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June 19, 2015

To: British Columbia Oil and Gas Commission
Statutory Decision Maker for the Coastal GasLink Permit Applications.

RE: Office of the Wet'suwet'en response to Proposed Coastal Gaslink Ltd. Pipeline – Section 6 (9708370), Section 7 (9708371) and Section 8 (9708372) British Columbia Oil and Gas Commission Permits.

Dear Sir,

1. The Office of the Wet'suwet'en appreciates BC OGC's extension to the deadline for comment. On June 16, 2015 affected Wet'suwet'en House members met to review the specific BC OGC permit applications proposed within their House territories.
2. Each House group deliberated on the Permit Applications supplied by OGC, discussed potential infringements to Wet'suwet'en Title Rights and interests; impacts to regularly used rare ecosystems, gathering places, salmon spawning and rearing sites, and cultural heritage values along the route. Each House group reported back to the other House members regarding the permit applications. As a result, the collective decision-makers of the affected Houses have directed Office of the Wet'suwet'en to oppose approval of these Permit Applications on the basis of infringing Wet'suwet'en Title Rights and interests.

Backgrounder

3. The House is the essential unit in Wet'suwet'en society. It is the land holding unit and is the focus of an economic and residential group. It is also the essential unit within which a person is socially defined. (Delgamuukw. SCBC 1990-05-17)
4. The House group is a collective body with rights vested in the Chief on behalf of the whole kinship group. Decision-making in these groups is consultative; the views of the chief, the elders and general members are the regular components of decisions taken with regard to ownership rights. When describing ownership, it is the house group that owns them at the level of decision-making and legitimizing decisions pertaining to ownership and use of property. (Delgamuukw. SCBC 1989-02-22)

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5. House territories have clearly defined boundaries. The rights of exclusive possession are vested in the decision-making body on behalf of the house group. The rights of the house to exclusive possession are underpinned by strict laws of trespass. (Delgamuukw. SCBC 1989-02-23)

House membership decision in relationship to specific permits

6. Wet'suwet'en house groups rely on the resources from their territory not only for sustenance, these resources are necessary to participate in the Baht'lats (Wet'suwet'en Parliament). Each house group has hereditary titles with stewardship responsibilities for individual house territories. Some House members are groomed for hereditary titles both in the realm of the Baht'lats and on the territory. Wet'suwet'en Aboriginal Title can only be truly exercised when there are opportunities for exclusive use, the issuance of these OGC permits eliminates the opportunity for Wet'suwet'en Aboriginal Title to be realized.
7. The following statements were made by each House group whose Title Rights and interests will be infringed and territories impacted by approval of these permits.

YEX T'SA WIT' ANT Thin House (OGC permit Section 6)

8. Thin House membership reviewed the material and affirmed that they didn't want any pipelines on their respective house territory nor any OGC permit activity, as this would compromise their Wet'suwet'en Title Rights. Thin House members opposed BC OGC Permit applications not limited to, but include Section 6 (OGC permit section: 9708370)

TSAIYEX Sun House (OGC permit Section 6, 7 & 8)

9. Sun House members announced that they are still honoring the Laksamishu Baht'lats (Feast Hall) decision of "No pipelines on Laksamishu House Territory, as the proposed projects would compromise their Wet'suwet'en Title Rights. The Sun House members opposed BC OGC Permit applications not limited to, but include Section 6, 7 & 8 (OGC permit section: 9708370, 9708371, and 9708372)

ANASKASKI Where it lies blocking the trail (OGC permit Section 7)

10. Where it lies blocking the trail members affirmed their decision against Pipeline activity and permits on their House territory, as the proposed projects would compromise their Wet'suwet'en Title Rights. Anaskaski opposed the BC OGC Permit applications not limited to, but include Section 7 (OGC permit section: 9708371)

KEEXWINITS House in the middle of many (OGC permit Section 7)

11. House in the middle of many members reviewed the material before them and announced their decision against pipeline activity regarding permits, as the proposed projects would compromise their Wet'suwet'en Title Rights. Keexwinits opposed the BC OGC Permit applications not limited to, but include Section 7 (OGC permit section: 9708371)

CASYEX Grizzly house (OGC permit Section 7)

12. Grizzly House membership announced No to permit applications on their House territory, as the proposed projects would compromise their Wet'suwet'en Title Rights. Casyex opposed the BC OGC Permit applications not limited to, but include Section 7 (OGC permit section: 9708371)

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TSA K'EN YEX Rafters on the Beaver House (OGC permit Section 6)

