

Appendix B.27 – Whispering Pines/Clinton Indian Band

I - Background Information

Whispering Pines/Clinton Indian Band (Whispering Pines/Clinton) is a Secwepemc (pronounced “*Shi-HUEP-muh*” or “*She-KWE-pem*”) group. There is ethno-historical information that suggests that within the Secwepemc there was a notion of traditional territories among different Secwepemc communities/divisions, territories that were subject to the stewardship and control of those communities/divisions. Whispering Pines/Clinton is understood to correspond with the Fraser River Division. The Crown understands that the Whispering Pines/Clinton First Nation, High Bar First Nation, Esk’etemc First Nation, correspond with the Fraser River Division (who appeared to have absorbed the Canyon Division following the smallpox epidemic in the 1860s).

Whispering Pines/Clinton has a registered population of 159, of which 52 live on reserve. The community is located in North Kamloops, British Columbia (BC), near Heffley Creek, which is approximately 65 kilometres (km) north of the confluence of the North and South Thompson Rivers. Whispering Pines/Clinton has three reserves: *Clinton No. 1*, *Kelly Creek 3*, and *Whispering Pines 4*.

Whispering Pines/Clinton members historically spoke Secwepemctsin, the language of the Secwepemc people, and a portion of the community continues to speak the language today. In 1982, all 17 Secwepemc bands signed the Shuswap Declaration dedicated to the preservation and perpetuation of the Secwepemc language, culture, and history. This led to the formation of the Secwepemc Cultural Education Society in 1983, which has propelled forward efforts to provide public education and curriculum materials incorporating Secwepemc language and culture, including the Secwepemc Museum, and an Indigenous post-secondary education institute in Kamloops.

Whispering Pines/Clinton is a party to the Secwepemc Nation protective *Writ of Summons*, which was filed in the BC Supreme Court on December 10, 2003, asserting Aboriginal title to a territory identified in the *Writ*. The *Writ of Summons* involves: Adams Lake Indian Band, Bonaparte Indian Band, Llenlleny'ten First Nation (High Bar), Neskonlith Indian Band, Simpcw First Nation, Skeetchestn Indian Band, Spallumcheen Indian Band, Tk'emlúps te Secwe'pemc, and Whispering Pines/Clinton Indian Band.

Whispering Pines/Clinton signed a letter of support with the proponent on January 6, 2014.

II - Preliminary Strength of Claim Assessment

- The Project does not overlap the Whispering Pines/Clinton's asserted traditional territory; the closest location of the Project to Whispering Pines/Clinton's asserted traditional territory boundary is approximately 17 km.
- The right-of-way (RoW) passes less than 1 km from Whispering Pines #4 reserve (located outside of the asserted traditional territory of Whispering Pines/Clinton). Whispering Pines' reserves are located between Kilometre Posts (KP) 785 to 775 of the Project.

III - Involvement in the NEB and Crown Consultation Process

Given the nature and location of the Project, and the potential impacts of the Project on Whispering Pines/Clinton's Aboriginal Interests, the Crown is of the view that the legal duty to consult Whispering Pines/Clinton lies at the low portion of the *Haida* consultation spectrum.

While the Project would not intersect with Whispering Pines/Clinton's asserted traditional territory, Whispering Pines/Clinton was placed on Schedule B of the Section 11 Order issued by the Environmental Assessment Office (EAO) because Whispering Pines' present-day reserve and community is located outside of the asserted traditional territory, near the proposed TMX route on the North Thompson River. From this, the Crown infers that Whispering Pines/Clinton members may currently use areas in the vicinity of that reserve for the exercise of traditional activities. Whispering Pines/Clinton was provided opportunities to be consulted at a deeper level.

Whispering Pines/Clinton did intervene in the National Energy Board (NEB) hearing process; however, Whispering Pines/Clinton did not provide any information to the panel about concerns Whispering Pines/Clinton had or how their rights and interests could be impacted by the Project. On January 1, 2015, Whispering Pines/Clinton submitted a letter to the NEB withdrawing any objection to the Project, and expressing its support, stating it had entered into a Mutual Benefits Agreement with the proponent.

