

25 March 2019

ABORIGINAL CONSULTATION REPORT 2

WesPac Tilbury Marine Jetty Project

Report Number: 1314220049-188-R-Rev2

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Figure 1: Project Components

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APPENDIX A

Summary of Schedule B Aboriginal Groups’ Key Issues and Concerns and WesPac’s Responses

1.0 EXECUTIVE SUMMARY

WesPac Midstream–Vancouver LLC (WesPac) proposes to construct and operate a marine jetty for loading liquefied natural gas (LNG) onto LNG carriers and LNG barges (the Project) on Tilbury Island along the South Arm of the Fraser River, in Delta, British Columbia. The Project site is situated adjacent to the existing FortisBC Tilbury LNG Liquefaction Plant and Varsteel / Dominion Pipe, approximately 21 km upstream of the mouth of the Fraser River at Sand Heads, and 300 m downriver from Seaspan Ferries' Tilbury terminal.

British Columbia's Environmental Assessment Office (EAO) determined that the Project is subject to review under the British Columbia *Environmental Assessment Act*. The Canadian Environmental Assessment Agency (CEA Agency) also determined that the Project is subject to review under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). The federal government granted substitution, meaning that EAO will conduct a single assessment that the federal and provincial governments will rely upon to make separate decisions.

WesPac is undertaking a four-stage consultation process with Aboriginal groups comprising: Initial Engagement, Pre-Application Consultation, Application Review Consultation, and Post-Environmental Assessment Certificate (EAC) Consultation. This Aboriginal Consultation Report 2 (ACR2) summarizes, at a high level, consultation activities undertaken to October 5, 2018 as part of the Initial Engagement and Pre-Application Consultation stages in accordance with the Section 11 Order and subsequent Section 13 Orders issued by EAO. An overview of planned consultation activities through to conclusion of the Application Review Consultation stage and future planned consultation is included in ACR2. It should be noted, however, that consultation activities are subject to change, due to ongoing discussions with Aboriginal groups, or as required by EAO.

WesPac remains committed to meaningful consultation with all Aboriginal groups identified by EAO for the Project and looks forward to continuing engagement.

2.0 LIST OF ACRONYMS, ABBREVIATIONS AND KEY TERMS

| | |
|-------------------------------------|--|
| Aboriginal groups | All First Nations or Aboriginal entities identified in Schedule B and Schedule C of the Section 11 Order and Section 13 Orders issued by EAO for the Project. |
| Aboriginal Interests | Asserted or determined Aboriginal rights, including Aboriginal title, and Treaty rights. |
| Aboriginal rights | Practices, customs or traditions integral to the distinctive culture of the First Nation claiming the right prior to European contact. Examples may include hunting, fishing and gathering. |
| Aboriginal title | A subcategory of Aboriginal Rights that is a unique interest in land that includes a right to exclusive use and occupation of that land. A claimant must prove its exclusive occupation of land as of the date that the Crown asserted sovereignty (1846 in British Columbia). |
| Application Review Stage | That part of the environmental assessment that occurs after the Application has been accepted for review and the required copies of the application have been distributed. |
| BCEAA | <i>BC Environmental Assessment Act</i> |
| CEAA 2012 | <i>Canadian Environmental Assessment Act 2012</i> |
| EA | Environmental assessment |
| EAO | BC Environmental Assessment Office |
| Pre-Application Stage | That part of the environmental assessment that occurs after an Order has been issued under Section 10 of the Act and before an Application has been accepted for review. |
| Project | WesPac Tilbury Marine Jetty Project |
| Proponent | WesPac Midstream–Vancouver LLC (also, “WesPac”) |
| Schedule B Aboriginal groups | First Nations or Aboriginal entities identified in Schedule B of the Section 11 Order and Section 13 Orders issued by EAO for the Project. |
| Schedule C Aboriginal groups | First Nations or Aboriginal entities identified in Schedule C of the Section 11 Order and Section 13 Orders issued by EAO for the Project. |
| TEK | Traditional ecological knowledge |
| TU | Traditional use |
| TUS | Traditional use study |
| WesPac | WesPac Midstream–Vancouver LLC (also, “Proponent”) |

3.0 INTRODUCTION

3.1 Project Background

WesPac Midstream-Vancouver LLC (WesPac) is proposing the construction and operation of a marine jetty (the Project) on Tilbury Island, City of Delta, British Columbia. The Project site is adjacent to the existing FortisBC liquefied natural gas (LNG) facility and would allow for transfer of LNG from that facility to barges and ocean-going vessels serving local and export markets. The Project would provide berthing and loading facilities to LNG carriers with up to approximately 100,000 m³ of LNG capacity to serve offshore export markets and regional markets. All LNG carriers and bunker vessels calling at the WesPac Tilbury Marine Jetty will be operated by qualified shipping companies engaged in the business of LNG transportation. LNG carriers will transit to the Project site from the Pacific Ocean along established shipping routes through the Strait of Juan de Fuca, the Strait of Georgia and the South Arm of the Fraser River.

The Project is comprised of the following components, as illustrated in Figure 1:

- Marine Jetty (main trestle, berth, mooring dolphins and berthing dolphins)
- LNG Transfer System including pumps, loading arms and onshore & offshore piping
- Boil Off Gas management system
- Process Control and Power Supply Systems
- Fire Protection and Emergency Systems
- Project Access (access road and parking)

The Project will be completed in three phases:

- Construction – expected to be initiated in 2019 and continue for 36 months
- Operation – expected to commence in 2020 and for the permanent jetty in 2022 and continue for 30 years
- Decommissioning - would occur at the end of Project operation and is expected to continue for 1 year

The Project is subject to regulatory review and approvals under BCEAA as the design and configuration of the jetty exceeds the foreshore modification threshold of 2 ha, specified in the Reviewable Projects Regulation. The Project is also subject to a federal environmental assessment under CEAA 2012 because it is being designed to accommodate vessels larger than the 25,000 DWT threshold specified in the Regulations Designating Physical Activities.

The Project has been approved for substitution under the Memorandum of Understanding (July 2015) between the Canadian Environmental Assessment Agency (CEA Agency) and the British Columbia Environmental Assessment Office (EAO) on Substitution of Environmental Assessments (2013). The provincial review will satisfy all conditions outlined in the Substitution Decision document for the scope of the Project and the scope of the assessment, including meeting all information requirements outlined in CEAA 2012, specifically subsection 19(1) factors and environmental effects as defined in section 5 of CEAA 2012.



Richmond

Dye Road

Fraser River

Dredge Area

Bunker Platform

FTBB Platform

FTBB Trestle

Main Trestle

Export Platform

Marine Jetty Laydown Area

Onshore Piperack

Hopcott Road

Delta

Access Road

FortisBC Storage Tank

Tilbury Road

MacDonald Road

LEGEND

- ▭ PROJECT BOUNDARY
- PRELIMINARY BERTH CONCEPT - PROJECT LAYOUT
- PRELIMINARY BERTH CONCEPT - DREDGE POCKET
- WATERCOURSE
- ROAD
- RAILWAY
- - - - FRASER RIVER SHIPPING CHANNEL
- - - - FERRY ROUTE
- HIGH PRESSURE PIPELINE



REFERENCE

1. RAILWAYS OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT.
2. ROADS, WATERCOURSE, WATERBODY DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
3. IMAGERY COPYRIGHT © 20160418 ESRI AND ITS LICENSORS. SOURCE: DIGITAL GLOBE, VIVID USA WV02 USED UNDER LICENSE. ALL RIGHTS RESERVED. PROJECTION: UTM ZONE 10; DATUM: NAD 83

CLIENT

WESPAC MIDSTREAM - VANCOUVER LLC

PROJECT

TILBURY MARINE JETTY
DELTA, B.C.

TITLE

PROJECT COMPONENTS

CONSULTANT

YYYY-MM-DD 2018-10-10

PREPARED JP

DESIGN KM

REVIEW KM

APPROVED DC



PROJECT NO.
13-1422-0049

CONTROL
6020

Rev.
0

FIGURE
1.0

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3.2 Proponent Overview

WesPac is a wholly-owned private Delaware limited liability company with headquarters in Irvine, California, United States of America (USA). WesPac and its affiliate companies are collectively known as WesPac Midstream. WesPac Midstream develops, constructs, owns, and operates energy infrastructure throughout North America, providing customers with clean, safe, and efficient modes of fuel supply, processing, storage, and distribution. WesPac Midstream also has considerable experience in the construction, operations, and maintenance of fuel distribution systems. Additionally, WesPac Midstream has extensive knowledge of North American fuel supply infrastructure and logistics, including trading and pricing mechanisms. The company's technical expertise and modern facilities have earned it a solid reputation in the industry.

Since 2011, WesPac Midstream has maintained a principal focus on LNG liquefaction facilities, storage and transportation. WesPac Midstream projects are focused on high horsepower engine applications including oil-to-gas fuel switching in power plants, commercial ships, railroad locomotives, trucking and other industries.

4.0 PURPOSE OF ABORIGINAL CONSULTATION REPORT 2

As specified in Section 15.1 of the Section 11 Order issued by EAO on July 24, 2015 (EAO, 2015a), Aboriginal Consultation Reports (ACRs) are required at the following Project milestones:

- Following Working Group review of the draft Application Information Requirements (dAIR);
- With submission of the Application for evaluation;
- Following the public comment period on the Application; and
- At any other time specified by the Project Assessment Lead.

The intent of Aboriginal Consultation Report 2 (ACR2) is to satisfy the second reporting requirement noted above by providing a summary of consultation activities undertaken during the Initial Engagement and Pre-Application Stage, which included submission of the Project Description, VC Selection Document, the AIR, and the Application for evaluation. Specifically, this report provides a summary of the following:

- Consultation activities that WesPac has undertaken to October 5, 2018 to consult with all Aboriginal groups identified in Schedules B and C of the Section 11 Order and in the Section 13 Orders issued by EAO (EAO, 2015a, 2015b, 2016, 2018);
- WesPac's adherence to the Aboriginal Consultation Plan (ACP) for the reporting period;
- Information received to date regarding issues, concerns or interests received from Aboriginal groups related to potential Project effects on Aboriginal Interests, including the current use of lands and resources for traditional purposes (Current Use) and other CEAA 2012 5(1)(c) requirements or other matters of environmental, economic, social, heritage, or health concern related to the Project, including factors to be considered under subsection 5(1) and 5(2) of CEAA 2012;
- WesPac's responses or actions related to issues, concerns or interests from Aboriginal groups regarding potential effects of the Project on Aboriginal Interests, including Current Use; and
- Ongoing Aboriginal consultation and engagement planned for the Application Review and Post-Environmental Assessment Certificate (EAC) consultation stages.

A summary of key issues, concerns and interests raised by Aboriginal groups to date, along with WesPac responses to those issues and concerns, is provided in Appendix A: Summary of Aboriginal groups' Key Issues and Concerns and Proponent Responses. WesPac will continue to work with Aboriginal groups to identify potential Project-related effects on Aboriginal Interests, including Current Use and other CEAA 2012 5(1)(c) requirements, and how such effects will be avoided, reduced, or otherwise managed.

In accordance with the Section 11 Order, a draft version of ACR2 was provided to Schedule B and Schedule C Aboriginal groups for their review and comment on October 22, 2018. WesPac requested that Aboriginal groups provide comments by November 5, 2018 (two-week review period). WesPac provided all Aboriginal groups with a final copy of ACR2 once it had been accepted by EAO.

5.0 ABORIGINAL GROUPS INPUT INTO ABORIGINAL CONSULTATION REPORT 2

A draft version of ACR2 was shared with all Aboriginal groups for review and comment in accordance with Section 15.2 in the Section 11 Order for the Project (EAO, 2015a).

WesPac received comments from the following Aboriginal groups:

- Cowichan Tribes;
- Lyackson First Nation;
- Musqueam Indian Band;
- Tsawwassen First Nation; and
- Tseil-Waututh Nation

The following Aboriginal groups did not respond to WesPac's requests for comments:

- Halalt First Nation;
- Lake Cowichan First Nation;
- Penelakut Tribe;
- Semiahmoo First Nation;
- Squamish Nation;
- Stz'uminus First Nation;
- Katzie First Nation;
- Métis Nation British Columbia;
- People of the River Referrals Office;
- Stó:lō Nation; and
- Stó:lō Tribal Council.

Each of the five Aboriginal groups who reviewed the document provided useful comments and clarifications which have been incorporated and addressed. We received no letters from Aboriginal groups stating they had reviewed the document and had no comments.

Katzie First Nation, a Schedule C Aboriginal group, informed WesPac that they would not be able to complete a full review of ACR2 as they had not been provided with capacity funding to support their participation.

WesPac updated the draft ACR2 with the comments received from Aboriginal groups. WesPac then provided the revised ACR2 to all Schedule B Aboriginal groups and with EAO prior to submission of the final ACR2. WesPac also provided a written response to each Aboriginal group that provided comments on the draft ACR2 to explain how their comments had been considered in the updated report.

6.0 IDENTIFICATION OF SCHEDULE B AND C ABORIGINAL GROUPS

The Section 11 Order and Section 13 Orders (EAO, 2015a, 2015b, 2016, 2018) list the Aboriginal groups identified for consultation on the Project (Schedule B Aboriginal groups):

- Cowichan Tribes;
- Halalt First Nation;
- Kwantlen First Nation;
- Lake Cowichan First Nation;
- Lyackson First Nation;
- Musqueam Indian Band;
- Penelakut Tribe;
- Semiahmoo First Nation;
- Squamish Nation;
- Stz'uminus First Nation;
- Tsawwassen First Nation; and
- Tseil-Waututh Nation.

Cowichan Tribes, Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation are also affiliated as the Cowichan Nation Alliance. WesPac provided capacity funding to each Aboriginal group to support their engagement on the Project. Cowichan Tribes, Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

The Section 11 Order and Section 13 Orders list the following Aboriginal groups as requiring notification (Schedule C Aboriginal groups):

- Katzie First Nation;
- Métis Nation British Columbia;
- People of the River Referrals Office;
- Stó:lō Nation; and
- Stó:lō Tribal Council.

On August 2, 2016, WesPac received a notice from the People of the River Referrals Office that it had deferred review of the Project to Musqueam Indian Band and Tsawwassen First Nation.

7.0 ABORIGINAL CONSULTATION

This section provides information on the consultation activities that WesPac has undertaken with Aboriginal groups prior to submission of the Application. Section 9.0 provides an overview of consultation activities that WesPac intends to carry out with those Aboriginal groups in future stages of the Project. For context, this section also provides an overview of the ACP for the Project, which was approved by EAO in June 2016.

7.1 Consultation Approach: Objectives & Principles

WesPac's primary objectives for consultation with Aboriginal groups are to:

- Provide Aboriginal groups with access to relevant and meaningful Project information, and to communicate both technical and non-technical information in a manner that supports understanding and facilitates feedback;
- Provide a communications stream for Aboriginal groups that is separate from the public communications stream, in recognition of the unique history, interests, and concerns of the Aboriginal groups as well as the Crown's legal duty to consult, in relation to the Project and Section 11 Order requirements;
- Identify Aboriginal Interests that potentially could be affected by the Project;
- Identify measures to avoid, reduce, or otherwise manage potential effects on Aboriginal Interests and seek feedback on these measures;
- Provide opportunities to learn more about traditional use (TU) and traditional ecological knowledge (TEK) as it relates to the Project so that it can be considered, and where applicable and feasible, incorporated into assessments undertaken for the Application;
- Provide a process for tracking and considering input received from Aboriginal groups and reporting how comments will be addressed that will meet requirements and expectations of applicable federal and provincial agencies and programs for the Project;
- Anticipate and address potential issues and concerns brought forth by Aboriginal groups; and
- Report outcomes of consultations throughout the EA review process.

WesPac has provided capacity funding to 10 Schedule B Aboriginal groups to support meaningful participation in the EA review process. WesPac continues to be prepared to enter into capacity funding agreements with Schedule B Aboriginal groups through future stages of consultation.

7.2 Consultation Stages

WesPac is undertaking a four-stage consultation process with Aboriginal groups comprising Initial Engagement, Pre-Application Consultation, Application Review Consultation, and Post-EAC Consultation. WesPac has undertaken activities under the first two stages of consultation. Table 7-1 provides an overview of the consultation stages for the Project and the status for conclusion of each of those stages.

Table 7-1: Consultation Stages

| Stage | Overview | Timeline/Status |
|--|---|---|
| <p>Initial Engagement</p> | <p>Initial Engagement activities included:</p> <ul style="list-style-type: none"> • Identification of Aboriginal groups that may be affected by the Project. • Initial letters, phone calls and meetings with potentially-affected Aboriginal groups. • Providing information about the Project to potentially-affected Aboriginal groups. • Identification of early concerns with the Project and development of engagement protocols with potentially-affected Aboriginal groups. | <p>Summer 2014 (Project identification) through Spring 2015 (acceptance of the Project Description by BC EAO May 6, 2015)</p> |
| <p>Pre-Application Consultation</p> | <p>Pre-Application Consultation activities with Aboriginal groups listed in the Section 11 and subsequent Section 13 Orders included:</p> <ul style="list-style-type: none"> • Ongoing communications and meetings with Aboriginal groups based on the Section 11 Order and communication protocols with Aboriginal groups. • Working group meetings (Schedule B Aboriginal groups). • Gathering TU/TEK information to inform Part B Valued Components (VC) and Part C of the Application (all Aboriginal groups). • Gathering information about Aboriginal Interests and potential mitigation strategies (all Aboriginal groups). • Involvement and input on studies (Schedule B Aboriginal groups). • Tracking and responding to comments from all Aboriginal groups. • Providing comments on the draft ACP (Schedule B Aboriginal groups). • Providing comments on the draft VC Selection (Schedule B Aboriginal groups through Working group and Schedule C Aboriginal groups through public comment period). • Working group review of the dAIR (Schedule B Aboriginal groups). Response to comments from Schedule B Aboriginal groups. • Providing comments on the draft Aboriginal Consultation Report 1 (ACR1) from Aboriginal groups. • Review and responding to comments on draft group-specific baseline information to be included in the Application (Schedule B Aboriginal groups). • Providing the draft ACR2 to all Aboriginal groups for review and comment. | <p>Spring 2015 (issuance of Section 10 Order) through Fall 2018 (Application submitted)</p> |

| Stage | Overview | Timeline/Status |
|--|--|---|
| Application Review Consultation | Anticipated consultation activities include: <ul style="list-style-type: none"> • Updating ACR2 and responding to comments on draft ACR2 received from Aboriginal groups during Application screening (all Aboriginal groups). • Ongoing communications and meetings with Aboriginal groups based on the Section 11 Order and communication protocols with Aboriginal groups. • Working group meetings and any committees or sub-working groups as established by EAO (Schedule B Aboriginal groups). • Participatory meetings with Aboriginal groups, as needed. • Tracking and responding to comments on Application from all Aboriginal groups (Schedule B Aboriginal groups through EAO process and Schedule C Aboriginal groups through the Public Comment Period). • Review and responding to comments on draft ACR 3 (all Aboriginal groups). | Fall 2018 through Spring 2019 (EAO acceptance of the Application up to decision on issuance of the EAC). |
| Post-EAC Consultation | Issuance of the EAC to end of Project. Consultation activities will follow requirements of the EAC or agreements with individual Aboriginal groups. | April 2019 – project completion |

7.3 Aboriginal Consultation Plan: Overview

The Aboriginal Consultation Plan (ACP) was developed to help frame Aboriginal consultation activities and to satisfy Proponent Aboriginal consultation requirements identified in EAO’s Section 11 Order (EAO, 2015a). The Section 11 Order outlines the scope, procedures, and methods for the EA and includes specific provisions for the consultation required with Aboriginal groups. Amendments to the list of Aboriginal groups were made in Section 13 Orders (EAO, 2015b, 2016, 2018). The ACP describes proposed consultation activities throughout the EA process. The ACP is also intended to provide an opportunity for input into project design and decision-making by gathering input from Aboriginal groups during the Pre-Application stage.

Specifically, the ACP was developed to:

- Identify Aboriginal issues and concerns and Aboriginal Interests, with respect to the Project so that they may be addressed;
- Obtain TU and TEK information pertaining to resources and the environment that can inform baseline and effects assessments;
- Identify potential Project-related effects on Aboriginal Interests or other matters of environmental, economic, social, heritage, or health concern related to the Project, including factors to be considered under subsections 5(1) and 5(2) of CEAA 2012;
- Provide a framework for discussions with Aboriginal groups to identify potential training, employment and business opportunities that may arise from the Project; and
- Enhance potential positive effects of the Project and mitigate potential adverse effects on Aboriginal groups.

The ACP was provided to Schedule B Aboriginal groups for review and comment in October 2015. Squamish Nation and Semiahmoo First Nation did not review the ACP as they were added to Schedule B in the Section 13 Order dated May 11, 2016 (EAO, 2016).

The ACP was revised based on input received from those Aboriginal groups, and approved by EAO and posted to the EAO website on June 16, 2016.

7.4 Aboriginal Consultation Methods – Initial Engagement and Pre-Application Stages

WesPac used the following methods to engage with all Aboriginal groups listed under Section 11 and 13 Order requirements (EAO, 2015a, 2015b, 2016, 2018).

7.4.1 Correspondence by Mail or Email

WesPac sent out letters to all Aboriginal groups to introduce WesPac and the Project. WesPac has sent subsequent correspondence to all Aboriginal groups to provide Project updates and information on activities and milestones related to the EA process. WesPac will continue to send correspondence to all Aboriginal groups to inform them of changes to the Project design or schedule or at key milestones during the Pre-Application and Application Review stages.