13. Rafters on the Beaver House members announced that they are still honoring the Tsayu Baht'lats (Feast Hall) decision of "No pipelines on Tsayu House Territory, as the establishment of pipelines would compromise their Wet'suwet'en Title Rights. Tsa K'en Yex opposed the BC OGC Permit applications not limited to, but including Section 6 (OGC permit section: 9708370)

DJAKANYEX Beaver House (OGC permit Section 8)

14. Beaver House members announced that they are still honoring the Tsayu Baht'lats (Feast Hall) decision of "No pipelines on Tsayu House Territory" , as the establishment of pipelines would compromise their Wet'suwet'en Title Rights. Djakanyex opposed the BC OGC Permit applications not limited to, but including Section 8 (OGC permit section: 9708372)

Past Baht'lats decisions and announcements

15. Gilseyhu Feast: In 2011, Dark House announced there will be No Pipelines on Dark House territory. Additionally, they have continued to ensure that any person entering their House territory are aware of their decision.
16. Tsayu Feast: On April 20th, 2013 in our Baht'lats Tsayu banned all pipelines on Tsayu house territory. When it was announced other Chiefs from each Clan spoke and congratulated Tsayu for their decision. Laws cannot be broken. That is Inuk Nu'at'en (our law). When projects have the ability to affect the people, house territories, and our way of life, the Wet'suwet'en have Title rights to review the extent of infringement to our title, rights and interests. Pipeline construction jeopardizes cultural food sources, and threatens the spiritual, cultural pursuits of the people. The proposed route goes across 3 houses in Tsayu territory.
17. On October 30, 2013, Wet'suwet'en Hereditary Chiefs passed a motion stating "The Wet'suwet'en Hereditary Chiefs continue their opposition to any geotechnical drilling for pipelines on Wet'suwet'en territories. In accordance with Wet'suwet'en law, as a constitutional right, and as title holders under law Wet'suwet'en Hereditary leaders see unacceptable risk to the terrestrial and aquatic ecosystems as infringing on Wet'suwet'en Title rights.
18. On November 15 2013, the Office of the Wet'suwet'en issued a Cease and Desist order on all activities associated with Coastal GasLink's investigative Use permit 9638445. Moreover, a moratorium on the issuance of all geotechnical investigation permits within Wet'suwet'en 22,000 square kilometers of traditional territories must be affected immediately by the BC Oil and Gas Commission subject to a meeting to be held. The letter also references Investigative Use Permit 9638545 Goosly Compressor geotechnical site. The Wet'suwet'en opposition is based on the actual, likely and potential harm it poses for the Wet'suwet'en natural environment, and resources, in the ways in which it will interfere with Wet'suwet'en Law, social institutions, economy, and culture, including unjustifiable infringements of Wet'suwet'en Title rights.
19. On February 28 2015, Collectively, the Laksamishu house groups announced that they were within their governance hall, our Baht'lats (Feast Hall) to announce the decision of "No pipelines on Laksamishu House Territories". The infringements of Wet'suwet'en Title rights to exclusive use and occupation of the land, the right to choose to what uses the land can be put.

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Conclusions

20. During the Environmental Assessment for Coastal GasLink the Office of the Wet'suwet'en notified BC EAO of flaws in the process, additionally, wrote to the BC EAO decision-maker regarding infringements to Wet'suwet'en to no avail. The BC Oil and Gas Commission is now poised to render their decision in regards to Coastal GasLink pipeline permit applications involving Section 6 (9708370), Section 7 (9708371) and Section 8 (9708372). Wet'suwet'en House members whose territories are affected by the proposed permit applications have made their decisions pertaining to their respective house territories and provided their rationale. If a decision is rendered by OGC contrary to these House decisions the crown and or the court will need to justify the infringements of Wet'suwet'en Title Rights.
21. The British Columbia Oil and Gas Commission must take into consideration each individual House groups decision whereby the CGL permit applications will infringe on their right to say how their lands will be used. In the historic *Delgamuukw-Gisday'wa* decision of December 11, 1997, the Supreme Court of Canada ruled that Wet'suwet'en rights and title had never been extinguished, and that Aboriginal rights includes the right to exclusive use and occupation, and the right to determine the uses the land can be put to; this decision was re-affirmed in the *Tsilhqot'in* decision. No permission is given towards any permit activity specific to affected House groups' territory.
22. All affected Wet'suwet'en house members above have opposed any pipeline permit activity specific to their affected House group's territory.

Missiyh,



Mike Ridsdale
EA Coordinator
Office of the Wet'suwet'en

CC: YEX T'SA WIT' ANT
TSAIYEX
ANASKASKI
KEEXWINITS
CASYEX
T'SA K'EN YEX
DJAKANYEX

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