PROPOSED KINDER MORGAN TRANS MOUNTAIN PIPELINE EXPANSION PROJECT

Shipping noise and its potential effects on fishes s.22

I am a marine biologist with research interests in how fishes use and respond to sounds. I'm strongly opposed to the Kinder Morgan (KM) Trans Mountain project for several reasons: the increased probability of an oil spill in B.C. coastal waters, the continued promotion and use of fossil fuels, and the increase in underwater shipping noise. The increase in the number of Aframax oil tankers from 5 to 34 per month will significantly increase levels of

shipping noise in our coastal and continental shelf waters. These waters represent the most important habitats for marine life, and unfortunately are already among the noisiest regions known, with the heaviest ship traffic. There is growing recognition in the scientific community that increased noise has the potential to negatively impact fishes as well as marine mammals and sea turtles.

Sound is a critical sensory modality for aquatic animals because the properties of water favour its use over the use of vision or olfaction. Visible displays require ambient light (except for deep-sea fishes that use bioluminescence), and clear water which limits them to relatively short distances (underwater visibility is rarely greater than 46 m). Navigation using visible features is likewise limited. Olfactory signals take time to reach recipients, fade with distance, and are best at short range. By contrast, sound is useful both day and night, travels 4.4 times faster in water than in air, and travels much farther than either visible or olfactory signals. Because it shows little attenuation (fading), it also has high information value, particularly at frequencies below 1000 Hz (1 kHz), so that it is potentially useful for navigation and communication over long distances, as has been shown for some of the great whales.

Of the nearly 33,000 species of bony fishes alive today, 800-1000 so far have been found to make sounds themselves, and there must be many more. Fishes make sounds to attract and keep mates, defend eggs and young, repel competitors for food, mates and territory, deter predators, and maintain social cohesion (contact calls). To hear some of the sounds fishes make, go to www.dosits.org (DOSITS = Discovery of Sounds in the Sea, a website owned and operated by the University of Rhode Island), and to the following article from the NY Times newspaper:

http://www.nytimes.com/interactive/2008/04/07/science/20080408\_FISH\_FEATURE.html. All fishes studied so far can hear, and in fact no naturally deaf vertebrate has ever been found. It was originally thought that fish used hearing mainly to communicate with one another, but that changed with the discovery that although goldfish and a variety of other species did not make sounds themselves, they too had an acute sense of hearing and sound discrimination abilities very similar to that of humans and other vertebrates. What might they be listening to, if not each other? There is now strong evidence that the main value of hearing is to help a fish determine objects and events in its environment, so that it can respond with appropriate behaviour.

There is in fact a lot for a fish to hear. Natural sounds in the sea are many and varied, and change in space and over time. Some accompany abiotic events, such as earthquakes, surf, rain, storms, and tidal movements. Others have biotic origins: invertebrates, fishes and marine mammals. The combination of abiotic and biotic sounds in a region make up that region's "soundscape", which may change with season, tidal and lunar cycles, and activities such as spawning or feeding. Soundscapes are now considered one of the fundamental characteristics of underwater as well as terrestrial habitats. PAM (Passive Acoustic Monitoring) is being used to map and monitor soundscapes over time, and is becoming an increasingly important tool in the conservation of natural marine habitats. Evidence is accumulating that fishes can hear, localize, and interpret sounds in the regions through which they move. This ability significantly enhances their ability to carry out critical life functions: orientation and migration to feeding, wintering and spawning grounds and to habitats in which to mature; detecting prey and avoiding predators; attracting mates, advertising nest sites, fending off competitors, and defending eggs and young (a great many species of fishes make deliberate sounds in the context of

reproduction); and defending a food source. The ability to hear and respond to biologically significant sounds would significantly increase survival and fitness, and thus would have been a strong selective factor in the evolution of hearing. Shipping noise threatens this ability.

Most sounds of biological importance to fishes are below 1 kHz, and all fishes studied so far are most sensitive to these low frequencies. Some, including Pacific herring, can also hear up to 5 kHz, whereas Atlantic salmon—and by extension probably chinook salmon as well—have an upper limit of 400 Hz. Unfortunately, shipping noise also travels rapidly for long distances and with little fading, and its major frequencies are also below 1 kHz. It is continuous and pervasive even in the deep ocean, and because it comes from moving sources it affects a large and changing area and is very difficult to avoid. Its major source is commercial vessels such as bulk carriers, container ships and tankers. It can be heard by Pacific herring and most probably by chinook salmon.