7.4.2 Presentations and Meetings

WesPac extended an offer to meet with and provide presentations about the Project to all Aboriginal groups in the letters of introduction and in subsequent correspondence providing updates on the Project. WesPac will continue to meet with Aboriginal groups to provide information at key milestones or as needed to keep the Aboriginal groups informed about the Project as the EA process continues. Subjects for discussion at the meetings have included, and will continue to include:

- Description of the Project;
- Changes or updates to Project design and schedule;
- Consultation protocols, capacity agreements, and memoranda of understanding;
- Aboriginal Interests, as they relate to the Project;
- Information on current use of lands and resources for traditional purposes that may be affected by the Project;
- Identification of potential effects on Aboriginal Interests and opportunities for accommodation of those effects through avoidance, mitigation, Project design changes or other accommodations as provided for in agreements between WesPac and an Aboriginal group;
- Participation in environmental studies and fieldwork;
- Economic and employment opportunities;

- Project development schedule and status updates; and
- Other concerns as raised by Aboriginal groups.

In discussions with all Aboriginal groups, WesPac has also sought, and will continue to seek, information on topics that will satisfy CEAA 2012 Section 5(1)(c) requirements to assess any change that may be caused to the environment on:

- (i) health and socio-economic conditions,
- (ii) physical and cultural heritage,
- (iii) the current use of lands and resources for traditional purposes, or
- (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

7.4.3 Information Distribution Methods

Schedule C Aboriginal groups were provided with the opportunity to comment directly to EAO on the draft VC Selection Document during the public comment period. WesPac provided responses to those comments along with comments received from the public. Schedule B Aboriginal groups were provided additional opportunities to review and provide comments as described in the consultation summaries presented in Section 7.4.8.

WesPac sent electronic and/or hardcopies of key EA documents to Schedule B Aboriginal groups throughout the EA process, including drafts of the ACP, the VC Selection Document, the Application Information Requirements and ACR1. Comments were considered and incorporated into the documents, where appropriate, and as described in further detail in the group-specific summaries presented in Sections 7.4.8 and 7.4.9 of this report. For those comments not incorporated in the updated documents, WesPac has provided a rationale for their exclusion either directly to the specific Aboriginal group or through EAO and the Working Group.

Schedule B Aboriginal groups also had the opportunity to provide comments directly to EAO on drafts of the VC Selection Document and the AIR through participation in the Working Group led by EAO. WesPac provided written responses to comments from Aboriginal groups through the Working Group process.

Schedule C Aboriginal groups were not sent the draft VC Selection document to review, which at the time included Squamish Nation and Semiahmoo First Nation. Squamish Nation and Semiahmoo First Nation, who were subsequently added to Schedule B Aboriginal groups, were subsequently provided with an opportunity to review and comment on the draft AIR through Working Group and ACR1 directly to WesPac.

7.4.4 Methods of Documenting Project Communications

Detailed documentation of WesPac's consultation activities with all Aboriginal groups, and tracking issues of importance throughout the Pre-Application and Application Review stages for the Project utilized the following tools:

- A chronological Communications Tracking Table for each Aboriginal group, to track attempted and successful contact events, for use in helping to demonstrate the quantity and quality of communication efforts; and

- Issue-tracking table, identifying specific interests and concerns raised, the approach WesPac proposes to take to address each key interest or concern, proposed mitigation measures to address interests/concerns if appropriate and the status of implementation of the approach.

An example for each of these tables was included in Appendix B of the ACP. These tools assist with managing follow-through on commitments made during the course of consultations on the Project, proposed mitigation measures or design changes, as well as with reporting out on consultation activities to support regulatory and permitting purposes. The Section 11 and 13 Orders require that logs and tracking tables be provided to applicable Aboriginal groups for review and comment at periodic intervals to promote shared understanding of the discussions, outcomes, and next steps. As required by the Section 11 and 13 Orders, WesPac has completed ACR1 and will prepare subsequent Aboriginal Consultation Reports as required by EAO (EAO 2015a,b; EAO 2016; EAO 2018). Drafts of these reports will be provided to Aboriginal groups for review prior to submission to EAO.

7.4.5 Participation Funding - Initial Engagement to the end Pre-Application Stage

WesPac has discussed with Schedule B Aboriginal groups their needs for capacity funding to support their participation in the EA process. The purpose of capacity funding is to facilitate Aboriginal groups' participation in technical reviews and analyses, for involvement in ongoing consultation activities, and to support Aboriginal groups in presenting Project-related information to their Chief and Council and members. WesPac has entered into agreements with 10 Schedule B Aboriginal groups during Initial Engagement and Pre-Application consultations and continues to work with Aboriginal groups to finalize funding agreements for ongoing consultation activities, where no such agreements are currently in place.

7.4.6 Traditional Use, Traditional Knowledge & Other Studies

WesPac has offered funding to each Schedule B Aboriginal group to prepare and submit a traditional use study or other mutually agreed-to Project-related study. WesPac has entered into several agreements to provide this funding and several studies have been submitted. Other studies are expected to be completed and submitted at the time of, or shortly after, filing of the Application. The purpose of these studies is to gather information directly from Aboriginal groups on their use of the area and TEK related to VCs considered in the EA process. These studies also provide information that help to inform each Aboriginal group's internal review of the Application. The agreed-to scope and timelines for delivery of each of these studies has been detailed in individual funding agreements with each Aboriginal group.

WesPac reviewed studies received up to September 30, 2018 for the EA assessment, along with other information provided by Aboriginal groups, including information in relation to their past, current and desired future use of the Project area, Aboriginal Interests and potential Project-related impacts to those Aboriginal Interests.

Table 7-2 outlines the studies submitted by Aboriginal groups to WesPac.

Table 7-2: Traditional Use, Traditional Knowledge & Other Studies Submitted by Aboriginal groups

| Aboriginal Group | Study |
|---|--|
| Tsleil-Waututh Nation | <i>Tsleil-Waututh Nation Traditional Use Study Review in Relation to the Wespac Tilbury Marine Jetty Project</i> , prepared by Jesse Morin for Tsleil-Waututh Nation, Treaty Lands and Resources Department, November 7, 2016. |
| Musqueam Indian Band | <i>xʷməθkʷəy̓əm Musqueam Indian Band Knowledge and Use Study: WesPac Midstream's Proposed LNG Marine Jetty Project</i> , prepared by Jordan Tam, Rachel Olson and Firelight Research Inc. with the Musqueam Indian Band, October 9, 2018. |
| Tsawwassen First Nation | Not yet provided at time of Application finalization. |
| Cowichan Nation Alliance (Cowichan Tribes, Halalt, Penelakut and Stz'uminus) | Project-specific study not yet provided at time of Application submission. Cowichan Nation Alliance permitted WesPac to use the following studies completed for other projects along the Fraser River: <ul style="list-style-type: none"> • <i>Cowichan Nation Traditional, Current, and Planned Future Use of the George Massey Tunnel Replacement Bridge Project Area</i>, prepared by Candace Charlie for Cowichan Tribes, on behalf of the Cowichan Nation Alliance, August 9, 2015 • <i>George Massey Tunnel Replacement Project: Cowichan Occupation and Use of the Project Lands</i>, prepared by Dorothy Kennedy for David Robbins of Woodward and Co., Counsel for the Cowichan Tribes, on behalf of the Cowichan Tribes, August 25, 2015 • <i>Historical Geography of Cowichan Land Use and Occupancy Lower Fraser River: Map Series and Report</i>, prepared for Woodward and Company and the Cowichan Tribes by Kenneth G. Brealey, May 31, 2010 • <i>Cowichan Nation Alliance Strength of Claim Report</i>, prepared by Daniel Marshall for Pacific Reach Consulting Ltd., October 16, 2017 |
| Lyackson First Nation | Agreement not reached at time of Application finalization. |
| Lake Cowichan First Nation | Not yet provided at time of Application finalization. |
| Kwantlen First Nation | <i>Kwantlen Land Use and Occupancy in the Vicinity of Tilbury Island</i> , prepared by Benjamin Jones and Duncan McLaren, February 15, 2016 |
| Squamish Nation | Agreement not reached at time of Application finalization. |
| Semiahmoo First Nation | Not yet provided at time of Application finalization. |

WesPac received Musqueam's Knowledge and Use Study (KUS) for the Project on October 9, 2018. The Application has been updated with the information provided in the KUS during the 30-day screening of the Application.

For those Aboriginal groups whose studies were not submitted prior to finalization of the Application, WesPac sought their explicit permission to use studies prepared for other project reviews. WesPac also relied on publicly available information to develop the baseline for the Application.

7.4.7 Aboriginal Consultation to Date

7.4.7.1 Overview of Consultation Activities - Initial Engagement Stage

WesPac initiated engagement with Aboriginal groups prior to submission of the Project Description in December 2015. WesPac determined which Aboriginal groups to contact during this stage through a query of the public version of the province's Consultative Areas Database. WesPac did not contact Métis Nation British Columbia or the People of the River Referrals Office during the Initial Engagement Stage, as they were not identified in the search of the Consultative Areas Database.

Prior to submission of the Project Description, WesPac sent letters to all Aboriginal groups identified to introduce the Project and provide details about the company. WesPac attached a four-page information brochure to the letter. The letters also included an offer to meet and discuss the Project. WesPac provided a draft of the Project Description to Aboriginal groups that requested it prior to submission of the document to the EAO and the CEA Agency. During the Initial Engagement Stage, WesPac met with several Aboriginal groups, some on multiple occasions.

WesPac entered into capacity funding agreements with six Schedule B Aboriginal groups during the Initial Engagement Stage to support their participation in the EA process up until submission of the Application.

Summaries of WesPac's consultation with Aboriginal groups that have been undertaken up until finalization of the Application are provided in the group-specific conclusions in Section 7.4.8 for Schedule B Aboriginal groups and Section 7.4.9 for Schedule C Aboriginal groups.

7.4.7.2 Overview of Consultation Activities - Pre-Application Stage Consultation

The Pre-Application Stage of the EA process started on May 6, 2015 when EAO issued the Section 10 Order, which specified that the Project is reviewable under the BCEAA. The Project also triggered a review under CEAA, and on July 10, 2015, the federal Minister of the Environment granted BC's request for a substituted process. On July 24, 2015, EAO issued the Section 11 Order, which included procedures for consultations with Aboriginal groups and the list of Schedule B and C Aboriginal groups (EAO, 2015a). EAO updated Schedules B and C in subsequent Section 13 Orders dated September 25, 2015, May 11, 2016 and February 14, 2018 (EAO, 2015b, 2016, 2018).

Engagement with many of the Aboriginal groups began prior to submission of the Project Description and issuance of the Section 10 Order and continued through the Pre-Application Stage. Consultation activities during this stage included meetings in-person or by phone with Chief and Council, elected officials or other representatives or staff, email correspondence, site visits, participation in baseline studies and Working Group meetings.

During this stage, WesPac also provided Schedule B Aboriginal groups with the following draft EA documents for review and comment:

- ACP
- VC Selection Document
- Application Information Requirements
- ACR1

WesPac has also provided Schedule B Aboriginal groups with the opportunity to provide input to Project design considerations through EAO-led Working Group meetings and meetings with individual Aboriginal groups during the Pre-Application Stage.

WesPac entered into, or extended existing, capacity funding agreements with 10 Schedule B Aboriginal groups during the Pre-Application Stage to support their participation in the EA process up until submission of the Application. WesPac is currently discussing additional capacity funding for the Application Review Consultation Stage with Schedule B Aboriginal groups.

Pre-Application Stage consultations continued to focus on:

- Relationship building;
- Identifying preferred communication methods and expectations;
- Identifying potential effects on Aboriginal Interests and Current Use and other CEAA 2012 5(1)(c) requirements, with the intent of avoiding, reducing or managing potential adverse effects, and accommodating mitigation measures where required;
- Identifying means to mitigate potential adverse effects on Aboriginal Interests; and
- Discussing opportunities to participate in human and biophysical environmental studies and other training and economic benefits.

A summary of the interests, comments, concerns and issues raised by Aboriginal groups to date during the Pre-Application Stage are summarized in Appendix A: Summary of Aboriginal groups' Key Issues and Concerns and Proponent Responses.

Once EAO and the Working Group have reviewed the Application for completeness and accepted the Application for review, the 180-day Application Review Stage will commence.

7.4.7.3 Working Group Meetings

EAO hosted five Working Group meetings and two site tours by boat during the Pre-Application Stage. Table 7-3 provides information on these EAO hosted activities, including dates, topics discussed and the Aboriginal groups in attendance.

Table 7-3: EAO Hosted Working Group Activities

| Working Group Activity | Date | Topics Discussed | Aboriginal Groups in Attendance |
|-------------------------------|------------------|---|--|
| Meeting #1 | July 21, 2015 | <ul style="list-style-type: none"> ▪ Overview of the EA process in BC ▪ Overview of the Project ▪ Preliminary Issues and VCs/PCs | Halalt First Nation Lyackson First Nation Musqueam Indian Band Tsawwassen First Nation |
| Meeting #2 | December 1, 2015 | <ul style="list-style-type: none"> ▪ Overview of the draft VC document, including WesPac's changes reflecting Working Group comments ▪ Introduction to the AIR in the EA process by EAO ▪ Overview of the dAIR by WesPac ▪ Future Site Tour and the December Open Houses | Kwantlen First Nation Musqueam Indian Band Tsleil-Waututh Nation |
| Site Tour #1 | February 3, 2016 | <ul style="list-style-type: none"> ▪ Site tour by boat | Cowichan Tribes Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation |
| Meeting #3 | February 4, 2016 | <ul style="list-style-type: none"> ▪ Scope of Marine Shipping ▪ "Journey of the Tanker" by Transport Canada, Fraser River Pilots, Port Metro Vancouver, Pacific Pilotage Authority and Canadian Coast Guard ▪ SIGTTO LNG Site Selection Summary ▪ Overview of Key Changes to the draft VC Document ▪ Key Components of the dAIR and Working Group Review of the dAIR | Cowichan Tribes Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation |
| Meeting #4 | August 23, 2016 | <ul style="list-style-type: none"> ▪ EA Process Update ▪ WesPac Project Update ▪ VC Selection Discussions and Questions | Cowichan Tribes Halalt First Nation Lyackson First Nation Musqueam Indian Band Squamish Nation (dial-in) Tsawwassen First Nation Tsleil-Waututh Nation |

| Working Group Activity | Date | Topics Discussed | Aboriginal Groups in Attendance |
|-------------------------------|-----------------|--|--|
| Meeting #5 | May 3, 2018 | <ul style="list-style-type: none"> ▪ Reintroduction of the Project ▪ EA Overview ▪ Assessment Approach and Key Findings | Cowichan Tribes Halalt First Nation (dial-in) Lake Cowichan First Nation Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation |
| Site Tour #2 | October 4, 2018 | <ul style="list-style-type: none"> ▪ Site tour by boat | Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation |

7.4.7.4 Traditional Use, Traditional Knowledge & Other Studies

WesPac has requested TU and TEK information from all Aboriginal groups with whom they have engaged. WesPac has offered to contribute funding toward TU studies to gather this information with all Schedule B Aboriginal groups engaged on the Project but has entered into only a few agreements to date.

WesPac is committed to incorporating TU and TEK information provided by Aboriginal groups into the existing conditions and effects assessments for Part C and relevant Part B VCs in the Application. If Aboriginal groups are unable to complete TU studies prior to Application submission, WesPac will use available relevant information that they may subsequently receive to inform Construction and Operations Environmental Management Plans and relevant mitigation measures to the extent possible.

7.4.7.5 Other Consultation Activities

Sponsorship

Where requested by Aboriginal groups, WesPac has provided sponsorship funding for community events, although WesPac has not received many requests to date.

Cultural/Community Tours

WesPac has participated in cultural/community tours hosted by two of the Schedule B Aboriginal groups. WesPac has also expressed interest in learning more about cultural or community initiatives by participating in cultural tours with other Schedule B Aboriginal groups.

7.4.8 Consultation Summaries for Schedule B Aboriginal Groups

7.4.8.1 Cowichan Tribes

This section provides a summary of consultation activities undertaken by WesPac with Cowichan Tribes during the Initial Engagement and Pre-Application Consultation stages.

Cowichan Tribes engaged with WesPac directly and collectively as a member community of the Cowichan Nation Alliance, along with Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation. WesPac provided funding to support Cowichan Tribes' engagement on the Project. Cowichan Tribes, along with the other Cowichan Nation Alliance member communities, pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

To date, WesPac has undertaken the following activities with Cowichan Tribes:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Provision of funding to support Cowichan Tribes' participation in the EA process and for the completion of a Project-related study
- Sharing of draft EA documents for review and comment
- Site tours
- EAO-led working group meetings

Table 7-4 provides an overview of the key consultation activities WesPac undertook with Cowichan Tribes in the first two stages of consultation.

Table 7-4: Overview of key consultation activities – Cowichan Tribes

| Date | Type of Engagement | Summary |
|-------------------|--------------------|---|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| January 8, 2015 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation and Penelakut Tribe, as members of Cowichan Nation Alliance, to introduce the Project. |
| January 15, 2015 | Email | WesPac provided information requested at the January 8 meeting with Cowichan Nation Alliance. |
| January 22, 2015 | Email | WesPac provided a draft Capacity Funding Agreement to support Cowichan Tribes' participation in the Project review. |
| February 5, 2015 | Telephone | Meeting between WesPac and Cowichan Nation Alliance to discuss the draft Capacity Funding Agreement provided by WesPac. WesPac also notified Cowichan Nation Alliance that they would be sending the Project Description in the next week for review and comment. |
| February 13, 2015 | Email | WesPac shared the draft Project Description for review and comment. |
| February 26, 2015 | Email | WesPac provided a press release related to an announcement that WesPac would be building a LNG bunker barge in North America. WesPac note that it had not yet identified where the barge would be loaded, but the proposed Tilbury jetty was a possibility. |

| Date | Type of Engagement | Summary |
|--------------------|-----------------------|---|
| May 6, 2015 | Email | WesPac confirmed that WesPac had officially submitted the Project Description to EAO on April 30th and CEAA on May 4th, starting the EA process. |
| May 8, 2015 | Email | WesPac provided the final draft of a sediment sampling plan and environmental management plan for upcoming sampling program to provide Cowichan Tribes the opportunity to comment and, if desired, have a Cowichan representative monitor some or all of the work activities. |
| July 21, 2015 | Working Group Meeting | Cowichan Tribes did not attend the Working Group meeting. Of the other Cowichan Nation Alliance member communities, only Halalt First Nation attended. |
| July 27, 2015 | Letter | WesPac provided a fully executed Capacity Funding Agreement and a cheque to Cowichan Tribes for their participation in the EA review process. |
| August 18, 2015 | Email | WesPac notified Cowichan Tribes that the investigative drilling program was being planned for September. |
| September 1, 2015 | Email | WesPac notified Cowichan Tribes that due to changes to the geotechnical testing program, archaeological observation would not be undertaken. An update on the testing program was provided. |
| September 23, 2015 | Email | WesPac indicated that the geotechnical testing and sampling of the dredge material was completed, noting that no archaeological materials were observed during the program. |
| October 1, 2015 | Email | WesPac informed Cowichan Tribes that the archaeological consultant would contact First Nations directly to invite their participation in the heritage overview field program. |
| October 5, 2015 | Email | WesPac provided the Draft ACP for the Project for Cowichan Tribes' review and comments. |
| November 16, 2015 | Email | WesPac provided an update on the Project, which included information regarding the EAO public comment period on the draft VC Selection document. A copy of the Open House information sheet was attached to the email. |
| October 23, 2015 | Letter | Cowichan Nation Alliance provided comments to WesPac on the Draft ACP. |
| December 1, 2015 | Working Group Meeting | Neither Cowichan Tribes nor the other Cowichan Nation Alliance member nations attended the Working Group Meeting. |
| December 18, 2015 | Email | Cowichan Nation Alliance provided comments to the EAO and WesPac on the draft VC Document. |
| January 21, 2016 | Meeting | Project update meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation to discuss Tl'uq̓tinus, which included future plans, and information on the current use of lands and resources for traditional purposes and other Aboriginal Interests. |
| February 3, 2016 | Site Tour | Cowichan Tribes participated in the boat tour of Project site. |

| Date | Type of Engagement | Summary |
|------------------|-----------------------|--|
| February 4, 2016 | Working Group Meeting | Cowichan Tribes attended the Working Group Meeting. |
| May 6, 2016 | Email | In follow-up to an action item from the February 4 Working Group Meeting related to a draft security plan for the Project, WesPac reported they had further conversations with Port Metro Vancouver and others regarding the security plan and WesPac needed to revise the plan before it could be shared. |
| June 20, 2016 | Email | WesPac requested a cost estimate to complete a Project-related study. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 23, 2016 | Working Group Meeting | Cowichan Tribes and Halalt First Nation attended the Working Group Meeting. |
| November 7, 2016 | Email | WesPac provided the updated ACR1 and a tracking table showing how their comments were addressed in the updated document. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| January 12, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation and Stz'uminus First Nation. WesPac provided updates on the Project team and design. The Aboriginal groups reported that the TU study would commence shortly and would be available by middle of 2018. |
| March 1, 2018 | Email | WesPac confirmed that it was ready to proceed with the Cowichan Nation Alliance TU study and requested that the proposal be revised with current dates for WesPac to sign. |
| March 22, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes to provide an update on the project design and the updated schedule for the EA process through construction. |
| April 4, 2018 | Email | WesPac provided its additions to Cowichan Nation Alliance's TU study budget and timeline and confirming that a signed version of the attached document would be sufficient to move things forward. |
| April 13, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided an update on the Project design and schedule and to discuss the status of the agreement for the TU study. |
| April 14, 2018 | Email | WesPac requested that its consultant's socio-economic team be provided an opportunity to meet with members or provide a questionnaire to gather information on commercial marine for the Application. |
| April 30, 2018 | Email | Request for permission to use information from TU studies prepared for other Projects along the Fraser River near the Project site. |

| Date | Type of Engagement | Summary |
|---------------|-----------------------|---|
| May 1, 2018 | Email | WesPac emailed the signed agreement for the Cowichan Nation Alliance TU study. |
| May 2, 2018 | Email | WesPac's consultant sent Socio-economic and Marine Use Questionnaire. |
| May 3, 2018 | Working Group Meeting | Cowichan Tribes and Halalt First Nation attended the Working Group Meeting. |
| June 4, 2018 | Letter | Cowichan Tribes returned the completed Socio-economic and Marine Use Questionnaire, along with a Commercial Marine Use Map and Other Marine Use Map. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application of Cowichan Tribes to review and comment. |
| July 20, 2018 | Email | Cowichan Tribes provided their comments on the baseline content for the Application. Cowichan Tribes noted that the map provided was not appropriate. |
| July 20, 2018 | Email | WesPac requested that Cowichan Tribes provide an appropriate map. |
| July 23, 2018 | Email | Cowichan Tribes provided suggestions for a territory map for the Application. |

Aboriginal Consultation Plan

WesPac provided Cowichan Tribes with an electronic version of the Draft ACP for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided comments on the Draft ACP directly to WesPac. The main themes for those comments included:

- Editorial corrections to text.
- Clarification regarding the description of *Tl'uq̓tinus*.
- Request to include consideration of the future use of *Tl'uq̓tinus* in the Application.
- Request that Aboriginal groups be provided with proof their comments were considered and a rationale for those that were not included.
- Scope of consultation should not be limited to current use; future use must be considered.

