



# LUMMI INDIAN BUSINESS COUNCIL

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DEPARTMENT \_\_\_\_\_ DIRECT NO. \_\_\_\_\_

August 21, 2019

Review Panel Secretariat, Roberts Bank Terminal 2 Project  
Canadian Environmental Assessment Agency  
22nd Floor, 160 Elgin St.  
Ottawa ON K1A 0H3

**Re: Closing Remarks for the RBT2 Project Proposal**

To the Secretariat:

We would like to take this opportunity to provide a summary of our final position on the potential environmental effects of the proposed project.

The first and most crucial point was made by our Chairman Jay Julius at the RBT2 Hearings held on May 25, 2019: the Lummi Nation does not consent to the proposed project. As we stated in our earlier comments now in the public record we have a range of concerns regarding the project, including but not limited to:

1. unavoidable, irreversible, unacceptable, and illegal impacts on our usual and accustomed fishing sites, areas and resources in the proposed RBT2 Marine Shipping Areas in the Straits of Georgia, the Haro and Rosario Straits, and the Straits of Juan de Fuca;
2. unacceptable impacts of vessel traffic on the tangible as well as intangible properties of our cultural sites, areas, and resources within as well as adjacent to the Marine Shipping Area;
3. impacts on critical areas in San Juan County, including the San Juan Islands National Wildlife Refuge, and the Marine Biological Preserve, and the San Juan County Marine Stewardship Area;
4. the projected impacts of vessel traffic on the Southern Resident Killer Whale population resulting from vessel-related blunt force trauma, vessel traffic underwater noise, and the degradation of SRKW foraging areas;
5. severe habitat degradation with adverse impacts on juvenile Chinook and the loss of at least 70% of the floodplain;
6. the implicit scientific bias in the environmental evaluation assessment and the consultation processes that marginalizes, dismisses, or altogether ignores—rather than treating as a co-equal partner—indigenous ancestral beliefs, core values and value orientations;

7. wrongfully dismissing the projected impacts of project-related underwater noise as merely an “incremental contribution” and therefore insignificant with regard to the impacts on the Southern Resident Killer Whale population; and
8. the failure of the report to utilize a culturally appropriate environmental baseline.

Recommendations contained in our earlier submissions include, but are not limited to:

1. a moratorium on any additional stressors to the Salish Sea pending the recommendations of an inter-jurisdictional, trans-border, and comprehensive cumulative environmental and cultural assessment (one that considers all existing or proposed terminals and associated vessel traffic) for the Straits of Georgia, Haro and Rosario Straits, and Straits of Juan de Fuca;
2. the development of a culturally-appropriate base-line developed in partnership with impacted indigenous communities that would identify a trajectory of change over time for specific value components integral to the impacted indigenous communities;
3. the incorporation of indigenous ancestral beliefs, core values and value orientations in the analytical framework for the cumulative environmental and cultural assessment for the Salish Sea;
4. respecting the Sovereign-to-Sovereign status of the Lummi Nation vis-à-vis the Canadian government;
5. honoring in word and deed the first principles of management and consultation set forth in the Lummi Nation’s “Cultural Significance and Management of Xwullemy” (attached); and,
6. insisting that the C.E.A.A. acts in a manner consistent C.E.A.A with Articles 19 and 32(2) of UNDRIP and obtains the free, prior, and informed consent of indigenous peoples related to legislative or administrative matters and projects, respectively, that may impact indigenous peoples or their lands, territories, or resources.

In closing, when our Chief, Chairman, or Ceremonial leaders speak with you about our *Xa xalh Xcchnging* (sacred obligation) to our *qwe' lhol mechen* (Blackfish), our *scha'enerw* (salmon) and our *Xw'ullemy* (the Salish Sea) they are speaking from within our worldview. *Elhtel'nexw* in our language signifies the order of creation and the placement of our ancestors, as well as the Origin-time unity of everything in creation (*viz.*, all things in creation were one people). As an example, our word *qwe' lhol mechen* means “the people that live under the water.” These are real and true ancestral beliefs and teachings that are part of a perspicuous cosmological order with ancient roots and should be treated as such.

We believe that the C.E.A.A. will see fit to honor the sacred promises made by the Canadian government to the ancestors of the indigenous peoples and their ancestral lifeway on the Salish Sea.

Respectfully yours,

<Original signed by>

Lawrence Solomon, Secretary  
Lummi Indian Business Council



**The Cultural Significance and Management  
of the  
*Xwullemy*<sup>1</sup>(Salish Sea)  
Cultural Significance of the Salish Sea**

- I. The Salish Sea, known in the Lummi language as *Xwullemy* has been the home of the Lummi and other tribes since time immemorial. It defines the identity of the Lummi Nation and sustains our existence. It is intimately associated with virtually all the events and patterns of events in history that have defined the Lummi Nation as a culture.
- II. The 1855 Treaty of Point Elliott, which like other treaties executed by tribal governments and the United States government, constitutes the supreme law of the land, guarantees to the people of the Lummi Nation the right to fish in their usual and accustomed places, which comprise the fresh and salt waters of the Salish Sea.
- III. The Lummi Nation holds that the Salish Sea is eligible for the National Register of Historic Places (NRHP), for listing as a National Historic Landmark, and for inclusion in the World Heritage List, for its association with the culture, traditions, and history of the Lummi people.
- IV. The fish, shellfish, marine mammals, avian life, plant life, water quality and air quality of the Salish Sea all are elements that contribute to its cultural significance, as do the traditions and traditional lifeways of the Lummi people.

**Management of the Salish Sea and its Contributing Elements**

- I. In their compliance with federal and state laws the Lummi Nation expects agencies of the federal, state, and local governments to consult in good faith (i.e., adhere to the principles of full, prior, and informed consent) with the Lummi Nation to avoid adverse effects on the tangible and intangible cultural properties of the Salish Sea, and to adopt such measures as are agreed upon to restore culturally significant aspects of the Salish Sea that have deteriorated or been adversely affected by human activities over the years. Until such time as there is meaningful consultation with the Lummi Nation and it formally agrees with the proposed measures, our position should be construed as opposed to the proposed activity. Any action contrary to this position would be in violation of our treaty, the Supreme Law of the Land.
- II. The Lummi Nation expects that such consultation will be carried out with full respect for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- III. While the Lummi Nation does and will cooperate with other tribes and governments to ensure the proper management of the Salish Sea and its contributing elements, no one but the Lummi Nation is authorized to speak for the Lummi Nation without the Lummi Nation's explicit agreement. We expect all agencies to adhere to the protocols of government-to-government relations.

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<sup>1</sup> *Xwullemy* is the language term that historically referred to the glaciers that existed in our area and now refers to the glacial peaks and the waters left behind by the receded glaciers to become the sea and fresh water and includes other bioregion properties. Thus, *Xwlem'ich'osen* as a language-based term(s) for many if not all aspects of our bioregion. The *Xwullemy* or Salish Sea can be viewed as having both the practical side of our *Lhaqtemish* people but also have our spiritual and religious significance as yet the another side.