The greatest danger that shipping noise presents to fishes and other aquatic fauna is the possibility of masking, which occurs when two sounds overlap in frequency and one "drowns out" the other. Shipping noise, even from relatively great distances, has the potential to mask natural sounds of biological importance to fishes, especially between We know much more how shipping noise affects fishes in tanks or net pens than we do about the effects on wild fishes. Many more field studies are needed to give us an accurate picture. Studying fishes in the wild is extremely challenging. Unlike marine mammals, they do not surface to breathe, generally cannot be identified as individuals, and are very difficult to follow (the research vessel itself may alter their behaviour). Their behavioural responses to sounds are affected by a variety of factors, including season, time of day, lunar and tidal cycles, physiological state, motivational state, and so on, only some of which can be controlled in captivity. Nevertheless, because the fish inner ear is strikingly similar to that of other vertebrates in structure and function, and because there is already a welldocumented history of negative responses to high noise levels by humans, birds, and some other terrestrial animals, researchers hypothesize that fishes may experience similar negative effects, and are testing this using recently improved field techniques.

Kinder Morgan (KM) chose Pacific herring (Clupea pallasi) as one of the indicator species in its proposal because this species is of enormous ecological and economic importance. (It also chose all 5 species of Pacific salmon, but I will only discuss Pacific herring because I have worked on herring responses to sounds of the fishing fleet.) The herring is at the centre of the B.C. coastal marine food web, and supports aboriginal, commercial and recreational fisheries. Herring stocks likely to be affected by the project's tanker traffic undertake twice yearly migrations between offshore feeding grounds (SW coast of Vancouver Island) and inshore spawning grounds (Salish Sea). Their migration routes take them through the Strait of Juan de Fuca and Haro Strait, which already experience very heavy ship traffic.

In its proposal, KM cited our paper—the only paper on the responses of Pacific herring to any anthropogenic sounds (Schwarz and Greer 1984)—but they included only one of our results, minimized its significance, and omitted others. Three examples:

1: KM included our finding that net-penned herring responded negatively to playback of sounds from a 15-m troller and a 15-m and a 20-m seiner (all during approach), but made it sound as if the same level of response would occur if the project went ahead. In fact, the KM project would involve many tankers, each 245 m in length, with a variable number

under way at any one time. As well, whereas our trollers and seiners were moving at about 10-12 knots, Aframax tankers would be moving at a maximum speed of 14 knots. The greater the speed, the greater the noise intensity. KM did not mention these differences, nor the probability that in such a situation, the fish are likely to respond far more strongly. Avoidance of vessels, all shorter than Aframax tankers, has been well documented for Atlantic herring and several other species.

- 2: KM omitted our finding that the more effective a sound was in cliciting a negative response (and these came from the largest vessels we used), the lower the probability of habituation (getting used to that sound over time and so not changing behaviour). Our results suggest that the herring will be even less likely to habituate to the noise of Aframax tankers than to a single much smaller seiner. Habituation is inversely proportional to stress and to energy expenditure. The proposed increase in the number of Aframax tankers from 5 to 34 per month would increase traffic from 1 tanker per week to 1 tanker per day entering and leaving Westridge, and would raise shipping noise levels significantly.
- 3: KM omitted our finding that the larger the vessel, the greater the distance at which the fish began avoiding its noise. The significance of this finding is that an increase in large vessels will spread their noise over an even larger area than at present. Other deep-draft vessels (container ships, bulk carriers) also contribute to current levels of shipping noise, and are also projected to increase in number in the coming years. However, the issue at this time involves Aframax oil tankers, and rejecting KM's proposal would give the government an opportunity to set a precedent for controlling the numbers of those vessels also.