WesPac incorporated Cowichan Nation Alliance's comments into the updated Draft ACP, where appropriate, along with comments from EAO who reviewed the draft simultaneously. The updated content was included in the Draft ACR1. Cowichan Nation Alliance's specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Cowichan Nation Alliance for review.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Cowichan Tribes for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided comments on the Draft ACR1 directly to WesPac. Those comments were incorporated into the report where appropriate and a tracking table was provided that demonstrated how those comments were incorporated, as well as a rationale for those that were not incorporated.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Cowichan Tribes for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Cowichan Tribes identified one error in the text and noted that they had not entered into a capacity funding agreement with WesPac to date. The error was corrected and WesPac has contacted Cowichan Tribes regarding their capacity funding question.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement Stage, WesPac provided the Draft Project Description to Cowichan Tribes for review and comment. Cowichan Tribes did not provide comments on the document directly to WesPac.

During the Pre-Application Consultation Stage, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft sediment sampling plan and environmental management plan for sampling program to characterize river sediment in this area for structural/geotechnical engineering purposes and potential ocean disposal (or beneficial use) of dredge material.
- Draft VC Selection Document
- dAIR
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Cowichan Tribes for the Application
- Draft ACR2

Cowichan Tribes provided comments on the baseline content for the Application, which was incorporated into the Application prior to submission. WesPac provided a tracking table demonstrating how Cowichan Tribes' comments were incorporated.

Cowichan Nation Alliance member communities participated in four meetings as represented by:

- Halalt First Nation at Working Group Meeting #1
- Cowichan Tribes at Working Group Meeting #3
- Cowichan Tribes and Halalt First Nation at Working Group Meeting #4
- Cowichan Tribes and Halalt First Nation at Working Group Meeting #5

Cowichan Tribes also attended the site tour on February 3, 2016 that coincided with Working Group Meeting #3.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.2 Halalt First Nation

This section provides a summary of consultation activities undertaken by WesPac with Halalt First Nation during the Initial Engagement and Pre-Application Consultation stages.

Halalt First Nation engaged with WesPac directly and collectively as a member nation of the Cowichan Nation Alliance, along with Cowichan Tribes, Penelakut Tribe and Stz'uminus First Nation. WesPac provided funding to support Halalt First Nation's engagement on the Project. Halalt First Nation, along with the other Cowichan Nation Alliance member communities, pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

To date, WesPac has undertaken the following activities with Halalt First Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Provision of funding to support Halalt First Nation's participation in the EA process and for the completion of a Project-related study
- Sharing of draft EA documents for review and comment
- Site tours
- EAO-led working group meetings

Table 7-5 provides an overview of the key consultation activities WesPac undertook with Halalt First Nation in the first two stages of consultation.

Table 7-5: Overview of key consultation activities – Halalt First Nation

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|--|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| January 8, 2015 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation and Penelakut Tribe; as members of Cowichan Nation Alliance, to introduce the Project. |
| January 15, 2015 | Email | WesPac provided information requested at the January 8 meeting with Cowichan Nation Alliance. |
| January 22, 2015 | Email | WesPac provided a draft Capacity Funding Agreement to support Halalt First Nation's participation in the Project review. |
| February 5, 2015 | Telephone | Meeting between WesPac and Cowichan Nation Alliance to discuss the draft Capacity Funding Agreement provided by WesPac. WesPac also notified Cowichan Nation Alliance that they would be sending the Project Description in the next week for review and comment. |
| February 13, 2015 | Email | WesPac shared the draft Project Description for review and comment. |
| February 26, 2015 | Email | WesPac provided a press release related to an announcement that WesPac would be building a LNG bunker barge in North America. WesPac noted that it had not yet identified where the barge would be loaded, but the proposed Tilbury jetty would be a possibility. |
| May 6, 2015 | Email | WesPac confirmed that WesPac had officially submitted the Project Description to EAO on April 30th and CEAA on May 4th, starting the EA process. |
| May 8, 2015 | Email | WesPac provided the final draft of a sediment sampling plan and environmental management plan for an upcoming sampling program to provide Halalt First Nation the opportunity to comment and, if desired, have a Cowichan representative monitor some or all of the work activities. |
| July 21, 2015 | Working Group Meeting | Halalt First Nation attended the Working Group Meeting. |
| July 27, 2015 | Letter | WesPac provided a fully executed Capacity Funding Agreement and a cheque to Halalt First Nation for their participation in the EA review process. |
| October 5, 2015 | Email | WesPac provided the Draft ACP for the Project for Halalt First Nation's review and comments. |
| November 16, 2015 | Email | WesPac provided an update on the Project, which included information regarding the EAO public comment period on the draft VC Selection document. A copy of the Open House information sheet was attached to the email. |
| October 23, 2015 | Letter | Cowichan Nation Alliance provided comments to WesPac on the Draft ACP. |

| Date | Type of Engagement | Summary |
|-------------------|---------------------------|--|
| December 1, 2015 | Working Group Meeting | Neither Halalt First Nation nor the other Cowichan Nation Alliance member nations attended the Working Group Meeting. |
| December 18, 2015 | Email | Cowichan Nation Alliance provided comments to the EAO and WesPac on the draft VC Document. |
| January 21, 2016 | Meeting | Project update meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation to discuss Tl'uqtinus, which included future plans, and information on current use of lands and resources for traditional purposes and other Aboriginal Interests. |
| February 3, 2016 | Site Tour | Of the Cowichan Nation Alliance member nations, only Cowichan Tribes attended the boat tour of the Project site. |
| February 4, 2016 | Working Group Meeting | Halalt First Nation did not attend the Working Group Meeting. Of the other Cowichan Nation Alliance members, Cowichan Tribes attended the meeting. |
| June 20, 2016 | Email | WesPac requested a cost estimate to complete a Project-related study. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 23, 2016 | Working Group Meeting | Cowichan Tribes and Halalt First Nation attended the Working Group Meeting. |
| November 7, 2016 | Email | WesPac provided the updated ACR1 and a tracking table showing how their comments were addressed in the updated document. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| January 12, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation and Stz'uminus First Nation. WesPac provided updates on the Project team and design. The Aboriginal groups reported that the TU study would commence shortly and would be available by middle of 2018. |
| March 1, 2018 | Email | WesPac confirmed that it was ready to proceed with the Cowichan Nation Alliance TU study and requested that the proposal be revised with current dates for WesPac to sign. |
| April 4, 2018 | Email | WesPac provided its additions to Cowichan Nation Alliance's TU study budget and timeline and confirming that a signed version of the attached document would be sufficient to move things forward. |
| April 13, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation to provide an update on the Project design and schedule and to discuss the status of the agreement for the TU study. |
| April 14, 2018 | Email | WesPac requested that its consultant's socio-economic team be provided an opportunity to meet with members or provide a questionnaire to gather information on commercial marine for the Application. |

| Date | Type of Engagement | Summary |
|----------------|-----------------------|---|
| April 30, 2018 | Email | Request for permission to use information from TU studies prepared for other Projects along the Fraser River near the Project site. |
| May 1, 2018 | Email | WesPac emailed the signed agreement for the Cowichan Nation Alliance TU study. |
| May 2, 2018 | Email | WesPac's consultant sent Socio-economic and Marine Use Questionnaire. |
| May 3, 2018 | Working Group Meeting | Halalt First Nation and Cowichan Tribes attended the Working Group Meeting. |
| July 7, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Halalt First Nation for review and comment. |

Aboriginal Consultation Plan

WesPac provided Halalt First Nation with an electronic version of the Draft ACP for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided comments on the Draft ACP directly to WesPac. The main themes for those comments included:

- Editorial corrections to text.
- Clarification regarding the description of *Tl'uq̓tinus*.
- Request to include consideration of the future use of *Tl'uq̓tinus* in the Application.
- Request that Aboriginal groups be provided with proof their comments were considered and a rationale for those that were not included.
- Scope of consultation should not be limited to current use; future use must be considered.

WesPac incorporated Cowichan Nation Alliance's comments into the updated Draft ACP, where appropriate, along with comments from EAO who reviewed the draft simultaneously. The updated content was included in the Draft ACR1. Cowichan Nation Alliance's specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Cowichan Nation Alliance for review.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Halalt First Nation for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided comments on the Draft ACR1 directly to WesPac. Those comments were incorporated into the report where appropriate and a tracking table was provided that demonstrated how those comments were incorporated, as well as a rationale for those that were not.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Halalt First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Halalt did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement Stage, WesPac provided the Draft Project Description to Halalt First Nation for review and comment. Halalt First Nation did not provide comments on the document directly to WesPac.

During the Pre-Application Consultation Stage, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft sediment sampling plan and environmental management plan for sampling program to characterize river sediment in this area for structural/geotechnical engineering purposes and potential ocean disposal (or beneficial use) of dredge material.
- Draft VC Selection Document
- dAIR
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Halalt First Nation for the Application
- Draft ACR2

Halalt First Nation did not provide comments on the baseline content for the Application.

Cowichan Nation Alliance member communities participated in four meetings as represented by:

- Halalt First Nation at Working Group Meeting #1
- Cowichan Tribes at Working Group Meeting #3
- Cowichan Tribes and Halalt First Nation at Working Group Meeting #4
- Cowichan Tribes and Halalt First Nation at Working Group Meeting #5

Cowichan Tribes also attended the site tour on February 3, 2016 that coincided with Working Group Meeting #3.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.3 Kwantlen First Nation

This section provides a summary of consultation activities undertaken by WesPac with Kwantlen First Nation during the Initial Engagement and Pre-Application Consultation stages.

WesPac engaged directly with Kwantlen First Nation and with representatives of Seyem' Qwantlen Business Group (SQBG).

To date, WesPac has undertaken the following activities with Kwantlen First Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Sharing of draft EA documents for review and comment
- Site tours
- EAO-led working group meetings

Kwantlen completed and submitted their TUS to WesPac in December 2017.

Table 7-6 provides an overview of the key consultation activities WesPac undertook with Kwantlen First Nation in the first two stages of consultation.

Table 7-6: Overview of key consultation activities – Kwantlen First Nation

| Date | Type of Engagement | Summary |
|-------------------|--------------------|--|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| November 18, 2014 | Email / Letter | Seyem' Qwantlen responded to WesPac's introductory letter on behalf of Kwantlen First Nation. In the attached letter, Kwantlen First Nation confirmed the Project is located in their territory, just south of major archaeological sites and areas of traditional significance. Kwantlen also noted that they recognized the need for economic development, but wanted to ensure that it is balanced with the health of the Fraser river, fisheries, local species at risk, and other factors. Kwantlen expressed an interest in environmental reports to be completed to date and invited WesPac to come to Fort Langley to present their proposal to Council and to begin preliminary discussions. |
| February 12, 2015 | Meeting | WesPac provided information on the Project. WesPac and Kwantlen discussed Kwantlen's participation in the EA process. |

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|---|
| May 6, 2015 | Email | WesPac confirmed that WesPac had officially submitted the Project Description to EAO on April 30th and CEAA on May 4th, starting the EA process. |
| July 21, 2015 | Working Group Meeting | Kwantlen did not attend the Working Group meeting. |
| October 5, 2015 | Email | WesPac provided the Draft ACP for the Project for Kwantlen's review and comments. |
| November 13, 2015 | Letter | Seyem' Qwantlen, on behalf of Kwantlen, provided comments on the draft ACP. Seyem' Qwantlen confirmed they were in general agreement with the framework and methods in the Plan. Seyem' Qwantlen also offered to provide WesPac with a TU study for the Project and requested capacity funding to undertake the research for the study. |
| November 13, 2015 | Meeting | WesPac provided an update on the Project. WesPac and Kwantlen discussed the draft ACP and WesPac asked for information on the current use of lands and resources for traditional purposes and any other questions or concerns related to the Project. |
| November 16, 2015 | Email | WesPac provided an update on the Project, which included information regarding the EAO public comment period on the draft VC Selection document. A copy of the Open House information sheet was attached to the email. |
| November 27, 2015 | Email | Seyem' Qwantlen, on behalf of Kwantlen, provided WesPac with a cost estimate for their participation in the Project review. |
| December 1, 2015 | Email | WesPac requested confirmation of the deliverable that Seyem' Qwantlen referred to in their email from November 27, 2015. WesPac requested a delivery date of December 31, 2015. |
| December 1, 2015 | Working Group Meeting | Kwantlen did not attend the Working Group Meeting. |
| December 4, 2015 | Meeting | WesPac presented Project information to Elders and other Kwantlen community members about the Project and the EA process. Kwantlen expressed concerns about wake from barges and LNG vessels, noting that wake effects have resulted in erosion to the shoreline. |
| December 7, 2015 | Email | WesPac approved the proposed scope of work for Kwantlen's participation in the EA process and agreed to extended completion date for the TU study as per Kwantlen's request. |

| Date | Type of Engagement | Summary |
|-------------------|---------------------------|--|
| January 26, 2016 | Email | Kwantlen requested access for Seyem' Qwantlen representatives to Tilbury Island to complete the field visit portion of their TU Study. WesPac suggested they attend the scheduled site tour on February 3rd, 2016. |
| February 3, 2016 | Site Tour | Seyem' Qwantlen participated in the boat tour of Project site. |
| February 4, 2016 | Working Group Meeting | Kwantlen attended the Working Group meeting. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 23, 2016 | Working Group Meeting | Kwantlen did not attend the Working Group Meeting. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the Application had been reinitiated. |
| December 20, 2017 | Email | Kwantlen provided the "Kwantlen Land Use and Occupation in the Vicinity of Tilbury Island" to WesPac. |
| January 24, 2018 | Meeting | WesPac provided updates on the Project team, an overview of the Project and the updated EA Application submission schedule. Kwantlen provided information on the extent of their traditional territory, noting that increases to shipping in the Fraser River has had adverse effects on the community. Kwantlen informed WesPac that fish is not considered just a food source, but integral to cultural practices. Kwantlen described their approach to reviewing projects. Kwantlen also requested consideration of capacity funding. |
| May 3, 2018 | Working Group Meeting | Kwantlen did not attend the Working Group Meeting. |
| June 12, 2018 | Email | WesPac informed Kwantlen that WesPac is continuing to refine the design and could meet with Kwantlen to discuss the updates. WesPac also requested that Kwantlen confirm information gathered to date regarding FSC fishing near the Project site. |
| June 12, 2018 | Email | Kwantlen responded to WesPac's email earlier that same day, stating they would check on the FSC fishing data. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Kwantlen for review and comment. |

Aboriginal Consultation Plan

WesPac provided Kwantlen First Nation with an electronic version of the Draft ACP for review and comment. Kwantlen provided comments on the Draft ACP directly to WesPac. The main themes for those comments included:

- Kwantlen is willing to provide TEK information to WesPac through a TUS
- Asked to discuss possibility of capacity funding
- Willing to continue to meet with WesPac throughout the EA process
- Provided edits to Kwantlen's profile

WesPac incorporated Kwantlen's comments into the updated Draft ACP, where appropriate, along with comments from EAO. WesPac and Kwantlen discussed the comments at a subsequent meeting. The updated content was also included in the Draft ACR1 and Kwantlen's specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Kwantlen for review.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Kwantlen First Nation for review and comment. Kwantlen did not provide comments on the Draft ACR1.

Aboriginal Consultation Report 2

Aboriginal group specific content of the draft ACR2 was provided to Kwantlen First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Kwantlen did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project

- Draft baseline content on Kwantlen First Nation for the Application
- Draft ACR2

Kwantlen First Nation did not provided comments on the baseline content on Kwantlen First Nation for the Application.

Kwantlen First Nation received the following Project-related documents through their participation as members of the Working Group:

- Draft VC Selection Document
- dAIR

Kwantlen First Nation participated in Working Group Meeting #3 and the associated site tour on February 3, 2016.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.4 Lake Cowichan First Nation

This section provides a summary of consultation activities undertaken by WesPac with Lake Cowichan First Nation during the Initial Engagement and Pre-Application Consultation stages.

In this Initial Engagement Stage, WesPac's consultation activities focused on one-way sharing of information on the Project through letters and emails. WesPac did not meet with Lake Cowichan Chief and Council during this stage. In June 2015, WesPac attended a joint meeting that was scheduled to include representatives from Lake Cowichan First Nation and Lyackson First Nation; however, the Lake Cowichan representatives were unable to attend. The representative from Lyackson committed to sharing information from the meeting with Lake Cowichan and provided information on both nations' interests related to the Project.

During the Pre-Application Consultation Stage, WesPac continued to share information via email and request to meet to discuss the Project. In May 2018, WesPac met with the representative from Lake Cowichan and had subsequent communications related to developing an agreement for capacity funding to support Lake Cowichan's participation in the EA review and for funding a TUS. In June 2018, WesPac agreed to provide this funding and an agreement was signed by both parties in July 2018.

To date, WesPac has undertaken the following activities with Lake Cowichan First Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Provision of funding to support Lake Cowichan First Nation's participation in the EA process and for the completion of a Project-related study

- Sharing of draft EA documents for review and comment
- Site tours
- EAO-led working group meetings

Table 7-7 provides an overview of the key consultation activities WesPac undertook with Lake Cowichan First Nation in the first two stages of consultation.

Table 7-7: Overview of key consultation activities – Lake Cowichan First Nation

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|---|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| June 10, 2015 | Meeting | WesPac introduced the Project and the EA review process. The representative from Lyackson First Nation, on behalf of Lake Cowichan, provided preliminary interests related to shoreline remediation and enhancements for fish, as well as preliminary concerns related to climate change and effects on fish habitat. The representative from Lyackson noted that capacity funding would be required for Lake Cowichan's participation in the EA process. |
| July 21, 2015 | Working Group Meeting | Lake Cowichan did not attend the Working Group Meeting. |
| October 1, 2015 | Letter | WesPac provided an update on the Project, including a copy of the draft ACP for Lake Cowichan's review and input. |
| November 16, 2015 | Email | WesPac provided an update on the Project, including information regarding the EAO public comment period on the draft VC Selection document. A copy of the Open House information sheet was attached to the email. |
| November 24, 2015 | Email | Lake Cowichan and WesPac set up a meeting on November 30 to discuss capacity funding. The meeting was subsequently cancelled. |
| December 1, 2015 | Working Group Meeting | Lake Cowichan did not attend the Working Group Meeting. |
| February 4, 2016 | Working Group Meeting | Lake Cowichan did not attend the Working Group Meeting. |

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|--|
| February 11, 2016 | Email | To follow up on an earlier request for capacity funding, WesPac requested the following details: <ul style="list-style-type: none"> • how the funds would be used; • what activities would be performed; • what documents would be created; and • respective cost estimates. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 23, 2016 | Working Group Meeting | Lake Cowichan did not attend the Working Group Meeting. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| April 26, 2018 | Email | WesPac provided an update that there had been further changes to the design and offered to meet to present the changes. WesPac also requested permission for its consultant to use data gathered for another project in the socio-economic assessment for the Project or to meet with Lake Cowichan members to gather that data. |
| April 30, 2018 | Email | Lake Cowichan provided an update on their Chief and Council and the change in representation for the EA review of the Project. Lake Cowichan also noted that no capacity funding had been provided to date, and requested that WesPac consider providing such funding. Lake Cowichan stated that they would be at Working Group and the parties could discuss funding in person. |
| May 3, 2018 | Working Group Meeting | Lake Cowichan attended the Working Group Meeting. |
| May 3, 2018 | Email | Lake Cowichan provided a proposal and budget for capacity funding. |
| May 15, 2018 | Email | In response to Lake Cowichan's proposal for capacity funding, WesPac requested that they narrow scope to the Pre-Application and Application Review stages. Concurrent permitting and Post-EAC funding could be addressed once the Application has been submitted. |
| May 24, 2018 | Email | Lake Cowichan agreed to proceed with WesPac's suggestion regarding scope of capacity funding. WesPac responded with a request for an executable proposal. |
| May 24, 2018 | Email | Requested an executable budget proposal. |
| June 12, 2018 | Email | WesPac followed up on previous correspondence regarding a signed formal budget proposal for capacity funding, permission for its consultant to use socio-economic and marine use data gathered for other projects and confirmation of data gathered regarding FSC fish harvests. |
| June 26, 2018 | Email | Lake Cowichan provided information on commercial fish licences on the Fraser River and FSC harvests. The email also included a revised budget for capacity funding for WesPac's approval. |

| Date | Type of Engagement | Summary |
|---------------|---------------------------|---|
| July 17, 2018 | Email | Capacity Funding Agreement signed by WesPac and Lake Cowichan. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Lake Cowichan for review and comment. |

Aboriginal Consultation Plan

WesPac provided Lake Cowichan First Nation with an electronic version of the Draft ACP for review and comment. Lake Cowichan First Nation did not provide WesPac with comments on the plan.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Lake Cowichan First Nation for review and comment. Lake Cowichan First Nation did not provide comments on the Draft ACR1.