Whispering Pines/Clinton was allocated \$76,800 (plus travel for three) from the NEB to participate in the NEB hearing. The Major Projects Management Office (MPMO) offered Whispering Pines/Clinton \$6,000 in participant funding for consultations following the close of the NEB hearing record. MPMO offered Whispering Pines/Clinton an additional \$14,000 to support their participation in consultations following the release of the *NEB Recommendation Report*. Whispering Pines/Clinton did not use these funding opportunities.

On May 25, 2016 Whispering Pines/Clinton wrote to the EAO to request to be moved from Schedule C to Schedule B of the Section 11 Order. Due to the proximity of Whispering Pines/Clinton's reserve 4 to the Project, EAO agreed to make this change.

On September 21, 2016 EAO issued Whispering Pines/Clinton \$5,000 in capacity funding to participate in consultation with the Crown.

A first draft of this Consultation and Accommodation Report (the Report) was provided to Aboriginal groups for review and comment on August 17, 2016. No comments were received from Whispering Pines/Clinton on the draft Report. A second draft of this Report was provided to Aboriginal Groups on November 1, 2016. The Crown has not received comments from Whispering Pines/Clinton.

IV - Summary of Key Whispering Pines/Clinton Issues and Concerns Raised

This section offers a summary of the key issues raised by the Whispering Pines/Clinton, and does not present the views of the Crown as to whether it agrees or not with the issues. The Crown's assessment

of the impact of the Project presented in the subsequent section incorporates a consideration of these issues and includes the Crown's views and conclusions. The Crown's understanding of the Whispering Pines/Clinton's key Project-related issues and concerns are summarized below.

The information Whispering Pines/Clinton has filed as evidence with the NEB sets out their views of the impacts of the Project proceeding to construction and operation. The Crown also used the NEB hearing *Information Request to Intervenor* round to solicit feedback from Whispering Pines/Clinton on an Issues Tracking Table ([A4Q8Q9](#)) that laid out the Crown's understanding of Whispering Pines/Clinton's issues related to potential project impacts. Whispering Pines/Clinton did not respond to this information request.

Concerns expressed by Whispering Pines/Clinton included:

- Potential Project impacts on Aboriginal harvesting practices and subsistence living from an accident or malfunction;
- The effects on human health and safety of a pipeline accident or spill;
- Trans Mountain's emergency response protocols; and
- Potential Project impacts on Whispering Pines/Clinton's Aboriginal Interests.

On January 19, 2015, Whispering Pines/Clinton submitted a letter to the NEB withdrawing any objection to the Project, and expressing its support, stating it had entered in to a MBA with the proponent.

Whispering Pines/Clinton's Response to NEB Recommendation Report

Whispering Pines/Clinton did not provide any responses to the *NEB Recommendation Report*.

V - Potential Impacts of the Project on Whispering Pines/Clinton's Aboriginal Interests

A discussion of the Crown's assessment approach and understanding of the potential impacts of the Project on Aboriginal Interests are provided in Sections 2.4.3 and Section 4.3 of this Report, respectively. The Crown recognizes that areas within the asserted traditional territory of each Aboriginal group may be particularly important and valuable for specific qualities associated with traditional cultural or spiritual practices. These areas may also be used for traditional harvesting activities (e.g., hunting, trapping, fishing and gathering), by individual members or families.

The Crown has relied on available traditional land and resource use information, including submissions made by Whispering Pines/Clinton, to assess potential impacts of the Project on Whispering Pines/Clinton Aboriginal Interests. These potential impacts are characterized by considering how the Project could affect several factors important to Whispering Pines/Clinton's ability to practice Aboriginal Interests. Where information was available, the Crown considered the following:

- Biophysical effects to values linked to Aboriginal rights (e.g., fish) that were assessed by the NEB;
- Impacts on specific sites or areas identified as important to traditional use; and
- Impacts on social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.

Additional factors considered in the assessment of impacts on Aboriginal Interests are described in Section 2.4.3 of this Report. The Crown's conclusion on the potential seriousness of Project impacts on Whispering Pines/Clinton Aboriginal Interests considers information available to the Crown from the NEB process, consultation with Whispering Pines/Clinton, Whispering Pines/Clinton's engagement with the proponent, proponent commitments, recommended NEB conditions, as well as relevant proposed conditions of any Environmental Assessment Certificate (EAC) issued by the Province.