Our study did not concern herring migratory behaviour, but KM should have included it in its proposal and should have discussed how tanker traffic at night could affect it. Migrating Pacific herring travel in enormous schools at roughly 90-150 m depth during the day, but around dusk they rise toward the surface and spread out into "skimmers" that may be many km in length and extend down from the surface to 15-20 m depth. Before dawn they reform into schools and sink again. Because the draft of an Aframax tanker is between 13.5 and 15.5 m, during nighttime transits it occupies the same depths as the skimmers which could therefore be exposed to very high noise levels. The increase in tanker traffic increases the possibility that the fish will change their behaviour to avoid the noise. "Fish habitat" as defined in the amended Fisheries Act includes migration routes as well as spawning and feeding areas, and Fisherics and Occans Canada is tasked with its protection. The herring are a vital link between the plankton and carnivorous fishes and marine mammals. They are a major prey item for chinook salmon, which itself is a favourite food of endangered southern resident killer whales because of its large size and high fat content. Herring, salmon, and other marine fauna already face a variety of challenges, including new predators, overfishing, habitat destruction, ocean warming and acidification that will affect plankton availability, and pollution from shore-based activities. They are also exposed to increasing noise from anthropogenic sources, especially shipping noise, which according to the IMO has doubled in intensity every decade for the past 60 years in the North Pacific Ocean, particularly in the Eastern Pacific.

The ecological and economic importance of Pacific herring is so great that any risk to it from twinning the pipeline is unacceptable. Policies must often be formulated with incomplete data, as in this case, and I urge the Canadian government to reduce Canada's underwater acoustic "footprint" in the region now rather than waiting for more data.

Finally, the current business model assumes that no matter what is done to establish and run a project, species living in the project area will "adapt". This assumption is ecologically incorrect. Every organism has finite energy, and its efforts to withstand new conditions may leave it with insufficient energy to successfully carry out critical functions. I believe that business must adopt a new paradigm: accommodate rather than override the needs and preferences of other species. We must share habitat and resources and not assume they are ours for the taking. In the recommendations below, #2a provides some details.

1--Do not twin the pipeline. The age of fossil fuel use is ending. Companies should be putting more money and effort into developing truly benign renewable energy sources. An oil spill is highly probable, given the acknowledged navigation difficulties in the routes the tankers would have to take and the sheer number of vessels under way, and its effects would be catastrophic. Twinning the pipeline is absolutely not worth the risk to coastal marine habitat and fauna, nor to fisheries, nor to our tourism industry that brings considerable revenue and jobs to B.C.

2--For already ongoing operations:

a—Formulate a flexible and cooperative protocol. KM should work with fishers, fisheries managers, and DFO to develop a shipping pattern that respects migration seasons and diel (day/night) patterns of migrating Pacific herring. Nighttime transits during migration periods of Pacific herring may have to be minimized. Include movement patterns of chinook salmon where appropriate. Consider utilizing PAM (e.g. NEPTUNE and VENUS networks) to determine patterns of shipping noise and the locations and movements of fishes.

b—Obey the IMO 2014 recommendations for reducing shipping noise:

i: Incorporate vessel quieting technology during refits and new vessel construction. This should be mandatory, and the cost should be borne by the government and the users (the corporations). The use of military quieting technology was also suggested to me a few months ago by my MP, Canadian Minister of Defense Harjit Sajjan.

ii: Slow down. Decreasing speed decreases noise, all else being equal. Slowing down should apply to in-ballast as well as laden vessels. KM states that the tankers would travel between 12-16 knots, but admits that it "cannot ensure compliance with speed restrictions placed on project-related tanker traffic". Yet enforcement is critical if noise reduction is to occur.

iii; Clean hull, maintain propeller.

iv: Insulate ship engines and use resilient mountings for onboard machinery. Modify propeller to minimize cavitation.

#### MOTES

1--For a detailed description of how fishes respond to noise, including relevant physiology and anatomy of hearing, the history of the study of sound in the sea, and citations for studies up to August 2016, please contact me for a .pdf document, which should be available by Dec. 1.

2—A modified version of this paper was presented to the TMX Panel on 10 Aug. 2016 at the Hilton Metrotown, B.C.

3—Schwarz, AL and GL Greer 1984. Responses of Pacific herring (Clupea harengus pallasi) to some underwater sounds. Can. J. Fish. Aquat. Sci. 41(8): 1183-1192.

http://www.nrcresearchpress.com/doi/pdf/10.1139/f84-140

This is an important issue for me. I look forward to your response to my concerns.