Aboriginal Consultation Report 2

Aboriginal group specific content of the draft ACR2 was provided to Lake Cowichan First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Lake Cowichan did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Lake Cowichan First Nation for the Application
- Draft ACR2

Lake Cowichan First Nation did not provide comments on the baseline content on Lake Cowichan First Nation for the Application.

Lake Cowichan First Nation received the following Project-related documents through their participation as members of the Working Group:

- Draft VC Selection Document
- dAIR

A representative from Lake Cowichan participated in Working Group Meeting #5.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.5 Lyackson First Nation

This section provides a summary of consultation activities undertaken by WesPac with Lyackson First Nation during the Initial Engagement and Pre-Application Consultation stages.

To date, WesPac has undertaken the following activities with Lyackson First Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Sharing of draft EA documents for review and comment
- Site tours
- EAO-led working group meetings

Table 7-8 provides an overview of the key consultation activities WesPac undertook with Lyackson First Nation in the first two stages of consultation.

Table 7-8: Overview of key consultation activities – Lyackson First Nation

| Date | Type of Engagement | Summary |
|-------------------|--------------------|--|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| June 10, 2015 | Meeting | WesPac introduced the Project and the EA review process. Lyackson provided preliminary interests related to shoreline remediation and enhancements for fish, as well as preliminary concerns related to climate change and effects on fish habitat. Lyackson requested participation in restoration planning and archaeology. Lyackson offered to provide WesPac with their capacity funding requirements. |
| August 31, 2015 | Email | WesPac requested a teleconference to discuss the upcoming geotechnical drilling program. |
| September 1, 2015 | Email | WesPac provided information about the geotechnical drilling program. |

| Date | Type of Engagement | Summary |
|--------------------|---------------------------|--|
| June 23, 2015 | Email | WesPac provided an update on the geotechnical drilling program, noting that no archaeological materials were observed. |
| July 21, 2015 | Working Group Meeting | Lyackson attended the Working Group Meeting. |
| October 1, 2015 | Letter | WesPac provided updated information on the EAO process for the Project and inquired about how to work with Lyackson during the review process. WesPac also provided the draft ACP for review and comment. |
| July 17, 2015 | Letter | WesPac shared a letter regarding an Investigative Use License that was executed to WesPac Midstream-Vancouver for a two-year term to conduct investigative activities to assess the potential for the Project. |
| December 1, 2015 | Working Group Meeting | Lyackson did not attend the Working Group Meeting. |
| February 3, 2016 | Site Tour | Site tour by boat in advance of Working Group meeting. |
| February 4, 2016 | Working Group Meeting | Lyackson attended the Working Group Meeting. |
| February 11, 2016 | Email | As a follow up to discussion on the site tour on February 3, 2016, WesPac reiterated willingness to consider a capacity funding request from Lyackson. WesPac requested a proposal and cost estimate. |
| May 6, 2016 | Email | In follow-up to an action item from the February 4 Working Group Meeting related to a draft security plan for the Project, WesPac reported they had further conversations with Port Metro Vancouver and others regarding the security plan and WesPac needed to revise the plan before it could be shared. |
| June 20, 2016 | Email | As a follow up to discussion on the site tour on February 3, 2016, WesPac reiterated that it was interested in understanding current use of lands and resources for the EA. Followed up on request for a cost estimate. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 2, 2016 | Email | Follow up on action item from February 4, 2016 Working Group Meeting regarding core samples from the geotechnical drilling program. |
| September 15, 2016 | Email | Lyackson introduced their new contact for the Project. |
| September 16, 2016 | Email | WesPac responded to introduction with an overview of the Project and requested that Lyackson provide comments on the draft ACR1. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application has been reinitiated. |

| Date | Type of Engagement | Summary |
|----------------|-----------------------|---|
| April 26, 2018 | Email | WesPac provided an update that there have been further changes to the design and offered to meet to present the changes. WesPac also requested permission for its consultant to use data gathered for another project in the socio-economic assessment for the Project or to meet with Lyackson members to gather that data. |
| May 3, 2018 | Working Group Meeting | Lyackson attended the Working Group Meeting |
| June 25, 2018 | Meeting | WesPac provided an update on the Project. WesPac and Lyackson discussed capacity funding for Lyackson's participation in the EA review |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application for review and comment. |
| July 25, 2018 | Email | WesPac provided Lyackson with the draft notes from the June 25, 2018 meeting for review and comments. |

Aboriginal Consultation Plan

WesPac provided Lyackson First Nation with an electronic version of the Draft ACP for review and comment. Lyackson First Nation did not provide WesPac with comments on the plan.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Lyackson First Nation for review and comment. Lyackson First Nation did not provide comments on the Draft ACR1.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Lyackson First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period.

Lyackson First Nation noted that concerns related to the construction of the temporary dock had not been included in the report. The Summary of Schedule B Aboriginal Groups' Key Issues and Concerns and WesPac's Responses (Appendix A) has been updated to include those concerns. Lyackson also noted that consultation between WesPac and Lyackson has not progressed during the Pre-Application Consultation Stage. WesPac is committed to ongoing consultation as described in Section 9.0 of this ACR2

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Lyackson First Nation for the Application
- Draft ACR2

Lyackson First Nation did not provide comments on the baseline content on Lyackson First Nation for the Application.

Lyackson First Nation received the following Project-related documents through their participation as members of the Working Group:

- Draft VC Selection Document
- dAIR

Lyackson participated in Working Group Meetings #1, #3 and #5 and in the site tour that coincided with Working Group Meeting #3.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.6 Musqueam Indian Band

WesPac initiated engagement with Musqueam Indian Band through a letter in February 2014 that introduced WesPac, provided preliminary information on the Project and requested an opportunity to meet with Musqueam. In summer 2014, WesPac and Musqueam spoke by telephone and exchanged correspondence to schedule a meeting. In that same period, WesPac provided sponsorship funding to support Musqueam's Marine Tanker Traffic and Safety Summit and extended an invitation to the WesPac Tilbury Marine Terminal Hazard Identification Workshop.

In September 2014, WesPac and Musqueam met for the first time to discuss the Project. At that initial meeting, Musqueam informed WesPac that they have proven rights under *R v. Sparrow*, noting that Sparrow rights are constitutionally protected and infringements must be justified, and that the Project will affect Musqueam rights to fish. In November 2014, WesPac and Musqueam signed a capacity funding agreement.

In this Initial Engagement Stage, WesPac’s consultation activities focused on sharing information on the Project, gathering preliminary comments from Musqueam, and developing a relationship for future stages of the Project. During the Initial Engagement Stage, consultation activities included:

- Sharing of Project information through email and letter correspondence
- Meetings with Musqueam either in person or by teleconference
- A community tour
- Sharing of draft documents for review and comment
- Completion of a capacity funding agreement to support Musqueam’s participation in the EA process
- Provision of sponsorship funding to support Musqueam initiatives not related to the Project

During the Pre-Application Consultation Stage, WesPac and Musqueam signed a confidential Memorandum of Understanding (MOU) that describes how the parties are engaging on the Project and provides for Musqueam to complete studies related to the Project. Under the terms of the MOU, WesPac and Musqueam have agreed that the details of those discussions will be kept confidential.

Table 7-9 provides an overview of the key consultation activities WesPac undertook with Musqueam Indian Band in the first two stages of consultation.

Table 7-9: Overview of key consultation activities – Musqueam Indian Band

| Date | Type of Engagement | Summary |
|---------------------|-----------------------|--|
| February 6, 2014 | Letter | Notification letter introducing the Project. |
| June 9 and 10, 2014 | Conference | WesPac provided support for Musqueam’s Marine Tanker Traffic & Safety Summit hosted on June 9th and 10th. |
| June 25, 2014 | Telephone | WesPac telephoned Musqueam First Nation to introduce WesPac and the Project. WesPac provided information on the timing of WesPac’s export license application and WesPac and Musqueam discussed water rights and the change of ownership from Port Metro Vancouver to Ministry of Forests. |
| July 8, 2014 | Letter | Musqueam requested a meeting with WesPac to hear more about the Project. Musqueam also provided a copy of a letter sent to the Province on February 11, 2014 stating that Musqueam must be consulted with respect to the Fortis Tilbury LNG facility expansion. |
| July 14, 2014 | Telephone | WesPac invited Musqueam to send representatives to WesPac’s Tilbury Marine Terminal Hazard Identification Workshop. |
| September 4-5, 2014 | Site Tour and Meeting | WesPac and Musqueam met to take a boat tour of the Project area and had a preliminary meeting to introduce the Project. |
| September 9, 2014 | Email | WesPac provided summaries of its previous experience with similar projects to Musqueam. |

| Date | Type of Engagement | Summary |
|--------------------|---------------------------|--|
| September 29, 2014 | Email | WesPac confirmed that a Capacity Agreement letter was ready for review and offered to meet with Musqueam to present it. |
| October 9, 2014 | Meeting | WesPac met with Musqueam to present WesPac's Capacity Funding Agreement offer letter. |
| October 27, 2014 | Email | Musqueam provided edits to the Capacity Agreement for WesPac's consideration. |
| November 4, 2014 | Agreement | Fully executed Capacity Funding Agreement. |
| November 21, 2014 | Meeting | WesPac and Musqueam met to discuss the Project. Musqueam requested more detailed information regarding the Projects to understand the impact |
| December 2, 2014 | Email | WesPac provided a preliminary draft ACP for Musqueam's review and comment. |
| December 11, 2014 | Email | WesPac notified Musqueam of upcoming work to assess water and soil for contamination in advance of the transfer of the water lot tenure from the current owner (Varsteel) to WesPac. WesPac also provided a copy of the project review application and work plan submitted to Port Metro Vancouver. WesPac also invited Musqueam to send a monitor. |
| December 16, 2014 | Email | WesPac provided a date for the assessment of water and soil fieldwork. WesPac reiterated that Musqueam could send a representative to observe the work. |
| December 17, 2014 | Community Tour | Musqueam hosted a cultural tour of their community for WesPac. WesPac and Musqueam discussed how to work constructively together on the review of the Project. |
| January 6, 2015 | Agreement | WesPac provided sponsorship support for Musqueam's "čəsnaʔəm, the city before the city" exhibit. |
| February 10, 2015 | Email | WesPac provided an update to Musqueam. WesPac noted that a draft ACP had been provided to Musqueam for review and that next document WesPac intended to share was draft Project Description for Musqueam's review. |
| February 13, 2015 | Email | WesPac provided the draft Project Description to Musqueam for review and comments before its submission to the agencies. |
| February 26, 2015 | Email/ Telephone | WesPac informed Musqueam that WesPac had placed an order to build a barge in the US Gulf coast to transport LNG. WesPac had not yet identified where the barge would be loaded, but the proposed Tilbury jetty was a possibility. WesPac noted that they wanted to provide this information to Tsawwassen directly, before they heard it from anyone else. |
| April 8, 2015 | Email | Musqueam provided comments on the draft Project Description and asked WesPac about proceeding with a memorandum of understanding for their participation in the Project moving forward. |

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|---|
| April 14, 2015 | Email | WesPac provided a tracking table of responses to Musqueam's comments on the draft Project Description, as well as the updated draft Project Description to be submitted to EAO and CEAA. WesPac requested a follow up conversation with Musqueam regarding their request for a memorandum of understanding. |
| May 5, 2015 | Email | WesPac informed Musqueam that WesPac had officially submitted the Project Description to EAO on April 30th and CEAA on May 4th. |
| May 6, 2015 | Meeting | WesPac and Musqueam met to discuss Musqueam's comments on the Project Description and a memorandum of understanding. The parties also discussed potential impacts and possible mitigation measures. |
| May 8, 2015 | Email | WesPac provided the final draft of a sediment sampling plan and environmental management plan for upcoming sampling program to provide Musqueam the opportunity to comment and, if desired, have a Musqueam representative monitor some or all of the work activities. |
| May 28, 2015 | Email | WesPac requested an opportunity to discuss with Musqueam how to support their ongoing participation in the Project review process. |
| July 21, 2015 | Working Group Meeting | Musqueam participated in the Working Group Meeting. |
| July 29, 2015 | Email | WesPac invited Musqueam to participate in a berry sampling program. |
| July 29, 2015 | Meeting | Musqueam requested a list of the studies that would be completed for the Project. Musqueam noted that they wished to participate in studies where appropriate. |
| July 30, 2015 | Email | WesPac provided information on the East Contra Costa Country Habitat Conservation Plan, which included links to the plan website and informational booklet as per the request of Musqueam. |
| August 3, 2015 | Email | WesPac provided a list of studies Golder has conducted or plans to conduct for the Tilbury Project. |
| August 15, 2015 | Meeting | WesPac and Musqueam discussed using a Musqueam archaeologist on the geotechnical investigations and the need for information about Musqueam's traditional and current land use for the Application. Musqueam and WesPac discussed next steps in ongoing consultation. |
| August 17, 2015 | Email | WesPac provided a copy of the dredge material sampling plan and a table outlining the field studies for each component. |
| September 2, 2015 | Meeting | WesPac indicated that no archaeologist would observe the geotechnical sampling due to safety and logistical concerns. WesPac indicated an email of explanation would be provided. WesPac provided an update on the status and timing of the Application and discussed the studies to be completed, their timing, and opportunities for Musqueam to participate. |

| Date | Type of Engagement | Summary |
|--------------------|---------------------------|---|
| September 2, 2015 | Email | To follow up on earlier discussion, WesPac informed Musqueam that it is not practical for archaeologists to examine dredge material samples, therefore no archaeological observations would take place during the geotechnical testing program. |
| September 4, 2015 | Email | Musqueam provided WesPac with draft memorandum of understanding for ongoing engagement on the Project. |
| September 9, 2015 | Meeting | WesPac provided an update on the studies planned for the Application. |
| September 9, 2015 | Email | In follow up to earlier discussion, WesPac provided Musqueam with a list of studies for the Project. |
| September 10, 2015 | Email | WesPac informed Musqueam that it would undertake an internal review of the draft memorandum of understanding. WesPac stated they would provide comments following that review. |
| September 13, 2015 | Email | WesPac's consultant provided Musqueam with the details of the sediment and benthic sampling program. |
| September 16, 2015 | Email | Musqueam requested further details from WesPac's consultant regarding the water quality sampling, marine mammal survey, and archaeology fieldwork for the Musqueam field staff joining the programs. Musqueam indicated that a Musqueam Archaeological Permit would be required for the Archaeology field work. |
| September 23, 2015 | Email | WesPac informed Musqueam that the geotechnical testing and sampling of dredge material head had been completed and no archaeological materials had been observed. |
| October 5, 2015 | Email | WesPac provided Musqueam with a copy of the draft ACP for review and comment. |
| October 14, 2015 | Meeting | WesPac and Musqueam discussed next steps in ongoing consultation on the Project review. |
| November 3, 2015 | Email | Musqueam invited WesPac to attend a Marine Tanker Safety workshop hosted by Musqueam. |
| November 11, 2015 | Workshop | WesPac attended the "Moving Forward on Marine Safety" workshop at the Musqueam Cultural Centre |
| November 16, 2015 | Email | WesPac provided an update on the Project, including information regarding the EAO public comment period on the VC Selection document. |
| November 16, 2015 | Email | In response to a request from Musqueam, WesPac provided an updated EA schedule |
| December 1, 2015 | Working Group Meeting | Musqueam participated in the Working Group Meeting. |
| December 1, 2015 | Email | Musqueam provided comments on the Draft ACP. Musqueam also requested that a Musqueam-specific engagement plan be developed and provided a table of contents as a starting point. |

| Date | Type of Engagement | Summary |
|--------------------|---------------------------|--|
| January 6, 2016 | Email | WesPac provided to Musqueam the draft AIR for their review and comments. |
| January 18, 2016 | Email | Musqueam provided WesPac with a copy of the email they submitted to the EAO regarding their comments to the draft VC Selection Document. |
| January 22, 2016 | Email | WesPac provided Musqueam with draft shapefiles for the draft AIR. |
| February 1, 2016 | Email | Musqueam provided preliminary comments on the draft AIR to WesPac. |
| February 4, 2016 | Working Group Meeting | Musqueam participated in the Working Group Meeting. |
| May 6, 2016 | Email | In follow-up to an action item from the February 4th Working Group Meeting related to a draft security plan for the Project, WesPac reported they had further conversations with Port Metro Vancouver and others regarding the security plan and WesPac needed to revise the plan before it could be shared. |
| June 8, 2016 | Meeting | WesPac provided an update on progress on securing customers and reported that the Application was underway. WesPac and Musqueam discussed Musqueam's comments on the VC Selection and dAIR documents. The parties also discussed how to move forward with Musqueam's continued participation. |
| June 22, 2016 | Email | WesPac provided comments on Musqueam's proposed WesPac-Musqueam consultation plan. |
| June 23, 2016 | Email | WesPac provided Musqueam with the revised dAIR. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 23, 2016 | Working Group Meeting | Musqueam participated in the Working Group Meeting. |
| September 13, 2016 | Email | Musqueam provided comments on the draft ACR1 |
| October 14, 2016 | Email | WesPac provided Musqueam with an updated dAIR. |
| October 20, 2016 | Email | WesPac provided Musqueam with an updated dAIR. |
| October 27, 2016 | Document | Revised dAIR |
| October 31, 2016 | Email | Musqueam provided preliminary comments on the most recent version of the dAIR and requested additional time for further review. |
| November 7, 2016 | Email | WesPac provided the updated ACR1 and a tracking table showing how their comments were addressed in the updated document. |
| November 18, 2016 | Email | WesPac provided additional comments on the updated ACR1. |

| Date | Type of Engagement | Summary |
|-------------------|---------------------------|---|
| November 22, 2016 | Email | Musqueam informed WesPac that they were satisfied with the latest changes to the dAIR |
| November 23, 2016 | Document | WesPac provided the updated ACR1 and a tracking table showing how their comments were addressed in the updated document. |
| December 6, 2016 | Email | WesPac provided additional comments on the updated ACR1. |
| December 8, 2016 | Teleconference | WesPac informed Musqueam that the Project is being put on hold until the following year. |
| August 21, 2017 | Email | WesPac reported that the Project remains on hold. |
| August 31, 2017 | Teleconference | WesPac reported that work was being restarted on the Application and that there would be a kick-off meeting in September. |
| October 3, 2017 | Teleconference | WesPac reported that it had held a kick-off meeting with its consultant and the Application would be prepared over approximately five months, possibly as early as February 2018. WesPac also noted that design updates were underway. |
| October 26, 2017 | Teleconference | WesPac informed Musqueam that they were still working on the optimized design and the schedule was not yet finalized. Musqueam requested an opportunity to read some sections of the Application as they became ready. WesPac asked Musqueam for a list of priority sections. The parties also discussed Musqueam's request for funding to complete Project-related studies. |
| November 7, 2017 | Email | WesPac agreed to provide funding contribution for a marine shipping study. |
| November 8, 2017 | Email | Musqueam provided a list of priority sections of the Application for review. |
| December 14, 2017 | Meeting | WesPac provided updates to Musqueam on the schedule to submit the Application and changes to trestle alignment. WesPac provided information on the export vessels that would use the jetty. |
| February 1, 2018 | Teleconference | WesPac reported that they were still considering the best ways for the bunker vessels to use the jetty and how to optimize construction while minimizing impacts. |
| February 2, 2018 | Email | WesPac provided updated information on vessel trips, vessel dimensions and safety and security zones provided to Musqueam. |
| March 1, 2018 | Teleconference | WesPac provided an update on Project design. Musqueam reported that the marine shipping study is advancing. Musqueam also reported that they would start the TU study once the marine shipping study had been completed. |
| March 22, 2018 | Meeting | WesPac provided information to Musqueam on the updated Project design (now planned in 4 stages) and the EA process through construction schedule. WesPac noted that the Application should be submitted to EAO by middle of July. Musqueam noted that the timeline for the Application submission still aligns with their marine shipping study. |

| Date | Type of Engagement | Summary |
|----------------|---------------------------|---|
| April 26, 2018 | Email | WesPac requested permission for its consultant to use data gathered for other projects in the socio-economic assessment for the Project. WesPac also requested that its consultant's socio-economic team be provided an opportunity to meet with members or provide a questionnaire to gather information on commercial marine for the Application. |
| May 3, 2018 | Working Group Meeting | Musqueam participated in the Working Group Meeting. |
| May 4, 2018 | Email | In response to WesPac's request to use data gathered for other Projects, Musqueam stated that they would need to review the draft notes before the Application was written, so that they could fact-check it and ensure it was up to date. |
| May 11, 2018 | Email | Musqueam provided a list of Application sections that they would like to review for their TU study. |
| June 1, 2018 | Email | WesPac provided a Technical Memorandum that summarized the information that would be used for the land and marine use assessment. |
| June 21, 2018 | Meeting | WesPac provided an update on progress on various chapters. |
| July 4, 2018 | Email | WesPac provided the River Processes section to Musqueam. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Musqueam for review and comment. |
| July 18, 2018 | Document | Musqueam provided their updated territory and consultation area boundaries map for use in the Application. |
| July 18, 2018 | Email | Musqueam asked for a list of references used to develop the baseline and offered to provide a list of their preferred sources. |
| July 20, 2018 | Email | Musqueam provided their list of preferred sources and informed WesPac that they should review the TU study submitted for a nearby project. |
| July 23, 2018 | Email | WesPac provided the draft Wildlife and Fish & Fish Habitat sections to Musqueam as data sources for Musqueam's TU study. |
| July 27, 2018 | Email | WesPac provided the draft Marine Mammals section to Musqueam as data sources for Musqueam's TU study. |
| July 27, 2018 | Email | WesPac provided the draft Noise and Vegetation sections to Musqueam as data sources for Musqueam's TU study. |
| August 1, 2018 | Email | WesPac provided a second version of baseline content that had been updated following review of Musqueam's preferred sources. |
| August 1, 2018 | Email | WesPac provided shapefiles of the Project footprint to Musqueam for use in their TU study. |
| August 3, 2018 | Email | Musqueam provided preliminary comments on the draft River Processes, Fish & Fish Habitat, and Wildlife & Wildlife Habitat chapters for WesPac's consideration. |

| Date | Type of Engagement | Summary |
|--------------------|---------------------------|---|
| August 15, 2018 | Email | Musqueam provided comments on the draft Aboriginal content for the Application. |
| August 24, 2018 | Email | Musqueam provided preliminary comments on the draft Marine Mammals, Noise and Vegetation chapters for WesPac's consideration. |
| September 10, 2018 | Email | WesPac provided the draft Visual Quality section to Musqueam as data sources for Musqueam's TU study. |
| October 4, 2010 | Site Tour | Musqueam attended the Working Group boat tour of the Project site. |

