



International Indian Treaty Council

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December 22nd, 2010

Hon. Luis G. Fortuño, Govenor of Puerto Rico, via Email: webmaster@govpr.org
Hon. Daniel José Galán Kercado, Secretary of the Department of Natural Resources, Puerto Rico, via fax: (787) 999-2303
Re: Via Verde Gas Pipeline Project and Human Rights Concerns

AMERICAN INDIAN
COUNCIL
2010 DEC 25 A 7:36
US ARMY CORPS
OF ENGINEERS

Respectful Greetings,

The International Indian Treaty Council (IITC) is a Non-governmental Organization (NGO) of Indigenous Peoples from North, Central and South America, the Caribbean and the Pacific founded in 1974. In 1977 the IITC was the first Indigenous organization to receive Consultative Status II, now Special Consultative Status with the United Nations (UN) Economic and Social Council. Since that time the IITC has participated actively to promote and defend the human rights of Indigenous Peoples in the international arena.

I am writing at the request of the IITC Board of Directors to express our serious concerns regarding the proposed Gas Pipeline Project called "Via Verde", and the licensing of large-scale gas development on Boriken (Puerto Rico). It is our understanding that the Taíno Indigenous People who will be directly impacted continue to strongly oppose this project.

IITC has been informed by our affiliate the United Confederation of Taíno People based in Boriken (Puerto Rico) that they have expressed serious human rights concerns regarding this project, and that these remain unresolved and unaddressed to date. Based on information we have received from the impacted Indigenous Peoples, if this project moves forward a number of violations human rights will result. These include, *inter alia* the rights to health, self-determination, food, freedom of religion, Sacred Sites and cultural practice as well the right to free, prior and informed consent.

A number of international standards including the UN Declaration on the Rights of Indigenous Peoples affirm the inherent right to free prior and informed consent of Indigenous Peoples whose lands, cultures, health and ways of life may be affected by proposed development projects. Although, the preamble to the constitution of the Commonwealth of Puerto Rico ensures the "free participation of its citizens in collective decisions", this multinational project has not taken into consideration the objections of the Taíno People.

The IITC has been informed that the Taíno Indigenous People of Boriken (Puerto Rico) as well as other local community members who live in the areas that will be affected by this project have

told the Federal and national government of Puerto Rico, that they will not permit the construction of the Gas Pipeline "Via Verde" because it threatens their lives, health, welfare, security, culture, Sacred Sites, food sovereignty, traditional lands and resources and property. We understand that the project threatens to contaminate the environment and ecosystem which includes over 21 rivers, as well as groundwater, air, fish, agricultural lands, endangered species, and wildlife habitats. The land, rivers, water, air, fish, forests, agricultural lands, and Sacred Sites are the source of life, medicine, food security, culture, spirituality and ceremonies for past, present and future generations.

The Taíno People of Boriken have informed the IITC of their petition to the Federal and Puerto Rican governments to cancel all plans and permits related to this project. Specific concerns they have expressed include:

- The proposed Gas Pipeline not only threatens Taíno People but all the Peoples of Boriken (Puerto Rico); according to the AEE plans, the pipeline route is 146 km long with a potential impact to over 100 meters wide and, would severely impact around 400 agricultural acres.
- It will severely affect the conservation of the of the Rio Grande de Arecibo and Rio Portuguese Watersheds and impact on many rivers including, Rio de la Plata, Río Bayamón, Quebrada Diego, Rio Cibuco, Cano Matos, Perdomo Canal, Rio Grande de Arecibo, Caguana River, River Caguanita, Pellejas River, Rio Corcho, Quebrada Arenas, Río Tallaboa, Tanamá River, Indian River, Rio Grande de Manati and Rio Yunes.
- The pipeline route is comprised of 106 km of the Karst Conservation Zone which supplies more than 25% of the total water demand of the country and directly impacts 223 acres of Special Conservation Zones.
- The presence of sinkholes and unstable terrain located within the pipeline route has some of the highest slopes ranging from sea level on the coast to 3,000 feet above sea level in Adjuntas will be more susceptible to landslides. The "Via Verde" pipeline route crosses two seismic fault lines and then continues towards San Juan, affecting 13 municipalities and 51 communities.
- Although the government says "there is a prudent separation of the pipeline from the communities"; the pipeline will pass along the side of the road that runs in front of the Levittown community in Toa Baja which is home to about 30,071 people; pass through the lands of the University of Puerto Rico in the Town of Utuado, with potential risks to over 22,854 families and students and will be exposed along sections of the Arecibo Utuado PR10 where over 13,104 vehicles transit every day.

The IITC welcomed President Obama's long-awaited announcement on December 16th the United States will not only support the United Nations Declaration on the Rights of Indigenous Peoples but that their commitment will be measured by the actions that they take. The IITC urges the Federal and Puerto Rican Governments to uphold this commitment as well as obligations under other international human rights standards to which they are obligated. These include the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and, as of December 16th, the UN Declaration on the Rights of Indigenous Peoples.

The International Indian Treaty Council therefore urges the Federal and Puerto Rican Government, to ensure that no further gas development projects takes place within Boriken without the free, prior and informed consent of the Taíno People.

Thank you for your consideration of our concerns and for supporting an immediate halt to this project until the human rights concerns of the impacted Indigenous Peoples can be sufficiently addressed and resolved. We greatly appreciate acknowledgement of your receipt of this letter, and any information you can provide as to your intended or planned actions in this matter.

Sincerely,



Andrea Carmen
IITC Executive Director

cc: Hon. Jennifer A. Gonzales Colon, Presidenta de la Camara de Representantes de Puerto Rico; Email: jengonzalez@camaraderepresentantes.org
Hon. Eric Correa Rivera, President of the Comisión de Recursos Naturales, Ambiente y Energía de la Cámara de Representantes de Puerto; Email: ecorrea@camaraderepresentates.org
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