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January 25, 2019

Sandy O'Flaherty

First Nations Liaison Officer

BC Oil and Gas Commission

RE: Occurring Violations of BCOGC, EAC Permits for Camp 9A and Section 7 of the proposed Coastal Gaslink Pipeline

Coastal Gaslink Pipeline Ltd. (CGL) contractors are currently violating the conditions of the existing Coastal Gaslink Pipeline Project BCOGC and EAO permits for Camp 9A and Section 7 (*permits attached*), originally issued September 2, 2016 and replaced August 8, 2018. We request that a stop-work order be immediately issued to CGL and its contractors while these violations are investigated.

Among the conditions of the BC Oil and Gas Commission Permit to construct the multi-use camp known as *Camp 9A* are the following:

Condition 8: The permit holder must notify Dark House a minimum of 5 days prior to commencement of construction activities

Condition 21: An Archaeological Impact Assessment is required for the proposed development area prior to any development activities taking place.

“Construction Activities” are defined by BCOGC as “clearing, site preparation, trench excavation, pipe installation, and any other activities required to construct a pipeline.”

In Paragraph 45 of Kim Ogilvie’s 26 Nov, 2018 affidavit (*attached*) to CGL’s injunction application against Unist’ot’en spokesperson Freda Huson and her partner Warner Naziel, Ms. Ogilvie describes conditions of their BCOGC Pipeline Permit for Section 7 that had not yet been met as they required access to the area on either side of the Morice River Bridge:

Conditions 46-52: These conditions reference the Supplemental Stream Crossing Submission, which requires field work to update. This field work is scheduled to take place in June 2019 during the open water season.

Conditions 62-63: Coastal Gaslink must complete and submit an Archaeological Impact Assessment prior to construction, which requires field work to update. This field work is scheduled to take place in late May 2019 under snow-free and frost-free conditions.

Condition 65: *Coastal Gaslink must conduct field work in late May or early June 2019 to identify locations of bear, fisher, or wolverine dens, Western Toad breeding areas, and certain plant species, and submit the survey results along with site-specific mitigation plans to the OGC prior to the notification of construction in Section 7.*

As stated in the abovementioned affidavit, the fieldwork to satisfy these conditions is scheduled to take place in late May 2019 and needs to be undertaken in snow-free and frost-free conditions.

This affidavit was filed on November 26, 2018 when conditions in the area were already frozen and snow-covered. There is now over 1.5 meters of snow throughout Dark House Territory. We understand that there is no way that the described fieldwork has been completed to date.

Above (*and attached*) are the conditions of the BCOGC permits for Section 7, as described by Kim Ogilvie in her affidavit. The wording Ms. Ogilvie uses to describe the conditions of the Section 7 BCOGC permit in the affidavit is misleading. Ms. Ogilvie uses the word “update” in place of “complete.” This implies to the BCOGC, Office of Wet’suwet’en, and Dark House that the site-specific fieldwork in Section 7, and specifically at Camp 9A, has been partially completed, and that this is sufficient to satisfy the conditions of the BCOGC permit pending an “update”. Below (*and attached*) are the actual conditions of the BCOGC permit for Section 7, dated Nov 5, 2018, regarding archaeological work:

Condition 62: *The Archaeological Impact Assessment must be completed for all pipeline right of way and work space areas prior to commencement of construction activities.*

Condition 63: *The permit holder must, as soon as is practicable, submit an AIA report to the Commission and provide a copy of the AIA report to the First Nations listed in condition 7.*

Note that conditions of the Section 7 BCOGC permit state that the AIA "must be completed."

Dark House and OW have received copies of the 2016 “final report” regarding the AIA, but it is not complete, as it does not contain the required Technical Data Reports (TDRs) that indicate site-specific investigations have occurred in areas of Dark House territory, including at the Camp 9A site. This is a violation of Condition 7, Schedule B of CGL’s Environmental Assessment Certificate. Condition 7 states that all TDRs *must* be shared with Dark House and Office of Wet’suwet’en before construction activities can commence on these sites.

In Exhibit “G” of Claire Marshall’s 26 Nov, 2018 affidavit (*attached*) to CGL’s injunction application against Unist’ot’en spokesperson Freda Huson and her partner Warner Naziel, she includes a letter sent by CGL to Chief Knebebas of Dark House. It references Coastal Gaslink’s planned Section 7 fieldwork activities for 2018, which we believe did not occur due to a lack of access to the sites in question, including Camp 9A.

A consulting Archaeologist has confirmed that site-specific fieldwork at Camp 9A, including digs and a pedestrian survey are required to complete an AIA prior to site development and construction work.

Attached also are photographs showing the area around Camp 9A that has already been bulldozed by CGL contractors.

In summary, we request that a stop work order be issued *immediately* by the BCOGC, the EAO, and the BC Archaeological Branch while these violations are investigated. The Camp 9A site cannot continue to be cleared in violation of the conditions of CGL’s BCOGC and EAC permits. Our trust and the public trust in the BCOGC, the BC Archaeological Branch, and the EAO depend on a stoppage of work in

Section 7 and an immediate investigation into the work that CGL is currently undertaking.

In addition to being violations of EAO and BCOGC permits, these actions by CGL are abhorrent in that they are likely destroying valuable, non-renewable Wet'suwet'en cultural resources. The Camp 9A site is located within a few hundred meters of a Dark House trapping cabin, is between two streams with potable water, and is at the base of a mountain with substantial cultural importance. Likelihood is high that sites protected under the Heritage Act are being irreparably destroyed.

We look forward to your swift and substantive response. The weekend is approaching, and CGL contractors work Saturdays and Sundays. In these circumstances we request to receive a response by early this afternoon.

Please ensure that all correspondence on this matter is copied by email to the following addresses:

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ross@michaelleross.com

Sincerely,

Knedebeas
Warner William
Chief of Unist'ot'en Clan
Dark House

cc:

Doug Donaldson

Tal Fisher

Nathan Braun

John Allan

Michael Lee Ross

Ken Howes

EAO Compliance

BCOGC Compliance