Aboriginal Consultation Plan

WesPac provided Musqueam Indian Band with an electronic version of the Draft ACP for review and comment. Musqueam provided detailed comments on the Draft ACP directly to WesPac. The main themes for those comments included:

- A request for a separate and confidential Musqueam-WesPac Engagement Plan
- Inclusion of CEAA 2012 requirements
- Clarification that the plan addresses only procedural aspects of consultation that have been delegated to WesPac through the Section 11 Order and how the activities described in the plan will support the Crown's legal duty to consult with Schedule B and C Aboriginal groups
- Discussion of Sparrow Decision and Musqueam fishing rights is too narrow
- TEK research should be completed and provided by Musqueam

WesPac incorporated Musqueam's comments and requests into the final ACP, where appropriate, along with comments from EAO. The updated content was included in the Draft ACR1 and Musqueam's specific comments were included in the confidential attachments to that report. Subsequent to finalization of the ACP, WesPac and Musqueam agreed to a confidential MOU that outlines how the parties are engaging on the Project.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Musqueam Indian Band for review and comment. Musqueam provided detailed comments on the Draft ACR1 directly to WesPac, which were subsequently incorporated, where appropriate.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Musqueam Indian Band for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Musqueam responded that they needed a minimum of three weeks to review the document. Musqueam provided comments to WesPac following their review of the document. The key comments, as well as WesPac's responses, included:

- Not all Pre-Application Consultation for the Project was included in ACR2. In particular, feedback and comments offered by Musqueam from July through October 2018 were not included. WesPac added Musqueam's feedback and comments to the Appendix A. WesPac also noted that they were in the process of responding to those comments, which would be shared in advance of an upcoming meeting scheduled for December 7, 2018.
- Errors in the dates and the requested review period for the draft ACR2. WesPac corrected the errors in the report.
- ACR2 review and responses to the section occurred during Application Review Consultation within the 30-day screening period, not during the pre-Application period. WesPac updated Table 7-1 in ACR2 to address Musqueam's comment.
- Musqueam requested that WesPac provide the cut-off dates for ACR2 and to include Project-related studies in the Application, notably that Musqueam's Project-specific KUS was not acknowledged in ACR2, despite it being provided to WesPac prior to Application submission. WesPac responded that the cut-off date for draft ACR2 was September 30, 2018 and they received the KUS on October 9, 2018. ACR2 was updated to include Musqueam's KUS.
- Asked whether WesPac considered the sources recommended by Musqueam in July 20, 2018 for incorporation in the Application. WesPac acknowledged that those sources that were publicly available, or provided by Musqueam, and were reviewed and that information was incorporated where relevant. WesPac also noted that it intended to provide Musqueam's Project-specific KUS to technical leads for review and incorporation when it became available. As the Application had already been finalized when the KUS was provided, that information is now being incorporated in the Application during the screening period.
- Musqueam noted that they had not received the tracking table for their comments on the Musqueam-specific content for the Application at the time that the draft ACR2 was sent out for review. WesPac updated the text in ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application. WesPac has also provided Musqueam with a tracking table to demonstrate how their comments were incorporated in the final version of ACR2.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACP
- Early version of the dAIR
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft chapters for the Application that were specifically requested by Musqueam
- Draft baseline content on Musqueam Indian Band for the Application
- Draft ACR2

Musqueam Indian Band provided extensive comments on the baseline content for Musqueam for the Application, which was incorporated into the Application prior to submission. WesPac provided a tracking table demonstrating how Musqueam's comments were incorporated at the time the EAC Application was submitted for the 30-day screening.

Musqueam Indian Band also received the following Project-related documents through their participation as members of the Working Group:

- Draft VC Selection Document
- dAIR

WesPac provided Musqueam with the following draft chapters for the Application in response to a request from Musqueam to use as data sources for their Project-specific studies:

- Fish and Fish Habitat
- Wildlife and Wildlife Habitat
- Marine Mammals
- Noise
- Vegetation
- Visual Quality

Musqueam Indian Band has provided comments on all but the Visual Quality draft chapters at the time of writing ACR2. WesPac has responded to Musqueam stating that revisions based on Musqueam's comments may be

made where it is practical during the screening period, prior to the start of the Application Review or during the Application Review.

In early October 2018, Musqueam submitted a Project-specific Knowledge and Use Study (KUS) to WesPac, entitled *xʷməθkʷəyəm Musqueam Indian Band Knowledge and Use Study: WesPac Midstream's Proposed LNG Marine Jetty Project*. Information from the KUS was incorporated into the EAC Application during the Working Group's 30-day screening period.

EAO hosted five Working Group meetings and two site tours during the Pre-Application Consultation Stage for the Project. Musqueam representatives participated in all Working Group Meetings and both site tours.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.7 Penelakut Tribe

This section provides a summary of consultation activities undertaken by WesPac with Penelakut Tribe during the Initial Engagement and Pre-Application Consultation stages.

Penelakut Tribe engaged with WesPac directly and collectively as a member nation of the Cowichan Nation Alliance, along with Cowichan Tribes, Halalt First Nation and Stz'uminus First Nation. WesPac provided funding to support Penelakut Tribe's engagement on the Project. Penelakut Tribe, along with the other Cowichan Nation Alliance member communities, pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

To date, WesPac has undertaken the following activities with Penelakut Tribe:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Provision of funding to support Penelakut Tribe's participation in the EA process and for the completion of a Project-related study
- Sharing of draft EA documents for review and comment
- Site tours
- EAO-led working group meetings

Table 7-10 provides an overview of the key consultation activities WesPac undertook with Penelakut Tribe in the first two stages of consultation.

Table 7-10: Overview of key consultation activities – Penelakut Tribe

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|--|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| January 8, 2015 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation and Penelakut Tribe, as members of Cowichan Nation Alliance, to introduce the Project. |
| January 15, 2015 | Email | WesPac provided information requested at the January 8 meeting with Cowichan Nation Alliance. |
| January 22, 2015 | Email | WesPac provided a draft Capacity Funding Agreement to support Penelakut Tribe's participation in the Project review. |
| February 5, 2015 | Telephone | Meeting between WesPac and Cowichan Nation Alliance to discuss the draft Capacity Funding Agreement provided by WesPac. WesPac also notified Cowichan Nation Alliance that they would be sending the Project Description in the next week for review and comment. |
| February 13, 2015 | Email | WesPac shared the draft Project Description for review and comment. |
| February 26, 2015 | Email | WesPac provided a press release related to an announcement that WesPac would be building a LNG bunker barge in North America. WesPac noted that it had not yet identified where the barge would be loaded, but the proposed Tilbury jetty would be a possibility. |
| May 6, 2015 | Email | WesPac confirmed that WesPac had officially submitted the Project Description to EAO on April 30th and CEAA on May 4th, starting the EA process. |
| May 8, 2015 | Email | WesPac provided the final draft of a sediment sampling plan and environmental management plan for upcoming sampling program to provide Penelakut Tribe the opportunity to comment and, if desired, have a representative monitor some or all of the work activities. |
| July 21, 2015 | Working Group Meeting | Penelakut Tribe did not attend the Working Group meeting. Of the Cowichan Nation Alliance member nations, only Halalt First Nation attended. |
| July 27, 2015 | Letter | WesPac provided a fully executed Capacity Funding Agreement and a cheque to Penelakut Tribe for their participation in the EA review process. |
| October 5, 2015 | Email | WesPac provided the Draft ACP for the Project for Penelakut Tribe's review and comments. |
| November 16, 2015 | Email | WesPac provided an update on the Project, including information regarding the EAO public comment period on the draft VC Selection document. A copy of the Open House information sheet was attached to the email. |
| October 23, 2015 | Letter | Cowichan Nation Alliance provided comments to WesPac on the Draft ACP. |
| December 1, 2015 | Working Group Meeting | Neither Penelakut Tribe nor the other Cowichan Nation Alliance member nations attended the Working Group Meeting. |

| Date | Type of Engagement | Summary |
|-------------------|---------------------------|--|
| December 18, 2015 | Email | Cowichan Nation Alliance provided comments to the EAO and WesPac on the draft VC Document. |
| January 21, 2016 | Meeting | Project update meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation to discuss Tl'uqtinus, including future plans, and information on the current use of lands and resources for traditional purposes and other Aboriginal Interests. |
| February 3, 2016 | Site Tour | Of the Cowichan Nation Alliance member nations, only Cowichan Tribes attended the boat tour of the Project site. |
| February 4, 2016 | Working Group Meeting | Penelakut Tribe did not attend the Working Group Meeting. Of the other Cowichan Nation Alliance members, only Cowichan Tribes attended the meeting. |
| June 20, 2016 | Email | WesPac requested a cost estimate to complete a Project-related study. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 23, 2016 | Working Group Meeting | Penelakut Tribe did not attend the Working Group Meeting. Of the Cowichan Nation Alliance members, Cowichan Tribes and Halalt First Nation attended the Working Group Meeting. |
| November 7, 2016 | Email | WesPac provided the updated ACR1 and a tracking table showing how their comments were addressed in the updated document. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| January 12, 2018 | Meeting | Penelakut Tribe did not attend the meeting between WesPac and Cowichan Tribes, Halalt First Nation and Stz'uminus First Nation where WesPac provided updates on the Project team and design. The Aboriginal groups reported that the TU study would commence shortly and would be available by middle of 2018. |
| March 1, 2018 | Email | WesPac confirmed that it was ready to proceed with the Cowichan Nation Alliance TU study and requested that the proposal be revised with current dates for WesPac to sign. |
| April 4, 2018 | Email | WesPac provided its additions to Cowichan Nation Alliance's TU study budget and timeline and confirmed that a signed version of the attached document would be sufficient to move things forward. |
| April 13, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation to provide an update on the Project design and schedule and to discuss the status of the agreement for the TU study. |
| April 14, 2018 | Email | WesPac requested that its consultant's socio-economic team be provided an opportunity to meet with members or provide a questionnaire to gather information on commercial marine for the Application. |

| Date | Type of Engagement | Summary |
|----------------|-----------------------|--|
| April 30, 2018 | Email | Request for permission to use information from TU studies prepared for other Projects along the Fraser River near the Project site. |
| May 1, 2018 | Email | WesPac emailed the signed agreement for the Cowichan Nation Alliance TU study. |
| May 2, 2018 | Email | WesPac's consultant sent Socio-economic and Marine Use Questionnaire. |
| May 3, 2018 | Working Group Meeting | Penelakut Tribe did not attend the Working Group Meeting. Of the Cowichan Nation Alliance members, Cowichan Tribes and Halalt First Nation attended the Working Group Meeting. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Penelakut Tribe for review and comment. |

Aboriginal Consultation Plan

WesPac provided Penelakut Tribe with an electronic version of the Draft ACP for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided comments on the Draft ACP directly to WesPac. The main themes for those comments included:

- Editorial corrections to text.
- Clarification regarding the description of *Tl'uq̓tinus*.
- Request to include consideration of the future use of *Tl'uq̓tinus* in the Application.
- Request that Aboriginal groups be provided with proof their comments were considered and a rationale for those that were not included.
- Scope of consultation should not be limited to current use; future use must be considered.

WesPac incorporated Cowichan Nation Alliance's comments into the updated Draft ACP, where appropriate, along with comments from EAO who reviewed the draft simultaneously. The updated content was included in the Draft ACR1. Cowichan Nation Alliance's specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Cowichan Nation Alliance for review.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Penelakut Tribe for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided comments on the Draft ACR1 directly to WesPac. Those comments were incorporated into the report

where appropriate and a tracking table was provided that demonstrated how those comments were incorporated, as well as a rationale for those that were not.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Penelakut Tribe for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Penelakut Tribe did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement Stage, WesPac provided the Draft Project Description to Penelakut Tribe for review and comment. Penelakut Tribe did not provide comments on the document directly to WesPac.

During the Pre-Application Consultation Stage, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft sediment sampling plan and environmental management plan for sampling program to characterize river sediment in this area for structural/geotechnical engineering purposes and potential ocean disposal (or beneficial use) of dredge material.
- Draft VC Selection Document
- dAIR
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Penelakut Tribe for the Application
- Draft ACR2

Penelakut Tribe did not provide comments on the baseline content for the Application.

Cowichan Nation Alliance member communities participated in four meetings as represented by:

- Halalt First Nation at Working Group Meeting #1
- Cowichan Tribes at Working Group Meeting #3
- Cowichan Tribes and Halalt First Nation at Working Group Meeting #4

- Cowichan Tribes and Halalt First Nation at Working Group Meeting #5

Cowichan Tribes also attended the site tour on February 3, 2016 that coincided with Working Group Meeting #3.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.8 Semiahmoo First Nation

WesPac initiated engagement with Semiahmoo First Nation through a mailed letter in October 2014 that introduced the company and proposed Project. WesPac had no other engagement with Semiahmoo in the Initial Engagement Stage as Semiahmoo was listed on Schedule C in the Section 11 Order.

During the Pre-Application Consultation Stage, WesPac continued to provide periodic updates on the Project and the EA review process to Schedule C First Nations. In November 2015, WesPac emailed Semiahmoo to inform them that EAO was undertaking a public comment period on the Draft VC Selection document through November and December 2015. EAO added Semiahmoo to Schedule B in the Section 13 Order dated May 11, 2016 (EAO 2016). Shortly after receiving this information, WesPac contacted Semiahmoo asking for guidance on how to initiate consultation.

To date, WesPac has undertaken the following activities with Semiahmoo First Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Sharing of draft EA documents for review and comment
- EAO-led working group meetings

WesPac and Semiahmoo entered into an agreement to support Semiahmoo's participation in the EA process, including the completion of a TUS in September 2018. As of the writing of ACR2, Semiahmoo's TUS has not yet been provided to WesPac.

Table 7-11 provides an overview of the key consultation activities WesPac undertook with Semiahmoo First Nation in the first two stages of consultation.

Table 7-11: Overview of key consultation activities – Semiahmoo First Nation

| Date | Type of Engagement | Summary |
|------------------|-----------------------|---|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| July 21, 2015 | Working Group Meeting | Semiahmoo were not invited to the Working Group Meeting as they were originally listed on Schedule C of the Section 11 Order. |

| Date | Type of Engagement | Summary |
|-------------------|---------------------------|---|
| November 18, 2015 | Email | WesPac provided an update on the Project, including information regarding the EAO public comment period on the VC Selection document. |
| December 1, 2015 | Working Group Meeting | Semiahmoo were not invited to the Working Group Meeting as they were originally listed on Schedule C of the Section 11 Order. |
| February 4, 2016 | Working Group Meeting | Semiahmoo were not invited to the Working Group Meeting as they were originally listed on Schedule C of the Section 11 Order. |
| May 4, 2016 | Email | WesPac acknowledged that Semiahmoo First Nation were added Schedule B of the Section 11 Order and provided an overview of the Project and offered to set up an introductory call. |
| June 16, 2016 | Meeting | WesPac met with Semiahmoo to initiate consultation on the Project, share Project information, discuss how to consult with Semiahmoo and hear and respond to preliminary questions and comments. |
| June 17, 2016 | Email | In follow up to June 16th meeting, WesPac provided a copy of the PowerPoint presentation and the ACP. |
| July 13, 2016 | Email | In follow up to June 16th meeting, WesPac provided a proposal on capacity funding for Semiahmoo's consideration. WesPac also followed up on the request for Semiahmoo to provide TU/TEK information and Semiahmoo's interests and concerns related to the Project. WesPac offered to attend a general meeting or provide an Open House for Semiahmoo. |
| July 14, 2016 | Email | WesPac provided an example of a capacity funding agreement letter and a separate document with WesPac's views on principles, potential questions, deliverables and schedule for a TU/TEK study. |
| July 14, 2016 | Agreement | Letter agreement for capacity funding of \$10,000 provided for Semiahmoo review and comments. WesPac also included a document outlining potential content for a TU/TEK study. |
| July 25, 2016 | Report | Transmittal of draft ACR1 for review and comment. Comments requested by August 22nd, 2016. |
| July 27, 2016 | Email | Semiahmoo provided comments on WesPac's proposed capacity funding agreement letter. |
| July 28, 2016 | Email | WesPac provided an updated capacity funding agreement letter and requested a proposal from Semiahmoo for a TU/TEK study. |
| August 12, 2016 | Email | Follow up email requested comments on the draft ACR1. |
| August 23, 2016 | Working Group Meeting | Semiahmoo did not attend the Working Group Meeting. |
| August 30, 2016 | Email | In response to a request from Semiahmoo, WesPac provided proposed content for a TU and TEK Study Agreement. |

| Date | Type of Engagement | Summary |
|-------------------|---------------------------|--|
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| April 26, 2018 | Email | WesPac informed Semiahmoo that there had been further changes to the design and requesting the meet. |
| May 3, 2018 | Working Group Meeting | Semiahmoo did not attend the Working Group Meeting. |
| June 25, 2018 | Meeting | WesPac provided an update on the Project. WesPac and Semiahmoo discussed capacity funding and studies to support Semiahmoo's participation in the EA review |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Semiahmoo for review and comment. |
| July 18, 2018 | Email | WesPac provided a proposed capacity funding agreement for Semiahmoo's consideration. |
| July 25, 2018 | Email | WesPac provided draft summary notes from the June 25, 2018 meeting for Semiahmoo's review and comments. |
| September 4, 2018 | Email | Capacity funding agreement signed by WesPac and Semiahmoo First Nation. |

Aboriginal Consultation Plan

WesPac provided Semiahmoo First Nation with the Draft ACP for reference.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Semiahmoo First Nation for review and comment. Semiahmoo First Nation did not provide comments on the Draft ACR1.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Semiahmoo First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Semiahmoo did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Semiahmoo First Nation for the Application
- Draft ACR2

Semiahmoo First Nation did not provide comments on the baseline content on Semiahmoo First Nation for the Application.

Semiahmoo First Nation received the following Project-related documents through their participation as members of the Working Group:

- dAIR

Semiahmoo did not participate in any of the EAO-led Working Group Meetings or the two site tours.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.9 Squamish Nation

WesPac initiated engagement with Squamish Nation through a mailed letter in December 2014 that introduced the company and proposed Project. WesPac had no other engagement with Squamish in the Initial Engagement Stage as Squamish was listed on Schedule C in the Section 11 Order.

During the Pre-Application Consultation Stage, WesPac continued to provide periodic updates on the Project and the EA review process to Schedule C First Nations. In November 2015, WesPac emailed Squamish to inform them that EAO was undertaking a public comment period on the Draft VC Selection document through November and December 2015. EAO added Squamish to Schedule B in the Section 13 Order dated May 11, 2016 (EAO 2016). Shortly after receiving this information, WesPac contacted Squamish asking for guidance on how to initiate consultation.

To date, WesPac has undertaken the following activities with Semiahmoo First Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person

- Sharing of draft EA documents for review and comment
- EAO-led working group meetings

WesPac and Squamish Nation came to agreement on preliminary funding to support Squamish’s review of the dAIR document with the expectation there would be further discussions regarding a longer-term agreement. WesPac and Squamish Nation have not met since the AIR was approved. Table 7-12 provides an overview of the key consultation activities WesPac undertook with Squamish Nation in the first two stages of consultation.

Table 7-12: Overview of key consultation activities – Squamish Nation

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|---|
| December 3, 2014 | Letter | Notification letter introducing the Project. |
| July 21, 2015 | Working Group Meeting | Squamish Nation was not invited to the Working Group Meeting as they were originally listed on Schedule C of the Section 11 Order. |
| November 18, 2015 | Email | WesPac provided an update on the Project, including information regarding the EAO public comment period on the VC Selection document. |
| December 1, 2015 | Working Group Meeting | Squamish Nation was not invited to the Working Group Meeting as they were originally listed on Schedule C of the Section 11 Order. |
| February 4, 2016 | Working Group Meeting | Squamish Nation was not invited to the Working Group Meeting as they were originally listed on Schedule C of the Section 11 Order. |
| May 4, 2016 | Email | WesPac acknowledged that Squamish First Nation were to be added to Schedule B of the Section 11 Order, and provided an overview of the Project and offered to set up an introductory call. |
| June 17, 2016 | Email | WesPac followed up on introductory emails sent previously to Squamish. |
| July 4, 2016 | Letter | Squamish responded to WesPac’s introductory email stating that the Project has the potentially affect their fishing rights and that Squamish expects to participate fully in the EA review process. Squamish asked that WesPac provide the funding necessary to support that participation. |
| July 7, 2016 | Email | WesPac responded to Squamish’s July 4th letter, stating that WesPac looked forward to meeting with Squamish to discuss the Project and hear Squamish’s interests and concerns related to the Project. |
| July 8, 2016 | Letter | Squamish provided a proposal for capacity funding. |
| July 11, 2016 | Letter | WesPac provided a counter proposal to Squamish for preliminary capacity funding. |
| July 25, 2016 | Email | Transmittal of draft ACR1 for review and comment. |

| Date | Type of Engagement | Summary |
|--------------------|-----------------------|--|
| August 23, 2016 | Working Group Meeting | Squamish attended the Working Group Meeting. |
| September 16, 2016 | Email | Squamish responded to request for review of the draft ACR1, noting that they had no comments at that time. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| April 26, 2018 | Email | WesPac informed Squamish that there had been further changes to the design and requested to meet. |
| May 3, 2018 | Working Group Meeting | Squamish did not attend the Working Group Meeting. |
| May 22, 2018 | Email | Squamish responded to WesPac's previous emails stating that Squamish did not require a conference call at that time as Squamish had all the information that was presented at the Working Group Meeting. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Squamish for review and comment. |

Aboriginal Consultation Plan

WesPac provided Squamish Nation with an electronic version of the Draft ACP for reference.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Squamish Nation for review and comment. Squamish responded to WesPac's request for comments on the Draft ACR1 that as they had not been engaged in consultation on the Project through this period, they did not have comments on the draft ACR1.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Squamish Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Squamish Nation did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Squamish Nation for the Application
- Draft ACR2

Squamish Nation did not provide comments on the baseline content on Squamish Nation for the Application.