Regards,

s.22

Vancouver, British Columbia

s.22

Wednesday 26th of October 2016 05:34:49:GMT

This campaign to generate public comments to the Federal, Provincial and Municipal governments on the proposed Kinder Morgan expansion is organized by <u>Burnaby Residents</u> Opposing <u>Kinder Morgan Expansion-BROKE</u>.



BROKE is dedicated to preventing expansion of the Kinder Morgan Pipeline and related infrastructure in Burnaby, and related supertanker traffic in Burnard Inlet, through education, advocacy, and partnership. We oppose the degradation of our city, our neighbourhoods, and the natural habitat, that an oil pipeline and related industrialization of Burnard Inlet would bring.

### P) [[A] L HEARINGS

This campaign was delivered using the <u>RealHearingstorg</u> commenting platform. RealHearings org creates accessible, easy to use commenting platforms for organizations working on environment, climate and other progressive campaigns. RealHearings.org is dedicated to openiess and transparency in government decision making and facilitates public input to decision making processes:

This email was sent to ABR minister@gov.bc.ca unsubscribe from this list

### Kordyban, Jaya ABR:EX

From: kindermorgan@realhearings.org

Sent: Tuesday, November 15, 2016 3:38 PM

To: Minister, ABR ABR:EX

Subject: A message about the Kinder Morgan expansion from a concerned citizen

Categories: DEALT WITH BY MO, FYI/FILE

### REAL KINDER MORGANI HEARINGS ORG Open, Public Consultations on Pipelines and Tankers

Public comment re: opposition to the Kinder Morgan Pipeline and Tanker Expansion

Dear Minister Rustad,

A member of the public has sent you the following message about the proposed Kinder Morgan Pipeline and Tanker Expansion.

Their comment below was sent through the Real Hearings commenting platform. A copy has been sent to the Prime Minister, the Ministerial Panel appointed by the government in May, and over 80 other elected officials: from MPs in constituencies in Metro Vancouver, Federal Ministers & leaders of other Federal parties, to BC provincial government leaders and Metro Vancouver Mayors and Councils. All comments will be posted online at Real Kinder Morgan Hearings.

# MY COMMENT ON THE PROPOSED KINDER MORGAN TRANS MOUNTAIN PIPELINE EXPANSION PROJECT

Dear Prime Minister Justin Trudeau,

Please read about the risks posed by this project!

I\'ve been living and working in Vancouver \$.22 and I love the nature and the animals here.

s.22

Hope you make the right decision regarding this project as I understand your position as a Prime Minister as I also understand the Canadian oil has to go somewhere but please DO NOT give permission for the Kinder Morgan pipeline!

Let\'s keep the beautiful nature and animals be in this country!

This is an important issue for me. I look forward to your response to my concerns.

Regards,

s.22

Vancouver, British Columbia

s.22 Tuesday 15th of November 2016 11:37:37:GMT

This campaign to generate public comments to the Federal, Provincial and Municipal governments on the proposed Kinder Morgan expansion is organized by <u>Burnaby</u> Residents Opposing Kinder Morgan Expansion-BROKE.



BROKE is dedicated to preventing expansion of the Kinder Morgan Pipeline and related infrastructure in Burnaby, and related supertanker traffic in Burnard Inlet, through education, advocacy, and partnership. We oppose the degradation of our city, our neighbourhoods, and the natural habitat, that an oil pipeline and related industrialization of Burnard Inlet would bring.



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This email was sent to ABR.minister@gov.bc.ca unsubscribe from this list

### Kordyban, Jaya ABR:EX

From: Sent: kindermorgan@realhearings.org Friday, November 18, 2016 2:49 AM

To:

Minister, ABR ABR:EX

Subject:

A message about the Kinder Morgan expansion from a concerned citizen

Categories:

DEALT WITH BY MO, FYI/FILE

# REAL KINDER MORGAN HEARINGS ORG Open, Public Consultations on Pipelines and Tankers Public comment re: Opposition to the Kinder Morgan Pipeline and Tanker Expansion

Dear Minister Rustad,

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# MY COMMENT ON THE PROPOSED KINDER MORGAN TRANS MOUNTAIN PIPELINE EXPANSION PROJECT

To whom it may concern,

Hundreds of millions of people live on the Salish Sea and rely on the ecosystem for their livelihoods. The unique and intact coastline here brings visitors from around the world, which is critical to the economies of cities and communities all along the coast, stretching from Seattle, WA up to Haida Gwaii.

