



File: 30050-20/WLNG-04-01

Reference: 288772

August 17, 2015

SENT VIA EMAIL

Chief Bill Williams
and Councillors
Squamish Nation
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Dear Chief Williams and Councillors:

Thank you for your letter of August 14, 2015 addressed to the Environmental Assessment Office (EAO) and for Squamish Nation's separate submission to Ministers, regarding the proposed Woodfibre LNG Project (Woodfibre).

In your letter you express that Squamish Nation's expectations are that Squamish Nation and the Province will discuss the results of the Squamish Process at the end of the Squamish Process, in order for the Crown to adequately accommodate the impacts of Woodfibre on Squamish Nation's Aboriginal rights and title. You have also indicated that EAO has not obtained direct information from Squamish Nation that would be required to fulfil the Crown's duty to consult.

EAO understands that the Squamish Process remains underway and that Woodfibre LNG Limited (Proponent) and Squamish Nation continue to work together to reach final agreement on how Squamish Nation's conditions for Woodfibre (Squamish Conditions) would be achieved.

EAO has responded to requests from both Squamish Nation and the Proponent throughout this environmental assessment (EA) to accommodate Squamish Nation's separate review process wherever possible. Squamish Nation indicated in its August 6, 2015 letter to EAO that it has not submitted any information to EAO or the Proponent regarding its Aboriginal rights and title interests for use in the EA. EAO has remained open to receiving such information throughout the EA.

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During the EA, EAO continued to seek to consult with Squamish Nation directly, including providing Squamish Nation with opportunities to participate in the EA process and seeking information regarding the potential impacts of the proposed Project on Squamish Nation's Aboriginal Interests and measures to avoid, mitigate or accommodate those Aboriginal Interests. EAO made numerous offers to meet directly with Squamish Nation to discuss any comments or concerns with Woodfibre or with the EA. Squamish Nation continued to decline to meet with EAO or share any information regarding their Aboriginal Interests, citing their engagement with the Proponent in the Squamish Process.

In the absence of primary information related to Squamish Nation's use of the Woodfibre site and its vicinity being shared with EAO, and given the late stage of the EA process, EAO has conducted its own analysis based on all information currently available to the Province regarding Squamish Nation's Aboriginal Interests, including information available from public documentation. In partial consideration of the Squamish Process, EAO has taken a broad and inclusive view of all available information and revised its Aboriginal Consultation Report to include this analysis. EAO shared this revised Aboriginal Consultation Report with Squamish Nation on August 13, 2015 for an opportunity to review and comment.

In addition to using information currently available to EAO regarding Squamish Nation's Aboriginal Interests, including information available from public documentation, EAO has also considered the following key information in its assessment:

- Information the Proponent was able to provide related to the Squamish Process;
- The Squamish Conditions and publically available information regarding the Squamish Process;
- The Proponent's commitments to Squamish Nation to meet the Squamish Conditions;
- Comments from Squamish Nation's technical representatives on technical aspects of the EA; and
- EAO's assessment of the potential effects of Woodfibre on Valued Components and Aboriginal Interests generally, and EAO experience from the assessment of other LNG facility projects.

Through the Squamish Process and through the EAO-led EA process, efforts have been made to understand the nature of potential adverse effects on Squamish Nation's Aboriginal Interests in order to ensure that appropriate avoidance, mitigation or other accommodation measures are considered. EAO understands that the Squamish Conditions applicable to Woodfibre reflect Squamish Nation's views of what is required for the Proponent to address the potential adverse effects on its Aboriginal Interests.

It is our opinion that EAO has made reasonable efforts to meaningfully consult Squamish Nation and to understand the impacts of the proposed Project on Squamish Nation's Aboriginal Interests, and EAO concludes that impacts to Squamish Nation's Aboriginal Interests have been adequately accommodated. EAO acknowledges that Squamish Nation does not share our conclusion that Squamish Nation's Aboriginal Interests have been adequately accommodated as stated in Squamish Nation's letter to EAO on August 14, 2015.

EAO notes that there would be ongoing and additional opportunities to consult and further accommodate Squamish Nation should an EA Certificate be issued. In particular, Squamish Nation would be consulted on subsequent permits required for the proposed Project and the Ministry of Aboriginal Relations and Reconciliation would continue to engage Squamish Nation in negotiations of Project-related benefits. There would be an opportunity for the Province to meet and discuss with Squamish Nation, at a government-to-government level, any additional concerns or interests Squamish Nation may have at the conclusion of the Squamish Process.

As you are aware, the suspension for the Application Review timelines was lifted on August 10, 2015. EAO will be referring to Ministers within the 180-day timeline and will be including Squamish Nation's separate submission of August 14, 2015 for their consideration.

If there is additional input within the 45-day decision period that Squamish Nation would like to provide to Ministers for their consideration, including a summary of the outcome of Squamish's separate review process, this can be sent directly to Ministers. Please note that it is at the Ministers' discretion whether to consider additional information submitted to them post-referral and subject to procedural fairness considerations.

If Squamish Nation has any questions, requires further information or would like to meet, please contact me at 250 387-0233 or Michael.Shepard@gov.bc.ca.

Yours truly,



Michael Shepard
Project Assessment Manager

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