Squamish Nation received the following Project-related documents through their participation as members of the Working Group:

- dAIR

Squamish Nation participated in Working Group Meeting #4.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.10 Stz'uminus First Nation

This section provides a summary of consultation activities undertaken by WesPac with Stz'uminus First Nation during the Initial Engagement and Pre-Application Consultation stages.

Stz'uminus First Nation engaged with WesPac directly and collectively as a member nation of the Cowichan Nation Alliance, along with Cowichan Tribes, Halalt First Nation and Penelakut Tribe. WesPac provided funding to support Stz'uminus First Nation's engagement on the Project. Stz'uminus First Nation, along with the other Cowichan Nation Alliance member communities, pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

To date, WesPac has undertaken the following activities with Stz'uminus First Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person
- Provision of funding to support Stz'uminus First Nation's participation in the EA process and for the completion of a Project-related study
- Sharing of draft EA documents for review and comment

- Site tours
- EAO-led working group meetings

Table 7-13 provides an overview of the key consultation activities WesPac undertook with Stz'uminus First Nation in the first two stages of consultation.

Table 7-13: Overview of key consultation activities – Stz'uminus First Nation

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|--|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| January 8, 2015 | Meeting | Stz'uminus First Nation did not attend the meeting between WesPac and Cowichan Tribes, Halalt First Nation and Penelakut Tribe, as members of Cowichan Nation Alliance, to introduce the Project. |
| January 15, 2015 | Email | WesPac provided information requested at the January 8 meeting with Cowichan Nation Alliance. |
| January 22, 2015 | Email | WesPac provided a draft Capacity Funding Agreement to support Halalt First Nation's participation in the Project review. |
| February 5, 2015 | Telephone | Meeting between WesPac and Cowichan Nation Alliance to discuss the draft Capacity Funding Agreement provided by WesPac. WesPac also notified Cowichan Nation Alliance that they would be sending the Project Description in the next week for review and comment. |
| February 13, 2015 | Email | WesPac shared the draft Project Description for review and comment. |
| February 26, 2015 | Email | WesPac provided a press release related to an announcement that WesPac would be building a LNG bunker barge in North America. WesPac noted that it had not yet identified where the barge would be loaded, but the proposed Tilbury jetty would be a possibility. |
| May 6, 2015 | Email | WesPac confirmed that WesPac had officially submitted the Project Description to EAO on April 30th and CEAA on May 4th, starting the EA process. |
| May 8, 2015 | Email | WesPac provided the final draft of a sediment sampling plan and environmental management plan for upcoming sampling program to provide Stz'uminus First Nation the opportunity to comment and, if desired, have a representative monitor some or all of the work activities. |
| July 21, 2015 | Working Group Meeting | Stz'uminus First Nation did not attend the Working Group Meeting. Of the Cowichan Nation Alliance member nations, only Halalt First Nation attended. |
| July 27, 2015 | Letter | WesPac provided a fully executed Capacity Funding Agreement and a cheque to Stz'uminus First Nation for their participation in the EA review process. |
| October 5, 2015 | Email | WesPac provided the Draft ACP for the Project for Stz'uminus First Nation's review and comments. |

| Date | Type of Engagement | Summary |
|-------------------|---------------------------|---|
| November 16, 2015 | Email | WesPac provided an update on the Project, including information regarding the EAO public comment period on the draft VC Selection document. A copy of the Open House information sheet was attached to the email. |
| October 23, 2015 | Letter | Cowichan Nation Alliance provided comments to WesPac on the Draft ACP. |
| December 1, 2015 | Working Group Meeting | Neither Stz'uminus First Nation nor the other Cowichan Nation Alliance member nations attended the Working Group Meeting. |
| December 18, 2015 | Email | Cowichan Nation Alliance provided comments to the EAO and WesPac on the draft VC Document. |
| January 21, 2016 | Meeting | Project update meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation to discuss Tl'uqtinus, including future plans, and information on the current use of lands and resources for traditional purposes and other Aboriginal Interests. |
| February 4, 2016 | Working Group Meeting | Stz'uminus First Nation did not attend the Working Group Meeting. Of the other Cowichan Nation Alliance members, only Cowichan Tribes attended the meeting. |
| June 20, 2016 | Email | WesPac requested a cost estimate to complete a Project-related study. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 23, 2016 | Working Group Meeting | Stz'uminus First Nation did not attend the Working Group Meeting. Of the Cowichan Nation Alliance members, Cowichan Tribes and Halalt First Nation attended the Working Group Meeting. |
| November 7, 2016 | Email | WesPac provided the updated ACR1 and a tracking table showing how their comments were addressed in the updated document. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| January 12, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation and Stz'uminus First Nation. WesPac provided updates on the Project team and design. The Aboriginal groups reported that the TU study would commence shortly and would be available by middle of 2018. |
| March 1, 2018 | Email | WesPac confirmed that it was ready to proceed with the Cowichan Nation Alliance TU study and requested that the proposal be revised with current dates for WesPac to sign. |
| April 4, 2018 | Email | WesPac provided its additions to Cowichan Nation Alliance's TU study budget and timeline and confirmed that a signed version of the attached document would be sufficient to move things forward. |
| April 13, 2018 | Meeting | Meeting between WesPac and Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation to provide an update on the Project design and schedule, and to discuss the status of the agreement for the TU study. |

| Date | Type of Engagement | Summary |
|----------------|-----------------------|---|
| April 14, 2018 | Email | WesPac requested that its consultant's socio-economic team be provided an opportunity to meet with members or provide a questionnaire to gather information on commercial marine use for the Application. |
| April 30, 2018 | Email | Request for permission to use information from TU studies prepared for other Projects along the Fraser River near the Project site. |
| May 1, 2018 | Email | WesPac emailed the signed agreement for the Cowichan Nation Alliance TU study. |
| May 2, 2018 | Email | WesPac's consultant sent Socio-economic and Marine Use Questionnaire. |
| May 3, 2018 | Working Group Meeting | Stz'uminus First Nation did not attend the Working Group Meeting. Of the Cowichan Nation Alliance members, Cowichan Tribes and Halalt First Nation attended the Working Group Meeting. |
| July 7, 2018 | Email | WesPac provided the baseline content and territory map for the Application to Stz'uminus First Nation for review and comment. |

Aboriginal Consultation Plan

WesPac provided Stz'uminus First Nation with an electronic version of the Draft ACP for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation, provided comments on the Draft ACP directly to WesPac. The main themes for those comments included:

- Corrections to text.
- Clarification regarding the description of *Tl'uq̓tinus*.
- Request to include consideration of the future use of *Tl'uq̓tinus* in the Application.
- Request that Aboriginal groups be provided with proof their comments were considered and a rationale for those that were not included.
- Scope of consultation should not be limited to current use; future use must be considered.

WesPac incorporated Cowichan Nation Alliance's comments into the updated Draft ACP, where appropriate, along with comments from EAO who reviewed the draft simultaneously. The updated content was included in the Draft ACR1. Cowichan Nation Alliance's specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Cowichan Nation Alliance for review.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Stz'uminus First Nation for review and comment. Cowichan Nation Alliance, on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First

Nation, provided comments on the Draft ACR1 directly to WesPac. Those comments were incorporated into the report where appropriate and a tracking table was provided that demonstrated how those comments were incorporated, as well as a rationale for those that were not.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Stz'uminus First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Stz'uminus did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Materials and Documents Shared

During the Initial Engagement Stage, WesPac provided the Draft Project Description to Stz'uminus First Nation for review and comment. Stz'uminus First Nation did not provide comments on the document directly to WesPac.

During the Pre-Application Consultation Stage, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft sediment sampling plan and environmental management plan for sampling program to characterize river sediment in this area for structural/geotechnical engineering purposes and potential ocean disposal (or beneficial use) of dredge material.
- Draft VC Selection Document
- dAIR
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Stz'uminus First Nation for the Application
- Draft ACR2

Stz'uminus First Nation did not provide comments on the baseline content for the Application.

Cowichan Nation Alliance member communities participated in four meetings as represented by:

- Halalt First Nation at Working Group Meeting #1
- Cowichan Tribes at Working Group Meeting #3

- Cowichan Tribes and Halalt First Nation at Working Group Meeting #4
- Cowichan Tribes and Halalt First Nation at Working Group Meeting #5

Cowichan Tribes also attended the site tour on February 3, 2016 that coincided with Working Group Meeting #3.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.11 Tsawwassen First Nation

WesPac initiated engagement with Tsawwassen First Nation by telephone in June 2014. WesPac shared preliminary information on the Project and the parties agreed to meet once the Project was further advanced. In July 2014, WesPac extended an invitation to the Tsawwassen First Nation to attend the WesPac Tilbury Marine Terminal Hazard Identification Workshop later that month.

In October 2014, WesPac and Tsawwassen met for the first time to discuss the Project and tour the Tsawwassen community. WesPac provided a draft capacity funding agreement to Tsawwassen at the meeting. In December 2014, WesPac and Tsawwassen met for the second time for the purposes of signing the capacity funding agreement. At this meeting, the parties discussed Tsawwassen's interests related to the Project, including potential economic opportunities.

In this Initial Engagement Stage, WesPac's consultation activities focused on sharing information on the Project and gathering preliminary comments from Tsawwassen on the Project design and location, potential Project-related effects on Tsawwassen's treaty rights and economic interests, and potential mitigation measures that may avoid or minimize those effects. Initial Engagement Stage consultation activities included:

- Sharing of Project information through email and letter correspondence
- Meetings with Tsawwassen either in person or by teleconference
- Two community tours
- Sharing of draft documents for review and comment
- Ratification of a capacity funding agreement to support Tsawwassen's participation in the EA process.

Table 7-14 provides an overview of the key consultation activities WesPac undertook with Tsawwassen First Nation in the first two stages of consultation.

Table 7-14: Overview of key consultation activities – Tsawwassen First Nation

| Date | Type of Engagement | Summary |
|---------------|--------------------|--|
| June 24, 2014 | Telephone Call | WesPac telephoned Tsawwassen First Nation to introduce WesPac and the Project. |

| Date | Type of Engagement | Summary |
|--------------------|-----------------------|--|
| July 14, 2014 | Telephone | WesPac invited Tsawwassen First Nation to send representatives to WesPac's Tilbury Marine Terminal Hazard Identification Workshop. |
| August 25, 2014 | Email | WesPac left a message for Tsawwassen that requesting a meeting to discuss the Project and explore opportunities to work together. |
| September 29, 2014 | Telephone | WesPac requested an opportunity to present a draft Capacity funding agreement letter to Tsawwassen. |
| October 9, 2014 | Site Tour | WesPac hosted Tsawwassen on a boat tour of the Fraser River and the Project site at Tilbury Island. WesPac also presented a Capacity funding offer letter to Tsawwassen. |
| November 5, 2014 | Email | Capacity funding agreement signed by Tsawwassen and WesPac. |
| December 11, 2014 | Email | WesPac notified Tsawwassen of upcoming work to assess water and soil for contamination in advance of the transfer the water lot tenure from the current owner (Varsteel) to WesPac and invites Tsawwassen to send a monitor. WesPac also provided a copy of the project review application and work plan submitted to Port Metro Vancouver. |
| December 17, 2014 | Community tour | Tsawwassen hosted a tour of their community for WesPac. |
| February 16, 2015 | Email | WesPac provided the draft Project Description to Tsawwassen for review and comments. |
| February 26, 2015 | Email/ Telephone | WesPac informed Tsawwassen that WesPac had placed an order to build a barge in the US Gulf coast to transport LNG. WesPac had not yet identified where the barge will be loaded, but the proposed Tilbury jetty would be a possibility. WesPac noted that they wanted to provide this information to Tsawwassen directly, before they heard it from anyone else. |
| February 27, 2015 | Email | Tsawwassen provided comments to WesPac on the draft Project Description. |
| May 5, 2015 | Email | WesPac informed Tsawwassen that WesPac had officially submitted the Project Description to EAO on April 30th and CEAA on May 4th. |
| May 8, 2015 | Email | WesPac provided the final draft of a sediment sampling plan and environmental management plan for upcoming sampling program to provide Tsawwassen the opportunity to comment and, if desired, have a Tsawwassen representative monitor work activities. |
| July 21, 2015 | Working Group Meeting | Tsawwassen attended the Working Group meeting. |
| November 12, 2015 | Email | WesPac provided the draft ACP to Tsawwassen for review and comment. |

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|---|
| November 16, 2015 | Email | WesPac provided an update on the Project, including information regarding the EAO public comment period on the VC Selection document. |
| November 20, 2015 | Document | Tsawwassen provided initial comments on the draft ACP to WesPac. |
| December 1, 2015 | Working Group Meeting | Tsawwassen did not participate in the Working Group Meeting. |
| February 4, 2016 | Working Group Meeting | Tsawwassen participated in the Working Group Meeting. |
| May 6, 2016 | Email | In follow-up to an action item from the February 4th Working Group Meeting related to a draft security plan for the Project, WesPac reported they had further conversations with Port Metro Vancouver and others regarding the security plan and WesPac needed to revise the plan before it could be shared. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 to Tsawwassen for review and comments. |
| August 23, 2016 | Working Group Meeting | Tsawwassen attended the Working Group Meeting. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated. |
| April 26, 2018 | Email | WesPac provided an update that there had been further changes to the design and offered to meet to present the changes. WesPac also requested permission for its consultant to use data gathered for another project in the socio-economic assessment for the Project or to meet with Tsawwassen members to gather that data. |
| May 3, 2018 | Working Group Meeting | Tsawwassen attended the Working Group Meeting. |
| May 31, 2018 | Meeting | WesPac representatives introduced themselves and provided an update on the Project design and EA schedule. WesPac noted that the Application would be submitted in summer of 2018 with a goal of receiving the EAC certificate in mid-2019 and all other permits in late 2019. WesPac and Tsawwassen discussed capacity funding and funding for Tsawwassen to complete a treaty impact study for the Project. Tsawwassen noted their concerns about cumulative effects on the Fraser River and how to get an understanding of cumulative effects. Tsawwassen requested any research that WesPac has done on cumulative effects. |

| Date | Type of Engagement | Summary |
|--------------------|--------------------|---|
| June 12, 2018 | Email | WesPac contacted Tsawwassen to follow up on action items from meeting on May 31, including an updated proposal and cost estimate for capacity funding and to complete a treaty impact study, permission for WesPac's consultant to use studies completed for other projects for baseline in the application and permission for WesPac's consultant to meet with Tsawwassen representatives to collect information for the socio-economic and marine use baseline. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application for review and comment. |
| July 31, 2018 | Email | Tsawwassen provided comments on the baseline content for the Application. |
| August 21, 2018 | Email | Tsawwassen provided a cost estimate for capacity funding to participate in the EA process. WesPac accepted the proposal. |
| August 31, 2018 | Email | Tsawwassen provided WesPac with a capacity funding agreement for consideration. |
| September 10, 2018 | Email | Tsawwassen First Nation and WesPac sign a capacity funding agreement. |
| October 4, 2018 | Site Tour | Tsawwassen First Nation attended the Working Group boat tour of the Project site. |

Aboriginal Consultation Plan

WesPac provided Tsawwassen First Nation with an electronic version of the Draft ACP for review and comment. Tsawwassen First Nation provided detailed comments on the Draft ACP directly to WesPac. The main themes for those comments included:

- Editorial corrections to text.
- Clarification regarding Tsawwassen's defined, constitutionally protected Treaty rights.
- A request that both non-technical and technical information in its original format be available to Aboriginal groups.
- A note that TEK can only be obtained from knowledge-holders of the relevant Aboriginal groups.
- Acknowledgement that the responsibility for consultation ultimately falls to the Province and that the overall objective of consultation should be to satisfy commitments between the Province and Tsawwassen First Nation.

WesPac incorporated Tsawwassen First Nation's comments into the updated Draft ACP, where appropriate, along with comments from EAO. The updated content was included in the Draft ACR1 and Tsawwassen First Nation's specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Tsawwassen for review.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Tsawwassen First Nation for review and comment. Tsawwassen did not provide comments on the ACR1.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Tsawwassen First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Tsawwassen provided comments to WesPac following their review of the document. The key comments, as well as WesPac's responses, included:

- Use of Chief and Council does not accurately describe Tsawwassen First Nation's governance structure. Tsawwassen requested that "elected representatives or staff" be added. WesPac updated the text in ACR2 to "Chief and Council, elected officials, or other representatives or staff".
- Regarding "Provide responses to comments from Aboriginal groups and to maintain an issue and response tracking table" (Section 9.1), Tsawwassen asked if the tracking table will be shared with Aboriginal groups. WesPac responded that it is willing to share the tracking table upon request from an Aboriginal group and updated the text in ACR2 to "Provide responses to comments from Aboriginal groups and to maintain an issue and response tracking table, which will be shared with Aboriginal groups periodically if requested."
- Requested that "asserted Aboriginal Interests" (Section 9.1) be updated to reflect Tsawwassen's Treaty rights "Aboriginal Interests" is defined in ACR2 as "Asserted or determined Aboriginal rights, including Aboriginal title, and Treaty rights."
- Regarding "Implement additional measures for consultation and accommodation of concerns expressed by Aboriginal groups" (Section 9.1), Tsawwassen requested more detail about what these 'additional measures' might include. The types of "additional measures for consultation and accommodation" would depend on what is requested and would likely apply only to the specific Aboriginal group that requests it.
- Requested criteria that will be used to determine the feasibility of community open houses (Section 9.1). WesPac responded that it would determine what is and is not feasible, and WesPac will provide a rationale if a request for a community open house from an Aboriginal group cannot be accommodated.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application. WesPac has also provided Tsawwassen with a tracking table to demonstrate how their comments were incorporated in the final version of ACR2.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACP

- Early version of the dAIR
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft chapters for the Application that were specifically requested by Tsawwassen First Nation
- Draft baseline content on Tsawwassen First Nation for the Application
- Draft ACR2

Tsawwassen First Nation provided comments on the baseline content for Tsawwassen First Nation for the Application, which was incorporated into the Application prior to submission. WesPac provided a tracking table demonstrating how Tsawwassen's comments were incorporated.

EAO hosted five Working Group meetings and two site tours during the Pre-Application Consultation Stage for the Project. Tsawwassen representatives participated in four of these Working Group Meetings, specifically Working Group Meetings #1, #3, #4 and #5 and the site tour on October 4, 2018.

WesPac and Tsawwassen signed a capacity funding agreement in September 2018 to support Tsawwassen's ongoing participation during Application Review. The agreement includes preparation of a Treaty Impact Study. As the study will be submitted to WesPac after the Application is submitted, the study will be used to inform mitigation and monitoring plans and EAO's assessment report.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.8.12 Tsleil-Waututh Nation

WesPac initiated engagement with Tsleil-Waututh Nation through a mailed letter in October 2014 that introduced the company and proposed Project. Tsleil-Waututh responded to the introductory letter by forwarding a copy of the Tsleil-Waututh Stewardship Policy which identifies specific consultation steps and an invoice for their Referral Administrative File Set-up Fee. WesPac paid the fee.

WesPac and Tsleil-Waututh met in person for the first time in December 2015. In addition to sharing information on their interests related to the Project, Tsleil-Waututh provided WesPac with a MOU, including a cost estimate, providing for their participation in the EA review for consideration. Following the exchange of several emails, WesPac and Tsleil-Waututh signed an MOU in July 2016 whereby WesPac agreed to provide a contribution toward Tsleil-Waututh's participation in the EA review.

To date, WesPac has undertaken the following activities with Tsleil-Waututh Nation:

- Sharing of Project information through letters and emails
- Direct communications by telephone or in person

- Sharing of draft EA documents for review and comment
- Site tours
- EAO-led working group meetings

Tsleil-Waututh Nation completed and submitted their TUS to WesPac in November 2016.

Table 7-15 provides an overview of the key consultation activities WesPac undertook with Tsleil-Waututh Nation up to the time of writing ACR2.