Placing a pipeline with tanker traffic right through the heart of this sensitive ecosystem is madness. A spill could drive multiple keystone species to extinction which would wreak havoc on the local environment and directly effect multiple industries here.

We cannot afford another oil spill here and will fight tooth and nail to prevent it from happening. Please reject this pipeline and let\'s join the rest of the world in pursuing renewables, before we get left behind.

s.22

This is an important issue for me. I look forward to your response to my concerns.

Regards,

s.22

Victoria, British Columbia

s.22 Friday 18th of November 2016 10:49:17:GMT

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### PASIA L

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### Kordyban, Jaya ABR:EX

From: Dean Cherkas <dcherkas@seabirdisland.ca>

Sent: Saturday, January 7, 2017 3:02 PM

To: Stark, Ryan OGC:IN

C.Clem Seymour; Chuck McNeil; Brian Titus; Danielle Gabriel; Sally Hope;

jason.campbell@csc-scc.gc.ca; Art Andrew; Jim Harris; 'Tyrone McNeil'; Tyrone McNeil; EA to C&C; Lori Burns; Nicole Ponte; Minister, ABR ABR:EX; 'carolyn.bennett@parl.gc.ca';

OfficeofthePremier, Office PREM:EX; 'Trevor Morrison'; 'trevor@sgewgel.ca'

**Subject:** OGC October 11th, 2016 Generic Letter

Importance: High

Categories: DEALT WITH BY MO

### Good afternoon Mr. Stark,

It has been brought to my attention that a 'generic' letter has been submitted to the Seabird Island Band (SIB) dated October 11, 2016 in relation to the desire of the BCOGC to meet with SIB as an introduction to their role on the TransMountain Expansion Project. We find it very disappointing and disturbing that only in late fall of 2016 the BCOGC is attempting to reach out to start the consultation required by the provincial government on this particular project when all along this project has been on government's radar for several years (since December 2013!!!)

The BCOGC must recognize that there is no capacity to engage directly with your agency and this must first be addressed if effective and meaningful consultation is to happen. SIB has raised this matter with both the Province of BC and NRCAN/NEB on several occasions on the necessity to enter into an Economic Benefits Arrangement and further environmental and Traditional Land Use assessments however this has gone to deaf ears and appears to be ignored. SIB is looking at all options with respect to how to address this ignorance and avoidance by the Province (and the Federal Government) on this particular project. The fiduciary obligations of the Crown does not go un-noticed by SIB! The actions (or inactions) of the province may very well set the course for the type of relationship that will be established with Seabird Island Band going forward.

Please contact me at your earliest convenience to discussion how the BCOGC will support critical discussions going forward with Seabird Island Band. My direct line is 604-796-6866.

I have included Chief Seymour in this correspondence so that he is aware of my communications with you.

Thank you in advance for your interests in doing the right thing!!

Respectfully,

### Dean Cherkas

Director of Lands and Government Affairs
Seabird Island Band
P.O. Box 650 2895 Chowat Rd | Agassiz, BC Canada VOM 1A0
Phone (604) 796-2177 | Fax (604) 796-3729
www.seabirdisland.ca | dcherkas@seabirdisland.ca
@SeabirdIsland | Facebook | YouTube



### Ottawa won't require First Nations' consent for Trans Mountain decision

Globe and Mail Thursday, November 03, 2016 By Shawn McCarthy

Page 23

Withheld pursuant to/removed as

### Indigenous rights declaration not simple

B.C. warns UNDRIP could put jobs and the economy at risk if First Nations stop projects like the Trans Mountain pipeline expansion, reports Justine Hunter