Whispering Pines/Clinton completed a traditional land and resource use (TLRU) study in 2013. The TLRU study included a map review meeting that focused on traditional land uses by Whispering Pines/Clinton members on Crown lands crossed by the Project in the segment of the Project's pipeline from Hargreaves to Darfield Segment. The results of TLRU study are summarized in Volume 5D ([A3S2H1](#)) of the Project Application. Traditional land uses identified by Whispering Pines include hunting deer and moose, gathering plants, information on fishing sites, sacred sites, trapping sites, habitation sites, gathering areas for community members, and trails and travelways.

Impacts on Hunting, Trapping and Plant Gathering

Whispering Pines/Clinton community members identified important wildlife habitat near Whispering Pines 4 reserve in the TLRU study, which supports cougar, bear, coyote, lynx, bobcat, deer, elk, fox, and badger, as well as birds including the bald and golden eagle, turkey vulture, hawk and blue heron. The region around Strawberry Lake was noted for the presence of many elk, and Marble Range was identified as providing good mule deer habitat. Bear used to be hunted by community members, along with any other game that could be hunted. Community members harvest chokecherries, Saskatoon berries, rosehips, hawthorn berries, soapberries, raspberries, wild strawberries, thimbleberries, blackberries, bunchberries, skunk berries and blueberries. In the past, community members would follow migrating fish and pick berries along the streams.

As described in the *NEB Recommendation Report*, Project-related activities are likely to result in low to moderate magnitude effects on soil and soil productivity, rare plants and lichens and vegetation communities of concern, old growth forests, wetlands, and wildlife and wildlife habitat (including species at risk) listed species. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential environmental effects associated with hunting, trapping, and gathering (Section 4.3.1 of this Report). The proponent would implement several mitigation measures to reduce potential effects to species important for Whispering Pines/Clinton's hunting, trapping, and plant gathering activities. The proponent is committed to minimizing the Project footprint to the maximum extent feasible, and all sensitive resources identified on the Environmental Alignments Sheets and environmental tables within the immediate vicinity of the RoW will be clearly marked before the start of clearing. Mitigation measures to reduce effects on habitat, limit barriers to movement, avoid attraction to wildlife to the work site, minimize sensory disturbance and protect site specific habitat features are outlined in the Project Environmental Protection Plan (EPP) and the Wildlife Management Plans.

During the TLRU study, Whispering Pines/Clinton elders and community members identified 4 hunting sites, 3 trapping sites, and 12 plant gathering sites. Within the proposed pipeline corridor, no hunting or

trapping sites, and one berry picking site were identified. Three hunting sites and two trapping sites are more than 16 km from the Project Area, and the locations of one hunting site and one trapping site are unknown. Two plant gathering sites are located within 2 km of the Project, and nine sites are located more than 5.6 km from the Project area.

Project-related construction and routine maintenance is expected to cause short-term, temporary disruptions to Whispering Pines/Clinton's access to hunting, trapping and plant gathering activities, largely confined to the Project footprint for the pipeline and associated facilities. Construction and reclamation activities could result in disruptions to access, which may result in a loss of harvesting opportunities for Whispering Pines/Clinton. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential impacts on specific locations and access associated with hunting, trapping, and gathering sites (Section 4.3.1 of this Report). With regards to specific concerns raised by Whispering Pines/Clinton, the proponent would implement several mitigation measures to reduce potential effects on TLRU sites important for Whispering Pines/Clinton's hunting, trapping, and plant gathering activities, such as management plans that include access management, scheduling and notification of Project activities, and environmental monitoring programs that monitor access control measures. The Access Management Plan is intended to reduce disturbances caused by access, construction equipment and vehicle traffic, during and following construction in order to minimize disturbance to access to Whispering Pines/Clinton's traditional lands. The proponent has committed to minimizing the development of access routes, controlling public access along the construction right-of-way, selecting appropriate access routes that cause the least disturbance to high quality, sensitive wildlife habitat, managing traffic on these routes and determining appropriate construction reclamation. The proponent has also committed to work with applicable resource managers, traditional land and resource users to define locations where access control is necessary, and what type(s) of access control will be implemented. In the event that hunting, trapping, and plant gathering sites are identified during ongoing engagement with Whispering Pines/Clinton prior to construction, the sites will be assessed, and appropriate mitigation measures will be determined. The proponent committed to working with Whispering Pines/Clinton to develop strategies to most effectively communicate the construction schedule and work areas to community members.