Table 7-15: Overview of key consultation activities – Tsleil-Waututh Nation

| Date | Type of Engagement | Summary |
|-------------------|-----------------------|--|
| October 12, 2014 | Letter | Notification letter introducing the Project. |
| October 23, 2014 | Letter | In response to WesPac's introductory letter, Tsleil-Waututh Nation, provided a copy of the Tsleil-Waututh Stewardship Policy regarding specific consultation steps. The response included an invoice for Tsleil-Waututh's file set up fee. |
| December 2, 2014 | Letter | WesPac provided a cheque for the file set up fee, and requested that WesPac be informed of the outcome of their referral screening. |
| July 21, 2015 | Working Group Meeting | Tsleil-Waututh did not attend the Working Group meeting. |
| October 22, 2015 | Letter | Tsleil-Waututh provided comments on the Draft ACP. |
| October 23, 2015 | Letter | Tsleil-Waututh provided comments on the draft VC document. |
| November 10, 2015 | Meeting | Tsleil-Waututh informed WesPac that they were still discussing internally the level of their participation in the EA process for this Project. |
| November 16, 2015 | Email | WesPac provided an update on the WesPac Tilbury Project, which included information regarding the EAO public comment period on the VC Selection document. A copy of the Open House information sheet was attached to the email. |
| December 1, 2015 | Working Group Meeting | Tsleil-Waututh did not attend the Working Group Meeting. |
| December 4, 2015 | Meeting | WesPac provided an overview of the Project and the EA process. WesPac and Tsleil-Waututh discussed capacity funding and Tsleil-Waututh provided preliminary comments on their potential interests related to the Project. |
| December 15, 2015 | Email | Tsleil-Waututh provided a budget for Tsleil-Waututh's participation in the EA review process. |

| Date | Type of Engagement | Summary |
|------------------|-----------------------|---|
| February 3, 2016 | Site Tour | Tsleil-Waututh participated in the boat tour of the Project site. |
| February 4, 2016 | Working Group Meeting | Tsleil-Waututh attended the Working Group Meeting. |
| May 10, 2016 | Email | WesPac requested a cost estimate to support Tsleil-Waututh's participation in the EA process, which included preparation of a TU study. |
| June 14, 2016 | Meeting | Meeting to discuss Tsleil-Waututh participation in the EA process, which included capacity funding and funding for a Project-related study. |
| June 16, 2016 | Proposal | Tsleil-Waututh provided WesPac with a proposal and cost estimate for an "Aboriginal Interests Study" for the Project. |
| July 19, 2016 | Document | MOU for capacity funding and a Project-related study signed by Tsleil-Waututh and WesPac outlining WesPac's contribution toward Tsleil-Waututh's participation in the EA review. |
| July 25, 2016 | Email | WesPac provided the draft ACR1 for review and comment. |
| August 16, 2016 | Email | Tsleil-Waututh provided comments on ACR1 |
| August 23, 2016 | Working Group Meeting | Tsleil-Waututh attended the Working Group Meeting. |
| November 7, 2016 | Document | Tsleil-Waututh submitted "Tsleil-Waututh Nation Traditional Use Study Review in Relation to the WesPac Tilbury Marine Jetty Project" to WesPac |
| November 7, 2016 | Email | WesPac provided the updated ACR1 to Tsleil-Waututh and a tracking table of WesPac responses to Tsleil-Waututh's comments on the earlier draft. |
| November 7, 2017 | Email | WesPac provided an update on the Project, specifically that there were changes to the WesPac team and that the preparation of the EA application had been reinitiated based on the approved AIR dated November 29, 2016. WesPac also offered to meet by teleconference or in person to provide a more detailed update. |
| November 9, 2017 | Email | Tsleil-Waututh provided an update on their team for the Project. |
| January 17, 2018 | Meeting | By teleconference, WesPac introduced the new team and noted that the Project had been paused for WesPac to focus on commercial aspects, but EA Application was now under development with a goal to submit in spring or summer 2018. Tsleil-Waututh provided the new WesPac team with an overview of the Nation and their internal structure and policy regarding stewardship and dealing with project referrals. |
| January 17, 2018 | Email | Tsleil-Waututh provided their Stewardship Policy and Fee Schedule to WesPac. |

| Date | Type of Engagement | Summary |
|-----------------|-----------------------|--|
| April 26, 2018 | Email | WesPac provided an update that there had been further changes to the design and offered to meet to present the changes. WesPac also requested permission for its consultant to use data gathered for another project in the socio-economic assessment for the Project or to meet with Tsleil-Waututh members to gather that data. |
| May 3, 2018 | Working Group Meeting | Tsleil-Waututh attended the Working Group Meeting. |
| June 12, 2018 | Email | WesPac requested permission for its consultant to meet with, or send a questionnaire to Tsleil-Waututh to gather information on marine use for the socio-economic assessment in the application. |
| July 17, 2018 | Email | WesPac provided the baseline content and territory map for the Application for review and comment. |
| July 26, 2018 | Meeting | WesPac provided an update on the Project. Tsleil-Waututh and WesPac discussed capacity funding to support Tsleil-Waututh's participation in the Application review. |
| October 4, 2018 | Site Tour | Tsleil-Waututh attended the Working Group boat tour of the Project site. |

Aboriginal Consultation Plan

WesPac provided Tsleil-Waututh Nation with an electronic version of the Draft ACP for review and comment. Tsleil-Waututh Nation provided comments on the Draft ACP directly to WesPac. The main themes for those comments included:

Tsleil-Waututh provided comments on the draft ACP. The main themes for those comments included:

- Meaningful consultation that is consistent with Tsleil-Waututh's Stewardship Policy is the goal.
- Tsleil-Waututh requires that they be given sufficient time to review information and provide comments on Project documents.
- Request that Aboriginal groups be provided with documentation of how their comments were considered and a rationale for those that were not included.
- Noted that Tsleil-Waututh is interested in establishing a collaborative decision-making framework and dispute resolution procedure to help facilitate Aboriginal views and resolve outstanding issues.
- Requirement that TU and TEK information be kept confidential and shared only with parties identified by Tsleil-Waututh.
- Requirement for Tsleil-Waututh to review and approve all consultation records, plans and reports shared with EAO.

WesPac incorporated Tsleil-Waututh's comments into the updated Draft ACP, where appropriate, along with comments from EAO. WesPac and Tsleil-Waututh discussed the comments at a subsequent meeting. The updated content was also included in the Draft ACR1 and Tsleil-Waututh's specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Tsleil-Waututh for review.

Aboriginal Consultation Report 1

WesPac provided an electronic version of the Draft ACR1 to Tsleil-Waututh Nation for review and comment. Tsleil-Waututh also provided comments on the Draft ACR1 directly to WesPac. Those comments were incorporated into the documents where appropriate and a tracking table was provided that demonstrated how those comments were incorporated, as well as a rationale for those that were not.

Aboriginal Consultation Report 2

Aboriginal group-specific content of the draft ACR2 was provided to Tsleil-Waututh Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Tsleil-Waututh noted that there were errors in the dates and the requested review period for the draft ACR2. The error was corrected.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

Tsleil-Waututh Nation provided additional comments on the updated ACR2 during Application Screening. The key comments, as well as WesPac's responses to those comments, included:

- Disagreement with the explanation of Consultation as a "4-stage process", noting that consultation is required throughout the entire process as a fluid and continued legally required process, not something in stages/steps. Tsleil-Waututh also recommended that WesPac refer to their Steward Policy as an example. WesPac notes that the four-stage process was defined in the ACP to align with the stages of the EA review process and associated reporting purposes. WesPac is committed to ongoing consultation with Aboriginal groups throughout the review process and post-EAC, should a certificate be issued for the Project.
- Concerns about who determines what is "applicable and feasible" when incorporating TU and TEK information provided by Aboriginal groups. WesPac responds that it makes the initial decision of what to include and then provides the Aboriginal group that provided the information with a draft of for review and comment. Comments provided by Aboriginal groups on draft text is carefully considered and for any information not included, WesPac provides a tracking table that includes the rationale for anything not included in the updated text.

Materials and Documents Shared

During the Initial Engagement and Pre-Application Consultation stages, WesPac provided the following Project-related documents and information:

- Draft ACP
- Draft ACR1
- Various PowerPoint presentations illustrating changes to the Project
- Draft baseline content on Tsleil-Waututh Nation for the Application
- Draft ACR2

Tsleil-Waututh Nation has not provided comments on the baseline content on Tsleil-Waututh Nation for the Application.

Tsleil-Waututh Nation received the following Project-related documents through their participation as members of the Working Group:

- Draft VC Selection Document
- dAIR

Tsleil-Waututh representatives participated in Working Group Meetings #2, #3, #4 and #5 and both site tours.

EAO has also shared Project-related materials with Aboriginal groups. Information on these materials is included in the EAO's Project Information and Collaboration website for the Project found here:

<https://projects.eao.gov.bc.ca/p/wespac-tilbury-marine-jetty/docs>

7.4.9 Consultation Summaries for Schedule C Aboriginal Groups

7.4.9.1 *Katzie First Nation*

This section summarizes initial and pre-Application phase consultation undertaken with Katzie First Nation.

WesPac initiated engagement with Katzie First Nation through a mailed letter in October 2014 that introduced the company and proposed Project. Katzie First Nation responded to the letter in January 2015 by email. In the email, Katzie noted that their asserted traditional territory includes the Project area and that they are concerned with any activities that may affect their interests in their territory prior to treaty settlement, specifically archaeology, fisheries or wildlife values, and the potential use of native species for riparian and aquatic planting. The email also informed WesPac that they own a development corporation experienced in the delivery of archaeology, habitat restoration and environmental monitoring works. WesPac responded to the email, noting that archaeological assessments and that DFO and MOE would be involved in reviewing the effects assessments and any other authorizations

required for the Project. WesPac also noted that use of native species would be considered in mitigation planning and acknowledged the information on Katzie's development corporation for future reference and offered to meet.

In May 2015, WesPac sent an email to Katzie to inform them that WesPac had officially submitted the Project Description to EAO and CEA Agency.

In correspondence between CEA Agency and Katzie between May 22 and May 25, 2015 regarding the Province of BC's substitution request, Katzie reiterated the interests that they had conveyed to WesPac in January 2015, specifically that they had concerns with any activity that could affect interest in Katzie territory prior to treaty settlement and that appropriate environmental and archaeological assessments required prior to ground disturbance and construction. Katzie also stated that they believe that all major industrial projects, specifically those involving marine or freshwater work, should be subject to full environmental assessments.

The parties did not meet during Initial Engagement.

During the Pre-Application Consultation Stage, WesPac continued to provide periodic updates on the Project and the EA review process to Schedule C First Nations. In November 2015, WesPac emailed Katzie to inform them that EAO was undertaking a public comment period on the Draft VC Selection document through November and December 2015.

During the Pre-Application Consultation Stage, WesPac provided Katzie with the Draft ACR1 for review. Katzie did not provide comments on the Draft ACR1.

In March 2018, WesPac sent an email to Katzie to provide an update on the Project since last correspondence in August 2016. The email explained that WesPac took a break to undertake internal discussions on how to proceed and are now moving forward on preparation of the Application with a goal of submitting the Application to EAO by the end of May 2018. WesPac asked if Katzie wished to submit information on the current use of lands and resources or on Aboriginal interests to WesPac, noting that the information would be integrated into the relevant sections of the application. If Katzie did not submit information, the Application would rely on a desktop review of relevant publicly available resources. The parties did not meet during Pre-Application. Aboriginal group specific content of the draft ACR2 was provided to Katzie First Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Katzie responded to the request for comments with a letter that stated that they would not be able to complete a full review of ACR2 as they had not been provided with capacity funding to support their participation.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

7.4.9.2 *Métis Nation British Columbia*

This section summarizes initial and pre-Application phase consultation undertaken with Métis Nation British Columbia.

WesPac did not engage with Métis Nation British Columbia during the Initial Engagement Stage.

WesPac initiated engagement with Métis Nation British Columbia after the EA process commenced and Métis Nation British Columbia was listed under Schedule C of the Section 11 Order. In November 2015, WesPac

emailed Métis Nation British Columbia to inform them that EAO was undertaking a public comment period on the Draft VC Selection document through November and December 2015.

During the Pre-Application Consultation Stage, WesPac provided Métis Nation British Columbia with the Draft ACR1 for review. Métis Nation British Columbia provided comments, including a summary of Métis history in British Columbia. WesPac responded to inform Métis Nation British Columbia that their comments had been addressed in the updated draft and that the additional historic information provided would be considered in the Application.

In March 2018, WesPac sent an email to Métis Nation British Columbia to provide an update on the Project since last correspondence in August 2016. The email explained that WesPac took a break to undertake internal discussions on how to proceed and are now moving forward on preparation of the Application with a goal of submitting the Application to EAO by the end of May 2018. WesPac also noted that it will be incorporating the historic information previously provided into relevant sections of the Application. If Métis Nation did not submit information, the application would rely on a desktop review of relevant publicly available resources. The parties did not meet during Pre-Application.

Aboriginal group-specific content of the draft ACR2 was provided to Métis Nation British Columbia for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Métis Nation British Columbia did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

7.4.9.3 People of the River Referrals Office

This section summarizes Initial Engagement and Pre-Application phase consultation undertaken with the PRRO.

WesPac did not engage with People of the River Referrals Office during the Initial Engagement Stage.

WesPac initiated engagement with People of the River Referrals Office after the EA process commenced and People of the River Referrals Office was listed under Schedule C of the Section 11 Order. In November 2015, WesPac emailed People of the River Referrals Office to inform them that EAO was undertaking a public comment period on the Draft VC Selection document through November and December 2015.

During the Pre-Application Consultation Stage, WesPac provided People of the River Referrals Office with the Draft ACR1 for review. People of the River Referrals Office did not provide comments on the Draft ACR1.

In August 2016, WesPac received an email notification from People of the River Referrals Office stating that they had deferred review of the Project to Musqueam Indian Band and Tsawwassen First Nation.

In March 2018, WesPac sent an email to People of the River Referrals Office to provide an update on the Project since the last correspondence in August 2016. The email explained that WesPac took a break to undertake internal discussions on how to proceed and are now moving forward on preparation of the Application with a goal of submitting the Application to EAO by the end of May 2018. WesPac acknowledged that, in previous correspondence, the People of the River Referrals Office indicated that they were deferring to other Aboriginal groups to provide input on the Project. However, WesPac reiterated that if People of the River Referrals Office

wishes to submit information on the current use of lands and resources or on Aboriginal interests to WesPac, it will be integrated into the relevant sections of the Application. If People of the River Referrals Office did not submit information, the Application would rely on a desktop review of relevant publicly available resources. The parties did not meet during Pre-Application.

Aboriginal group-specific content of the draft ACR2 was provided to People of the River Referrals Office for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. People of the River Referrals Office did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

7.4.9.4 Stó:lō Nation

This section summarizes Initial Engagement and Pre-Application phase consultation undertaken with Stó:lō Nation.

WesPac initiated engagement with Stó:lō Nation through a mailed letter in October 2014 that introduced the company and proposed Project. There was no further correspondence and the parties did not meet during Initial Engagement.

During the Pre-Application Consultation Stage, WesPac continued to provide periodic updates on the Project and the EA review process to Schedule C First Nations. In November 2015, WesPac emailed Stó:lō Nation to inform them that EAO was undertaking a public comment period on the Draft VC Selection document through November and December 2015.

During the Pre-Application Consultation Stage, WesPac provided Stó:lō Nation with the Draft ACR1 for review. Stó:lō Nation did not provide comments on the Draft ACR1.

In March 2018, WesPac sent an email to Stó:lō Nation to provide an update on the Project since last correspondence in August 2016. The email explained that WesPac took a break to undertake internal discussions on how to proceed and are now moving forward on preparation of the Application with a goal of submitting the Application to EAO by the end of May 2018. WesPac asked if Stó:lō Nation wished to submit information on the current use of lands and resources or on Aboriginal interests to WesPac, noting that the information would be integrated into the relevant sections of the application. If Stó:lō Nation did not submit information, the Application would rely on a desktop review of relevant publicly available resources. The parties did not meet during Pre-Application.

Aboriginal group-specific content of the draft ACR2 was provided to Stó:lō Nation for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Stó:lō Nation did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

7.4.9.5 Stó:lō Tribal Council

This section summarizes Initial Engagement and Pre-Application stage consultation undertaken with the Stó:lō Tribal Council.

WesPac initiated engagement with Stó:lō Tribal Council through a mailed letter in October 2014 that introduced the company and proposed Project. There was no further correspondence and the parties did not meet during Initial Engagement.

During the Pre-Application Consultation Stage, WesPac continued to provide periodic updates on the Project and the EA review process to Schedule C First Nations.

As a follow up to a news article in June 2015 that cited an advisor for the Stó:lō Tribal Council stating that they had no knowledge of any previous communication from WesPac, WesPac telephoned Stó:lō Tribal Council and followed up with an email requesting an opportunity to discuss the Project. The email also noted that WesPac had sent a registered letter to the Stó:lō Tribal Council in October 2014, but did not receive a response to that letter. The email also stated that WesPac was interested in engaging with the Stó:lō Tribal Council. WesPac received a response from People of the River Referrals Office later in June 2015, on behalf of Stó:lō leadership. People of the River Referrals Office offered to facilitate discussions between WesPac and Stó:lō Tribal Council until leadership felt a higher level of consultation should commence. WesPac added People of the River Referrals Office to all subsequent correspondence to Stó:lō Tribal Council.

In November 2015, WesPac emailed Stó:lō Tribal Council to inform them that EAO was undertaking a public comment period on the Draft VC Selection document through November and December 2015.

During the Pre-Application Consultation Stage, WesPac provided Stó:lō Tribal Council with the Draft ACR1 for review. Stó:lō Tribal Council did not provide comments on the Draft ACR1.

In March 2018, WesPac sent an email to Stó:lō Tribal Council to provide an update on the Project since last correspondence in August 2016. The email explained that WesPac took a break to undertake internal discussions on how to proceed and are now moving forward on preparation of the Application with a goal of submitting the Application to EAO by the end of May 2018. WesPac asked if Stó:lō Tribal Council wished to submit information on the current use of lands and resources or on Aboriginal interests to WesPac, noting that the information would be integrated into the relevant sections of the application. If Stó:lō Tribal Council did not submit information, the Application would rely on a desktop review of relevant publicly available resources. The parties did not meet during Pre-Application.

Aboriginal group-specific content of the draft ACR2 was provided to Stó:lō Tribal Council for their review and comment on October 22, 2018 with a request that they provide comments by November 5, 2018, thereby allowing for a two-week review period. Stó:lō Tribal Council did not provide WesPac with comments on the draft ACR2.

After addressing comments received from Aboriginal groups on the draft ACR2, WesPac provided all Aboriginal groups with a final copy of ACR2 as an Appendix to the EAC Application.

8.0 SUMMARY OF ISSUES, CONCERNS AND INTERESTS

As specified in the Section 11 Order and the ACP, WesPac has tracked issues and concerns raised by Aboriginal groups and, where possible, has worked with Aboriginal groups to address and resolve those issues and concerns.

Appendix A presents the key issues and concerns raised by Aboriginal groups during consultation, and WesPac's subsequent responses to those issues, concerns and interests.

9.0 ONGOING CONSULTATION AND ENGAGEMENT

9.1 Application Review

WesPac will continue to consult with Aboriginal groups during the Application Review Stage. The objectives of the consultation during this stage will be to continue:

- Relationship building;
- Understanding and providing Aboriginal participation opportunities on the Project, including procurement, employment, and training opportunities;
- Ongoing discussion of potentially-affected Aboriginal Interests and concerns, and collaborative identification of measures to avoid, mitigate, or accommodate potential adverse effects on Aboriginal Interests, including developing effective monitoring and follow-up measures; and
- Ongoing meetings to discuss Project updates, including presentations to Chief and Council or communities as requested by Aboriginal groups.

Once the Application is accepted by EAO for review, WesPac will undertake the following activities, as required in the Section 11 and 13 Orders:

- Notify Aboriginal groups of the submission of the Application;
- Provide copies of the Application, in digital format, to all Aboriginal groups to facilitate review and comment on the Application, either through the Working group or independently, as required by EAO;
- Arrange consultation meetings by mutual agreement with Aboriginal groups, as necessary, to continue the process of identifying:
 - specific asserted Aboriginal Interests and the potential for adverse environment, economic, social, health, and heritage effects on those Aboriginal Interests by the Project;
 - measures to avoid or mitigate the potential adverse effects of the Project, and/or to otherwise address or accommodate concerns expressed by Aboriginal groups; and
 - Project-related opportunities for Aboriginal groups.
- Provide responses to comments from Aboriginal groups and to maintain an issue and response tracking table, which will be shared with Aboriginal groups periodically if requested;

- Participate in and attend EAO-led Working Group meetings and Open Houses;
- Provide EAO and Aboriginal groups with a written report on the results of consultation activities with Aboriginal groups, identifying:
 - issues and concerns raised with respect to the Project's potential adverse effects on Aboriginal Interests and on the potential for adverse environmental, economic, social, health and heritage effects; and
 - how WesPac intends to address these issues and concerns.
- Implement additional measures for consultation and accommodation of concerns expressed by Aboriginal groups, where appropriate and in consultation with those Aboriginal groups; and
- Provide EAO with information EAO considers relevant with respect the Province's legal duties of consultation and accommodation.

WesPac will discuss the need for community meetings or open houses with all Aboriginal groups. In the event that community open houses in every Schedule B and C Aboriginal group community may not be feasible due to scheduling or other logistical constraints, WesPac may seek opportunities to hold separate open houses in locations that are convenient to one or more Aboriginal community. Should WesPac not be able to accommodate a request from an Aboriginal group for a community open house, WesPac will provide a rationale and discuss potential options with that Aboriginal group.

Issues raised by Aboriginal groups and WesPac's responses during the Application Review period will be tracked. WesPac will prepare a draft ACR 3 as per the Section 11 and 13 Orders and submit it to all Schedule B Aboriginal groups for review and comment prior to submission to EAO.

9.2 Post-Environmental Assessment Certificate

Should the Project be issued an EAC to proceed, WesPac will undertake the following key consultation activities during each of the construction and operation phases:

Construction:

- Notify Aboriginal groups of the outcome of the Application Review, including requirements of the EAC and related commitments and assurances;
- Continue to consult with Aboriginal groups to identify and resolve outstanding issues, monitor conditions as required under the EAC, Environmental Management Plans, or as set out in specific agreements between WesPac and Aboriginal groups; and
- Correspond with Aboriginal groups and attempt to meet by teleconference, or in person, where practical. WesPac will continue to provide updates on the Project at regular intervals, or as needed to keep Aboriginal groups informed.