Page 25 to/à Page 26

Withheld pursuant to/removed as

# United Nations DECLARATION of the RIGHTS of NOIGENOUS DEOPLES

Page 28 to/à Page 34

Withheld pursuant to/removed as

MO-Minister		p for ID:40532	2016
Log Type: E-mail		Info/File	
Batch:	Subaction:		
s.22		Written: 2016/10/17	
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Address To: ABR Minister	* * **		Issue:
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Title: 40532-incoming		Version: 1 Type:	
File: 40532-incoming.msg			
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### Smith, Tim ABR:EX

From:

Sent:

To:

Subject:

kindermorgan@realhearings.org Sunday, October 16, 2016 1:38 PM

Minister, ABR ABR:EX

MINISTER'S OFFICE - RECEIVED MINISTRY OF ABORIGINAL RELATIONS

A message about the Kinder Morgan expansion from a Bice ned Litter

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Open Rubik Consultations on Expelleration Sinte

Public comment re opposition to the Kinder Morgan Pipeline and Tanker Expansion

Dear Minister Rustad,

A member of the public has sent you the following message about the proposed Kinder Morgan Pipeline and Tanker Expansion.

Their comment below was sent through the Real Hearings commenting platform. A copy has been sent to the Prime Minister, the Ministerial Panel appointed by the government in May, and over 80 other elected officials: from MPs in constituencies in Metro Vancouver, Federal Ministers & leaders of other Federal parties, to BC provincial government leaders and Metro Vancouver Mayors and Councils. All comments will be posted online at Real Kinder Morgan Hearings.

### MY COMMENT ON THE PROPOSED KINDER MORGAN TRANS MOUNTAIN PIPELINE **EXPANSION PROJECT**

This project has no place in a post carbon world.

This is an important issue for me. I look forward to your response to my concerns.

Regards,

s.22

Delta, British Columbia

This campaign to generate public comments to the Federal, Provincial and Municipal governments on the proposed Kinder Morgan expansion is organized by <u>Burnaby</u> Residents Opposing Kinder Morgan Expansion-BROKE.



BROKE is dedicated to preventing expansion of the Kinder Morgan Pipeline and related infrastructure in Burnaby, and related supertanker traffic in Burnard Inlet, through education, advocacy, and partnership. We oppose the degradation of our city, our neighbourhoods, and the natural habitat, that an oil pipeline and related industrialization of Burrard Inlet would bring.

## HEARINGS

This campaign was delivered using the RealHearings or commenting platform. RealHearings or generies accessible, easy to use commenting platforms for organizations working on environment, climate and other progressive campaigns. RealHearings or gis dedicated to openness and transparency in government decision making and facilitates public imput to decision making processes.

This email was sent to ABR minister@gov.bc.ca unsubscribe from this list

Page 1 of 1

2016/12/20 MO-Minister Referral Slip for ID:40632 Log Type: E-mail Info/File Action: Subaction: Batch: s.22 Written: 2016/11/18 Received: 2016/11/18 File No.: Victoria... Entered By: cpaxton Email: s.22 Closed: Address To: Minister Rustad Issue: Kinder Morgan Pipeline Branch Rsp: Copy To: Drafter: First Nation: Electoral Dist. MLA: Subject Re: Opposition to the KM Pipeline and Tanker Expansion. Attachments Title: A message about the Kinder Morgan expansion from a concerned citizen Version: [ Type: File: a message about the kinder morgan expansion from a concerned citizen msg Approved By: Last Update: 20[6/11/18 Approved: Referral MO-Minister -> MO-Minister Ref Action: File From: MO-Minister Sent: 2016/11/18 Status: Completed Reason: Subaction: To: Received: 2016/11/18 MO-Minister Completed: 2016/11/23 Due: File No.: Assign To: Referral Comments

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2016/11/18 MO-Minister Sent to COS for review.

### Paxton, Cassidy ABR:EX

From: Sent: kindermorgan@realhearings.org Friday, November 18, 2016 2:49 AM

To:

Minister, ABR ABR:EX

Subject:

A message about the Kinder Morgan expansion from a concerned citizen

# REAL KINDER MORGAN HEARINGS: ORG Open, Public Consultations on Pipelines and Tankers Public comment re: opposition to the Kinder Morgan Pipeline and Tanker Expansion

Dear Minister Rustad,

A member of the public has sent you the following message about the proposed Kinder Morgan Pipeline and Tanker Expansion.