Project-related construction and routine maintenance is expected to cause short-term, temporary disruptions to Whispering Pines/Clinton's hunting, trapping, and plant gathering activities. The Crown understands that this short-term disruption could temporarily alter the behaviour of community members' hunting, trapping or plant gathering activities during construction, and that reduced participation in traditional activities, while not expected to occur from temporary access disruptions within the footprint of the Project, could have spiritual and cultural impacts on community members. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential social, cultural, spiritual, and experiential effects associated with hunting, trapping, and plant gathering activities (Section 4.3.1 of this Report). The proponent would implement several mitigation measures to reduce potential effects to Whispering Pines/Clinton's hunting, trapping, and plant gathering activities. The proponent is committed to implementing weed management (as outlined in the Weed and Vegetation Management Plan) to reduce the potential for weed infestation following construction, and

utilizing an Integrated Vegetation Management approach intended to reduce the use of herbicides and promote healthy ecosystems. The proponent will consult with Aboriginal groups regarding problem vegetation management and methods of treatment. Measures outlined in the proponent's Reclamation Management Plan are intended to stabilize and revegetate affected lands to achieve land productivity along the construction ROW and footprint, equivalent to the adjacent land use. The proponent has also committed to ongoing engagement with Aboriginal groups that are interested in providing traditional knowledge related to the location and construction of the Project.

In consideration of the information available to the Crown from the NEB process, consultation with Whispering Pines/Clinton, Whispering Pines/Clinton's engagement with the proponent, the proponent's proposed mitigation measures and the recommended NEB conditions, as well as relevant proposed conditions of any EAC issued by the Province, Project construction and routine maintenance during operation are expected to result in a negligible-to-minor impact on Whispering Pines/Clinton's hunting, trapping and plant gathering activities. In reaching this conclusion, the Crown has considered several factors that have been discussed above, which are summarized as follows:

- Project-related construction and routine maintenance activities are likely to have minor to moderate environmental effects on species harvested by Whispering Pines/Clinton;
- Project-related pipeline and facility construction and routine maintenance activities within the areas that Whispering Pines/Clinton may currently exercise traditional activities, are temporary and thus, likely to cause minor disruptions to Whispering Pines/Clinton's community members accessing traditional hunting, trapping and plant gathering sites within the Project footprint, and negligible disruptions for sites that are not within the Project footprint; and
- Concerns identified by Whispering Pines/Clinton regarding Project-related effects on social, cultural, spiritual, and experiential aspects of their hunting, trapping and plant gathering activities.

Impacts on Freshwater Fishing

Community members fish species such as rainbow trout, Dolly Varden, steelhead, bullhead, sturgeon, and salmon. As described in the *NEB Recommendation Report*, Project-related construction and operation could result in low to moderate magnitude effects on fish and fish habitat and surface water. Moderate effects to fish and fish habitat would be localized to individual watercourse crossings where any potential serious harm would be compensated by offset measures. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential environmental effects on fishing activities (Section 4.3.2 of this Report). A number of recommended NEB conditions require the proponent to file reports that will monitor Project-related impacts to fish, fish habitat and riparian habitats. The proponent would implement several mitigation measures to reduce potential effects to species important for Whispering Pines/Clinton's fishing activities. The proponent has committed to time watercourse crossing construction activities to occur within the least risk biological windows in an attempt to avoid causing serious harm to fish, has committed to working with Aboriginal groups to identify the most appropriate means of offsetting serious harm to marine fish and fish habitat, and has

proposed the implementation of channel and bank reclamation measures at each watercourse crossing to help maintain the productive capacity of water bodies that provide fish habitat.

During the TLRU study, fish spawning sites were identified by Whispering Pines/Clinton all along the Thompson River and in Mahood Lake, in particular important salmon spawning sites were identified east of Whispering Pines 4 reserve. Whispering Pines/Clinton elders and community members identified 15 fishing sites, of which two are located within the proposed pipeline corridor: along the Thompson River and tributaries, and at unspecified tributaries of the Fraser River. The remaining 13 fishing sites are located more than 21 km from the Project Area.

