

April 11, 2016 – Sent electronically, signed hard copy to follow

An Open Letter to: Prime Minister Justin Trudeau
c.c. Justice Minister Jody Wilson-Raybould
Transport Minister Marc Garneau
Nathan Cullen, Member of Parliament, Skeena

From: Simoyget Yahaan (Donnie Wesley)
Gwishawaal (Ken Lawson)

RE: Lelu Island

Dear Prime Minister,

This morning we received a letter from the Prince Rupert Port Authority, an arm of the federal government, demanding of ourselves and others who are defending our ancestral lands from an ill-advised LNG proposal that we “cease and desist” from our construction activities on Lelu Island, in Lax Kw’alaams traditional territory. A copy of the letter is attached.

The letter raises a number of questions, which, given the seriousness of issues at hand, we believe are best addressed directly to you, and to your Ministers of Justice and Transportation.

First, were either yourself, Minister Wilson-Raybould or Minister Garneau aware this letter was being sent to us? Did you authorize its issuance? Do you in any event support its contents?

Specifically, do you support the actions of the Prince Rupert Port Authority, acting on behalf of your government, to try to remove a peaceful camp on Lelu Island under the threat of legal action and the potential pursuit of legal costs should we not comply?

Do you consider a statement on the Port Authority’s website¹ that our presence on our own lands is “unauthorized” fairly reflects your government’s position with regard to our ancestral authority to occupy and use our traditional lands and waters for our own purposes?

Do you consider a statement by Port Authority President and CEO Don Krusel that its actions came “after the Port consulted with the leadership of local Coast Tsimshian communities”² to be an adequate and/or legally satisfactory execution of your government’s duty to consult and accommodate with Aboriginal people in Canada?

Do you believe it is appropriate, given that Lelu Island is part of the unceded territory of the Lax Kw’alaams people, that the Port Authority writes that it “does not waive and has not waived its

¹ <http://www.rupertport.com/news/releases/lelu-camp-cease-construction>

² *ibid.*

rights of control over the island” to senior Aboriginal leaders whose claims to their ancestral lands have not been surrendered, nor denied to us by a court of law?

Do any of the actions of the Port Authority, a federally appointed body, conform with spirit or intent of mandate letters given to your Ministers by you as Prime Minister, in which you promised a “renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership”?

Before we respond to the Prince Rupert Port Authority, we would like clear and unequivocal answers to questions that we believe are respectfully posed and deserving of a timely and respectful response.

For guidance, please allow us a few observations prompted by the Port Authority’s letter and public statements:

- The letter states that “this construction activity has not been authorized by duly elected Band Councils for the Lax Kw’alaams and Metlakatla First Nations.” That statement is false. The Lax Kw’alaams Band Council in fact provided \$100,000 in funds towards the construction of our camp on Lelu Island.
- There was a change of elected leadership in Lax Kw’alaams last November. The new mayor has since gone against the wishes of many of our people by issuing a letter in March expressing conditional support for Pacific NorthWest LNG’s proposal. Strong doubts have been expressed by Lax Kw’alaams community members over the provenance of that letter, and whether it was properly authorized to be sent to your government. Questions about the letter were raised last week in our community, causing the administration to close the band office and suspend band services.
- At a community meeting this past Saturday, strong opposition to Pacific NorthWest LNG was again expressed by members of the Lax Kw’alaams First Nation.

From the outset, efforts to build this project have ignored the advice and the wishes of our people, have ignored independent science that confirm threats to wild salmon, and fly in the face of your government’s commitments to reduce greenhouse gas emissions in Canada. And now, peaceful community members are being threatened with legal action for building shelters for our people on our ancestral lands.

We respectfully request that you order the Port Authority to withdraw its letter immediately. We concur with its contents in only one respect, which is that we are indeed “contemplating building additional structures” on Lelu Island. Just last week, we reviewed exciting plans to build an cultural institution on Lelu Island that will serve as a meeting place, cultural and education centre, children’s activity centre, healing place, and a base from which we will continue to gather food and other resources from our lands and waters, and monitor their protection in perpetuity. We invite your government – perhaps with a contribution from your Canada 150 Community Infrastructure Program – to provide matching funds for this community effort.