MINISTER'S OFFICE - RECEIVED
MINISTRY OF ABORIGINAL RELATIONS
& RECONCILIATION

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Their comment below was sent through the Real Hearings commenting platform. A copy has been sent to the Prime Minister, the Ministerial Panel appointed by the government in May, and over 80 other elected officials: from MPs in constituencies in Metro Vancouver, Federal Ministers & leaders of other Federal parties, to BC provincial government leaders and Metro Vancouver Mayors and Councils. All comments will be posted online at Real Kinder Morgan Hearings.

# MY COMMENT ON THE PROPOSED KINDER MORGAN TRANS MOUNTAIN PIPELINE EXPANSION PROJECT

To whom it may concern,

Hundreds of millions of people live on the Salish Sea and rely on the ecosystem for their livelihoods. The unique and intact coastline here brings visitors from around the world, which is critical to the economies of cities and communities all along the coast, stretching from Seattle, WA up to Haida Gwaii.

Placing a pipeline with tanker traffic right through the heart of this sensitive ecosystem is madness. A spill could drive multiple keystone species to extinction which would wreak havoc on the local environment and directly effect multiple industries here.

We cannot afford another oil spill here and will fight tooth and nail to prevent it from happening. Please reject this pipeline and let's join the rest of the world in pursuing renewables, before we get left behind.

s.22

This is an important issue for me. I look forward to your response to my concerns.

Regards,

s.22

Victoria, British Columbia

s.22

Friday 18th of November 2016 10:49:17:GMT

This campaign to generate public comments to the Federal, Provincial and Municipal governments on the proposed Kinder Morgan expansion is organized by <u>Burnaby Residents Opposing Kinder Morgan Expansion-BROKE</u>.



BROKE is dedicated to preventing expansion of the Kinder Morgan Pipeline and related infrastructure in Burnaby, and related supertanker traffic in Burnard Inlet, through education, advocacy, and partnership. We oppose the degradation of our city, our neighbourhoods, and the natural habitat, that an oil pipeline and related industrialization of Burrard Inlet would bring.

This compaign was delivered using the RealHearings org commenting platform. RealHearings org creates accessible, easy to use commenting platforms for organizations working on suvtroument. Plinate and other progressive transpaigns. RealHearings organizated to openness and transparency in government decision, making and facilitates public input to decision making processes.

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and asks for a response.			
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CR-Central Records

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File No.:

### Paxton, Cassidy ABR:EX

From: Sent:

To: Subject: kindermorgan@realhearings.org Tuesday, November 15, 2016 3:38 PM

Minister, ABR ABR:EX

MINISTER'S OFFICE - RECEIVED MINISTRY OF ABORIGINAL RELATIONS & RECONCILIATION

A message about the Kinder Morgan expansion 100h a correctived citizen

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Dear Minister Rustad,

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A member of the public has sent you the following message about the proposed Kinder Morgan Pipeline and Tanker Expansion.

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### MY COMMENT ON THE PROPOSED KINDER MORGAN TRANS MOUNTAIN PIPELINE EXPANSION PROJECT

Dear Prime Minister Justin Trudeau,

Please read about the risks posed by this project!

I\'ve been living and working in Vancouver \$.22 animals here.

and I love the nature and the

Hope you make the right decision regarding this project as I understand your position

as a Prime Minister as I also understand the Canadian oil has to go somewhere but please DO NOT give permission for the Kinder Morgan pipeline!

Let\'s keep the beautiful nature and animals be in this country!

This is an important issue for me. I look forward to your response to my concerns.

Regards,

s.22

Vancouver, British Columbia

s.22

Tuesday 15th of November 2016 11:37:37:GMT

This campaign to generate public comments to the Federal, Provincial and Municipal governments on the proposed Kinder Morgan expansion is organized by <u>Burnaby</u> Residents Opposing Kinder Morgan Expansion-BROKE.



BROKE is dedicated to preventing expansion of the Kinder Morgan Pipeline and related infrastructure in Burnaby, and related supertanker traffic in Burnard Inlet, through education, advocacy, and partnership. We oppose the degradation of our city, our neighbourhoods, and the natural habitat, that an oil pipeline and related industrialization of Burnard Inlet would bring.

## P(E/A)E

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