Project-related construction and routine maintenance activities are expected to cause short-term, temporary disruptions to Whispering Pines/Clinton's access to fishing activities. The Crown appreciates that if construction and reclamation occur during the fishing season, there could be a potential reduction in access to waterways, staging areas, and fishing sites for Whispering Pines/Clinton community members. However, disruptions to access would largely be confined to the Project footprint for the pipeline and associated facilities during construction and reclamation. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential impacts on specific locations and access to fishing sites important for Whispering Pines/Clinton (Section 4.3.2 of this Report). With regards to specific concerns raised by Whispering Pines/Clinton, the proponent would implement several mitigation measures to reduce potential effects to fishing sites important for Whispering Pines/Clinton's fishing activities. The proponent is committed to minimize disturbance to access to Whispering Pines/Clinton's traditional lands, as described in the Access Management Plan. The proponent committed to working with Whispering Pines/Clinton to develop strategies to most effectively communicate the construction schedule and work areas to community members.

As described previously, the Project construction and routine maintenance is expected to cause short-term, temporary disruptions to Whispering Pines/Clinton's fishing activities. The Crown understands that this temporary interruption could mean that community members alter their fishing activities during construction, which could affect their participation in the traditional activity. NEB conditions, if the Project is approved, would either directly or indirectly reduce the potential social, cultural, spiritual or experiential effects associated with fishing activities (Section 4.3.2 of this Report).

In consideration of the information available to the Crown from the NEB process, consultation with Whispering Pines/Clinton, Whispering Pines/Clinton's engagement with the proponent, the proponent's proposed mitigation measures and the recommended NEB conditions, as well as relevant Provincial proposed conditions of any EAC issued by the Province, Project construction and routine maintenance during operation are expected to result in a negligible-to-minor impact on Whispering Pines/Clinton's freshwater fishing activities. In reaching this conclusion, the Crown has considered several factors that have been discussed above, which are summarized as follows:

- Project-related construction and routine maintenance activities are likely to have minor to moderate environmental effects on species harvested by Whispering Pine/Clinton;

- Project-related pipeline and facility construction and routine maintenance activities within the areas that Whispering Pines/Clinton may currently exercise traditional activities are temporary and thus, likely to cause minor disruptions to Whispering Pines/Clinton's community members accessing traditional fishing sites within the Project footprint, and negligible disruptions for sites that are not within the Project footprint; and
- Concerns identified by Whispering Pines/Clinton regarding Project-related effects on social, cultural, spiritual, and experiential aspects of their freshwater fishing activities.

Impacts on Other Traditional and Cultural Practices

Other traditional and cultural practices sites identified by Whispering Pines/Clinton include trails and travelways, habitation sites, gathering places, and sacred areas. A gathering place was identified during the TLRU study at Bonaparte Lake, where Whispering Pines/Clinton community members would gather together as Whispering Pines/Clinton moved seasonally, following fish and picking berries. From there, people would move east French Bar Creek, where weddings were traditionally held. Women would gather and preserve berries, while men would hunt, dry meat and harvest fish.

As described in Section 4.3.4 of the Report, Project-related activities are not likely to result in significant adverse effects on the ability of Aboriginal groups to use land, waters or resources for traditional purposes. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential environmental impacts on physical and cultural heritage resources (Section 4.3.4 of this Report). With regards to specific concerns raised by Whispering Pines/Clinton, the proponent would implement several mitigation measures to reduce potential effects on physical and cultural heritage resources important for Whispering Pines/Clinton's traditional and cultural practices. The proponent has also committed to reduce potential disturbance to community assets and events by implementing several measures that include avoiding important community features and assets during RoW finalization, narrowing the RoW in select areas, scheduling construction to avoid important community events where possible, communication of construction schedules and plans with community officials, and other ongoing consultation and engagement with local and Aboriginal governments.

Whispering Pines/Clinton community members identified two trails and travelways, seven habitation sites, five gathering places and two sacred sites during the TLRU study, none of which are located in the proposed pipeline corridor. One trail and travelway is located approximately 21 km from the Project Area, and the other location was unknown. One habitation site (old village site) is located within 1 km of the proposed pipeline corridor, and six habitation sites are located more than 30 km from the Project Area. The nearest gathering place is approximately 21 km from the Project Area. Two sacred sites (natural springs) were identified; however the site-specific locations were not provided.

Project-related activities are expected to cause short-term disruptions that temporarily affect the ability of Aboriginal groups to access land, waters or resources for traditional purposes. The Crown understands that Whispering Pines/Clinton's opportunities for certain traditional and cultural activities will be temporarily interrupted during construction and routine operation, and there could be reduced access to travelways, habitation sites, gathering sites, and sacred areas. However, temporary disruptions to Whispering Pines/Clinton's traditional and cultural practices would be largely confined to sites within

the Project footprint for the pipeline and associated facilities. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential impacts on specific sites and access to physical and cultural heritage resources (Section 4.3.4 of this Report). The Crown notes the proponent's commitment to ongoing engagement with Aboriginal groups that are interested in providing traditional knowledge related to the location and construction of the Project.

As described previously, the Crown understands that Project-related activities may result in temporary interruptions to Whispering Pines/Clinton's cultural and spiritual practices, or that their participation in the traditional activity is curtailed, during Project construction and routine maintenance activities. In consideration of the information available to the Crown from the NEB process, consultation with Whispering Pines/Clinton, Whispering Pines/Clinton's engagement with the proponent, the proponent's proposed mitigation measures and the recommended NEB conditions, as well as relevant Provincial proposed conditions of any EAC issued by the Province, Project construction and routine maintenance during operation are expected to result in a negligible impact on Whispering Pines/Clinton's other traditional and cultural practices. In reaching this conclusion, the Crown has considered several factors that have been discussed above, which are summarized as follows:

- Project-related construction and routine maintenance activities are likely to have minor to moderate environmental effects on Whispering Pine/Clinton's traditional and cultural practices;
- Project-related pipeline and facility construction and routine maintenance activities within the areas that Whispering Pines/Clinton may currently exercise traditional activities are temporary and thus, likely to cause minor disruptions to Whispering Pines/Clinton's community members accessing traditional and cultural practice sites within the Project footprint, and negligible disruptions for sites that are not within the Project footprint; and
- Concerns identified by Whispering Pine/Clinton regarding Project-related effects on social, cultural, spiritual, and experiential aspects of their other cultural and traditional practices.

Impacts Associated with Accidental Pipeline Spills

Whispering Pines/Clinton raised several concerns with direct and indirect effects of Project-related pipeline spills on their Aboriginal Interests, including potential impacts on Aboriginal harvesting practices and subsistence living from an accident or malfunction, concerns about the effects on human health and safety of a pipeline accident or spill, and concerns about Trans Mountain's emergency response protocols.

A discussion of the potential impacts of a pipeline spill on Aboriginal Interests is provided in Section 4.3.6 of this Report. In consideration of this information, a pipeline spill associated with the Project could result in minor to serious impacts on Whispering Pine/Clinton's Aboriginal Interests. The Crown acknowledges the numerous factors that would influence the severity and types of effects associated with a pipeline spill, and that an impacts determination that relates the consequences of a spill to specific impacts on Aboriginal Interests has a high degree of uncertainty.

VI - Conclusions

The Crown understands that the Project could adversely impact the ability of Aboriginal groups to use lands, waters and resources for traditional purposes. The proponent commitments, recommended NEB conditions and the existing pipeline safety regime would only partially address ongoing burdens and risks associated with the Project. Under the typical conditions for construction and operations, the Crown expects impacts of the Project on the exercise of Whispering Pines/Clinton's Aboriginal Interests would be up to negligible-to-minor.

The Crown is also supportive of consultation requirements provided by the NEB and EAO in the various conditions, which would support Whispering Pines/Clinton's ongoing involvement and participation the proponent's detailed project planning, including the development of site-specific measures to further avoid or mitigate adverse impacts on Aboriginal Interests, as well as the involvement of Whispering Pines/Clinton in emergency response planning activities. The federal Crown is also considering incremental measures that would further accommodate the potential adverse impacts of the Project on Whispering Pines/Clinton, as discussed in Sections 4 and 5 of this Report.

In addition, the Crown is aware that the proponent has entered into a Mutual Benefits Agreement with Whispering Pines/Clinton. Although these agreements are confidential, the Crown understands they may contain provisions for financial, environmental and training benefits that could further reduce or accommodate impacts if the Project proceeds.