Operations:

- Continue to consult with Aboriginal groups and work towards resolution of issues or concerns through the operations phase. Consultation through correspondence and meetings or teleconference to address outstanding issues will continue through operations.

APPENDIX A

Summary of Schedule B Aboriginal Groups' Key Issues and Concerns and WesPac's Responses

Summary of Schedule B Aboriginal Groups' Key Issues and Concerns and WesPac's Responses

The following tables summarize key issues raised by Schedule B Aboriginal groups (Aboriginal groups) during Initial Engagement and Pre-Application Consultation for the WesPac Tilbury Marine Jetty Project (Project).

Issues raised through the Working Group led by the British Columbia's Environmental Assessment Office (EAO) and WesPac's responses are found on the EAO's Project Information and Collaboration website (<https://projects.eao.gov.bc.ca/>).

Project Need

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|--|---|
| Tsleil-Waututh Nation Tsawwassen First Nation | Interest in who the end buyer is for LNG | WesPac responded that the export market is likely to be Asia and the bunker market is the Canadian and American West Coast from Alaska to California. |

Project Description

| Source | Issue or Concern | WesPac Response/Proposed Action |
|-----------------------|--|--|
| Lyackson First Nation | Feasibility of the temporary dock. | WesPac is proceeding with a phased approach to address the immediate demand of LNG as a bunker fuel. The floating temporary bunker berth will be used for this purpose while the permanent jetty, which will service both the bunker fuel and export markets, is being built. WesPac has conducted engineering, navigation and environmental feasibility studies related to the floating temporary bunker berth. These studies confirm it's viability. |
| Lyackson First Nation | Lyackson noted that they require an assessment that clearly weighs the potential | WesPac noted that the floating temporary bunker berth (FTBB) will be built within the Project footprint described in the AIR. In addition, the |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--------|--|--|
| | environmental impacts as a result of the temporary dock. | activities required to build the FTBB are consistent with those described in the AIR. The effects assessment for the Application considered potential Project-related effects of the phased approach, which includes the FTBB and the permanent jetty. |

Assessment Methodology

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|--|---|
| Cowichan Nation Alliance Musqueam Indian Band, Squamish Nation Tseil-Waututh Nation | Concern that selected VCs are not adequate to assess effects on Aboriginal Interests | WesPac acknowledged the concern and reiterated its commitment to ongoing consultation throughout the EA process to address potential effects on Aboriginal Interests. WesPac remains committed to continue to consult with Aboriginal groups to address concerns related to Project-related effects on Aboriginal Interests through the Application Review and Post-EAC Consultation stages as described in Section 9.0 of this ACR2. |
| Cowichan Nation Alliance Musqueam Indian Band Squamish Nation Tseil-Waututh Nation | Concern that potential effects on Aboriginal Interests cannot be considered if future traditional use of land and marine resources and areas are not included. | Effects on traditional use of land and marine resources, including desired future use are considered in the Application in Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes and in Part C, Section 12.1 Aboriginal Interests where such information was provided by Aboriginal groups to WesPac during consultation. |
| Cowichan Nation Alliance Musqueam Indian Band Tseil-Waututh Nation | Concern that federal government not involved in the EA process. | Potential adverse effects on social, economic, environmental, health and heritage pillars have been addressed in the Application in Part B , including Section 6.3 Current Use of Lands and Resources for Traditional Purposes. Potential effects on Aboriginal Interests are assessed in Part C, Section 12.1 |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|--|--|
| | | Aboriginal Interests. A summary of how the Application addresses CEAA 2012 requirements is provided in Part B, Section 11.0 . |
| Musqueam Indian Band Squamish Nation | Concern that most VCs are indirectly linked to the exercise of Aboriginal rights, and may be inappropriately used as a “proxy” for assessing adverse effects to Aboriginal rights. | Potential Project-related effects on Aboriginal Interests Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes are considered in the Application in Part C, Section 12.1 Aboriginal Interests. |
| Musqueam Indian Band Tsawwassen First Nation | Concern that established Aboriginal and Treaty rights were not considered in the scoping of issues and identification of candidate VCs in the VC Selection document. | WesPac updated the text in the VC Selection document and the dAIR to include reference to the Tsawwassen First Nation Final Agreement and <i>R. v. Sparrow</i> [1990] 1 S.C.R. These Aboriginal and Treaty rights were considered in the Application in Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes and Part C, Section 12.1 Aboriginal Interests. |
| Musqueam Indian Band Tseil-Waututh Nation | Concern that WesPac did not explicitly request specific information from Aboriginal groups on scoping of issues and identification of candidate VCs for the VC Selection document. | <p>WesPac responded that general concerns and issues raised in meetings or through the Working Group were used to inform VC selection.</p> <p>Schedule B Aboriginal groups were also provided with opportunities to provide comments on the VC Selection Document and the dAIR through Working Group.</p> <p>Throughout Pre-Application Consultation, WesPac had continued to request information on Aboriginal Interests and potential Project-related effects on those interests from Aboriginal groups as described in this ACR2.</p> |
| Cowichan Nation Alliance Musqueam Indian Band Squamish Nation Tseil-Waututh Nation | Concern that the candidate VCs that were not the result of consultation with Aboriginal groups, and that the proposed assessment methods do not include Aboriginal assessment methods and specific opportunities for participation from Aboriginal groups. | <p>WesPac acknowledged the concern and reiterated its commitment to ongoing consultation throughout the EA process.</p> <p>Schedule B Aboriginal groups were also provided with opportunities to provide comments on the VC Selection Document and the dAIR through Working Group.</p> |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|--|
| | | Throughout Pre-Application Consultation, WesPac had continued to request information on Aboriginal Interests and potential Project-related effects on those interests from Aboriginal groups as described in this ACR2. |
| Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Squamish Nation Tsleil-Waututh Nation Tsawwassen First Nation | Concern that spatial boundaries proposed for the assessment were too limited to consider Aboriginal Interests, including the effects of marine shipping of LNG, and should therefore be extended into the Salish Sea. | WesPac responded that spatial boundaries were selected to be consistent with section 3.1.3 of the Section 11 Order issued by EAO: "Potential adverse effects that are likely to result from the marine jetty along the designated shipping route within the South Arm of the Fraser River, from the pilot station at Sand Heads." The rationale for the determination of the LAA and RAA for each VC was provided in the VC Selection Document, the AIR and the Application. |
| Tsleil-Waututh Nation | Request that Canoe Pass be included in RAAs for several VCs. | WesPac updated the RAAs for the following VCs to include Canoe Pass: <ul style="list-style-type: none"> • Water Quality (Section 4.6.1.3.1); • River Processes (Section 4.1.1.3.1); • Fish and Fish Habitat (Section 4.2.1.3.1); • Marine Mammals (Section 4.3.1.3.1); • Vegetation (Section 4.7.1.3.1); and • Land and Marine Resource Use (Section 6.2.1.3.1). |
| Musqueam Indian Band | Project documents should include permits, approvals, licenses and authorizations issued by Aboriginal groups. | WesPac responded that it will work with Aboriginal groups to understand their permitting policies and processes as they relate to the Project and will apply for all relevant approvals, should the Project proceed to construction. |

Consultation

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|---|---|
| Cowichan Nation Alliance Lyackson First Nation Tsleil-Waututh Nation | Early in Pre-Application Consultation, several Aboriginal groups informed EAO that they felt consultation was not proceeding with WesPac. | WesPac contacted Aboriginal groups who raised concerns about WesPac's efforts in consultation to schedule meetings. WesPac has continued to share Project updates with all Aboriginal groups and has offered to meet with them to discuss the information provided. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|---|--|
| | | Consultation summaries for each Aboriginal group are found in Sections 7.4.8 (Schedule B Aboriginal groups) and 7.4.9 (Schedule C Aboriginal groups) of this ACR2. |
| Cowichan Nation Alliance Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Squamish Nation Semiahmoo First Nation Tsleil-Waututh Nation | Capacity funding required for meaningful participation. | WesPac has signed capacity funding agreements with 10 Schedule B Aboriginal groups to support their participation in the EA review. WesPac is prepared to begin discussions with Aboriginal groups who have not signed an agreement with WesPac for capacity funding to support their participation in the Application Review Consultation stage. |
| Musqueam Indian Band Squamish Nation | Concern that consultation on the scope of the Application must be completed before the finalization of the scoping documents. | WesPac noted that consultation would continue through the development of the AIR and in subsequent stages of the EA process. WesPac remains committed to meaningful consultation with all Aboriginal groups identified by EAO for the Project and looks forward to continuing engagement as described in Section 9.0 of this ACR. |
| Musqueam Indian Band | Request that the Application include a description of consultation efforts undertaken to identify specific mitigations. | WesPac responded that it will consult with Aboriginal groups to identify measures to avoid or mitigate the potential adverse effects of the Project, and/or to otherwise address or accommodate concerns expressed by Aboriginal groups. The Application provides information on WesPac's consultation efforts for each Schedule B Aboriginal group (Part C, Section 12.1.4.6) and each Schedule C Aboriginal group (Part C, Section 12.1.4.7) Consultation summaries for each Aboriginal are also found in Sections 7.4.8 (Schedule B Aboriginal groups) and 7.4.9 (Schedule C Aboriginal groups) of this ACR2. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|--|
| | | Ongoing consultation through future consultation stages is described in Section 9.0 of this ACR2. |
| Musqueam Indian Band Tsleil-Waututh Nation | Requests to be consulted on the methodology to be used for the assessment of Part C, including how it relates to information included in Current Use of Land and Resources for Traditional Purposes (e.g., TEK and TU). | WesPac responded that it is committed to ongoing consultation with Aboriginal groups and will seek additional information on TEK and TU and seek input on methodology for the assessment through Pre-Application. The incorporation of TU/TEK information available at the time of the Application is described in the Application in Part C, Section 12.1.2.2 and Table 12.1-1 . |
| Cowichan Nation Alliance Kwantlen First Nation Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation | Assessment methods need to include TEK | WesPac responded that available TEK was considered in the selection of VCs and was requested from Aboriginal groups for consideration in the effects assessments for all relevant Part B VCs. A summary of how available TEK has been incorporated into the assessment is found in the Application in Part C, Section 12.1.2.2 and Table 12.1-1 . |

River Processes

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|--|---|
| Musqueam Indian Band | Concern that the RAA is too narrow considering the complex and interconnected nature of river processes, effects of vessels on the river and on Aboriginal rights. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested confirmation of temporal boundaries. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|--|---|
| Musqueam Indian Band | Noted concerns about assumptions included in the baseline for River Processes. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern that WesPac's jetty may broaden variation and trends in the river and that this is not considered in the Application, particularly in relation to sedimentation/TSS. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Asked if studies have been undertaken that consider the effects of propeller wash of the vessels. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested additional details on activities and vessel types considered in relation to the River Processes PC in during Construction, Operation and Decommissioning. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern with use of term "baseline" when conducting an assessment of current conditions. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested clarity regarding the future dredging rate. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

Fish, Fish Habitat and Aboriginal Fisheries

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|---|
| Cowichan Nation Alliance Kwantlen First Nation Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation | Request inclusion of: <ul style="list-style-type: none"> • White sturgeon • eulachon • riparian/shoreline fish | WesPac updated the Fish and Fish Habitat VC to include: <ul style="list-style-type: none"> • Anadromous fish (e.g., salmonids and eulachon); • Resident Commercial Recreational and Aboriginal (CRA) (e.g., flat fish and sturgeon); and • invertebrates. <p>The assessment of Project-related effects on these species is found in Part B, Section 4.2.4, and Table 4.2-8.</p> |
| Squamish Nation | Request inclusion of herring. | WesPac responded that Pacific herring usage of the Fraser River is considered sporadic; however, the assessment of effects to freshwater forage fish would also be protective of occasional site usage by Pacific Herring. |
| Cowichan Nation Alliance Musqueam Indian Band | Concern that by using broad administrative or biological categories of fish, effects on heavily-impacted species of importance to Aboriginal groups will not be captured. | WesPac noted that within the subcomponents, individual species will be considered separately in the effects assessment. Grouping of species has no bearing on the level of assessment of each species included in the subcomponent and any determination of significance will take into consideration the effects on individual species within the subcomponent. |
| Musqueam Indian Band Squamish Nation Tsleil-Waututh Nation | Concern that the RAA is too small for the assessment and should be extended upstream and downstream to Sand Heads. | WesPac updated the RAA to include the South Arm of the Fraser River downstream to Sand Heads and to include a 500 m buffer upstream of the Project site (see Part B, Section 4.2.1.3.1 in the Application). |
| Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Tsleil-Waututh Nation | Request that the RAA be extended beyond Sand Heads into the Salish Sea due to potential effects from Project-related shipping | WesPac responded that the RAA does not need to extend beyond Sand Heads as the RAA is considered to be adequate to provide context for assessment of potential Project effects and to assess cumulative effects |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|---|---|
| Tsawwassen First Nation | on fish, and corresponding infringements on Aboriginal Interests. | associated with direct and indirect effects of the Project (see Part B, Section 4.2.1.3.1 in the Application). |
| Cowichan Nation Alliance Musqueam Indian Band | Concern about light effects on fish and fish habitat. | WesPac responded that effects from Project-related changes in light to fish and fish habitat is considered under the Indicator of habitat quality and quantity. The assessment of light and shading effects on habitat quality and quantity is considered in Part B, Section 4.2.4.2.3 and Table 4.2-2 of the Application. |
| Cowichan Nation Alliance Tseil-Waututh Nation | Concerns regarding potential impacts to plankton as it is the primary food source of the Fraser River sockeye which may, in turn, affect Aboriginal groups' ability to exercise our Aboriginal Interests as they relate to these sockeye. | WesPac responded that the study of plankton communities is typical for Projects occurring near marine or lentic habitats. Lotic habitats, as found in the LAA, have poor abundance of plankton which are not expected to be impacted by sediment quality. The assessment of water and sediment quality was used to identify the extent of potential effects to aquatic habitat in the Application. |
| Kwantlen First Nation Squamish Nation Tseil-Waututh Nation | Request that LAA be expanded beyond 100 m. | WesPac responded that the majority of direct physical effects on fish and fish habitat are expected to be restricted to within 100m of the Project site. The spatial boundaries for Fish and Fish Habitat are described in Part B, Section 4.2.1.3.1 and Table 4.2-3 of the Application. |
| Musqueam Indian Band Tsawwassen First Nation | Concern that the local assessment area (LAA) is too small and should be extended upstream and downstream to Sand Heads. | WesPac increased the size of the LAA to include the riparian and aquatic area around the Project, a 500 m buffer upstream and a 100 m downstream buffer. The spatial boundaries for Fish and Fish Habitat are described in Part B, Section 4.2.1.3.1 and Table 4.2-3 of the Application. |
| Musqueam Indian Band | Concern with use of term "baseline" when conducting an assessment of current conditions. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|---|---|
| Musqueam Indian Band | Requested further information on how conservative estimates were derived. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern that noise disturbance during construction will have an effect on fish and fish habitat. Requested further information on conclusions presented in the Application. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested additional information on surface area of potential shading impact. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested additional information on total area that may be disturbed by dredging. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested further details on the mitigation measures described in the Application. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Noted that the precautionary principle had not been applied in the determination of potential Project-related impacts. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

Marine Mammals

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|---|
| Musqueam Indian Band Tsleil-Waututh Nation | Request inclusion of killer whales/Southern Resident killer whales as a subcomponent. | WesPac updated the VC Selection Document and dAIR to include Southern Resident killer whales as a subcomponent. Southern resident killer whales are included as a subcomponent in Part B, Section 4.3.1.2.1 and Table 4.3-1 of the Application. |
| Musqueam Indian Band | Request that harbour seals and seal habitat be included as a Subcomponent. | WesPac updated the VC Selection Document and dAIR to include harbour seals as a subcomponent. In the Application harbour seals are included as a subcomponent in Part B, Section 4.3.1.2.1 and Table 4.3-1 and seal habitat quality and quantity as and indicator in Part B, Section 4.3.1.2.2 and Table 4.3-2 . |
| Lyackson First Nation | Concern that effects on habitat is not included in this VC. | WesPac updated the VC Selection Document and dAIR to include habitat quality and quantity as an Indicator and change in presence/absence and relative abundance as a Measurable Parameter. The effects on marine mammal habitat quality and quantity is included in in Part B, Section 4.3.1.2.2 and Table 4.3-2 of the Application. |
| Musqueam Indian Band Squamish Nation | Concern about light and noise effects on marine mammals. | WesPac responded that effects from Project-related changes in light and noise to marine mammals is considered under the Indicator of behavioral responses. No Project interactions related to light effects that may lead to effects on Marine Mammals were identified (see Part B, Section 4.3.4.1 of the Application). Noise is included as a measurable parameter for indicators of effects on marine mammals Part B, Section 4.3.1.2.2 and Table 4.3-2 of the Application. |

Wildlife and Wildlife Habitat

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|---|---|
| Kwantlen First Nation Tsleil-Waututh Nation | Request that the LAA include Westham Island and other wildlife management areas. | WesPac did not include Westham Island in the LAA for Wildlife and Wildlife Habitat. The LAA was selected to encompass the direct effects of the Project site and indirect effects due to Project construction and operations. The 100 m buffer is consistent with the sensory disturbance setback recommended as appropriate for most species of waterfowl by Environment Canada. The LAA is further described in the Application in Part B, Section 4.8.1.3.1 and Table 4.8-3 . |
| Tsawwassen First Nation | Concern that American robin not representative of species that uses riparian habitat. | WesPac replaced American robin with Song Sparrow as representative of migratory bird species/terrestrial passerine species. Song sparrow is included as a representative focal species for subcomponent 'migratory birds', listed and described in the Application in Part B, Sections 4.8.1.2.1, 4.8.2.2.4.4, and Table 4.8-1 . |
| Musqueam Indian Band Tsawwassen First Nation | Request that migratory birds and water birds be considered as separate VCs. | WesPac responded that the effects of the Project will be assessed as the focal species level, and that migratory birds and water birds are categorized as a subcomponent to the Wildlife and Wildlife Habitat VC. Migratory birds are represented by the Song Sparrow and water birds are represented by double-crested cormorant and great blue heron. Representative focal species and subcomponents are listed and described in Part B, Section 4.8.1.2.1 and Table 4.8-1 of the Application. |
| Cowichan Nation Alliance Kwantlen First Nation Musqueam Indian Band Tsawwassen First Nation | Request confirmation that TEK will be considered. | WesPac responded that available TEK was considered in the selection of VCs and was requested from Aboriginal groups for consideration in the effects assessments for all relevant VCs. Available TEK was integrated into existing conditions, where applicable. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|---|---|
| Tsleil-Waututh Nation | | A summary of how available TEK has been incorporated into the assessment is found in the Application in Part C, Section 12.1.2.2 and Table 12.1-1. Part B, Section 4.8.2.1.1.1 of the Application provides a summary of TEK relevant to the wildlife and wildlife habitat VC. |
| Cowichan Nation Alliance Musqueam Indian Band | Concern about light effects, particularly nighttime lighting, on birds. | WesPac responded that effects from nighttime lighting on birds will be considered under the Wildlife and Wildlife Habitat VC. The effects of light disturbance, including nighttime lighting, on birds is considered in Part B, Section 4.8.4.2.2 of the Application. |
| Musqueam Indian Band | Questioned why provincial wildlife areas were not included in the RAA, noting that cumulative effects will extend beyond the RAA. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concerned that the measurement indicators for focal species are dominated by qualitative assessments rather than modeling. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Noted that residual effects should be determined to be significant if a VC population within the LAA or RAA is expected to no longer be 1) self-sustaining or 2) ecologically effective | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern with use of term "baseline" when conducting an assessment of current conditions. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern that 24-hour lighting is considered a minor contribution to disturbance. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|---|---|
| Musqueam Indian Band | Requested additional supporting information to the assessment of effects to migratory bird species. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested full participation and leadership in mitigation measures. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

Vegetation

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|--|---|
| Cowichan Nation Alliance Squamish Nation | Concern that sensitive ecosystems (e.g., wetlands and riparian ecosystems) are not included. | <p>For clarity, WesPac edited the VC to include:</p> <ul style="list-style-type: none"> • Plant species of management concern (Part B, Section 4.7.2.1.2); • Terrestrial ecosystems (Part B, Section 4.7.2.1.3); and • Wetlands and riparian ecosystems (Part B, Section 4.7.2.1.4). <p>Subcomponents plant species of management concern, terrestrial ecosystems and wetlands and riparian ecosystems are described in Part B, Section 4.7.1.2.1 and Table 4.7-2 of the Application.</p> |
| Musqueam Indian Band | Concern that the measurable parameter for Plant Species of Management Concern is vague. Requested clarity. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested clarification of temporal boundaries. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|---|---|
| Musqueam Indian Band | Requested opportunities to engage/participate in the implementation of mitigation measures. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern with use of term “baseline” when conducting an assessment of current conditions. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested additional information on sources used. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested additional information on the proliferation of invasive and exotic plants in the area of study. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested additional information on potentially-affected plant species. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested further information on the proposed mitigation measures and noting that Musqueam should be involved in directing and overseeing reclamation and restoration work. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern that the Application did not consider reverberations of the loss of wetland and riparian ecosystems across the region. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Disagreed that mitigation will render direct and indirect wetland and riparian ecosystem loss negligible; therefore, the Application should consider cumulative effects. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|---|---|
| Musqueam Indian Band | Noted that the chapter should be updated with information provided in Musqueam's KUS. TEK is critical to informing the Wetland Mitigation Plan. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

Fraser River

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|--|
| Musqueam Indian Band Tsleil-Waututh Nation | Request that River Processes be included as a VC. | WesPac responded that River Processes would remain a Pathway Component (PC) rather than a VC since there is potential for river hydraulics, sediment transport and geomorphology to effect as a pathway the following VCs: Fish and Fish Habitat, Marine Mammals, Heritage Resources, Wildlife and Wildlife Habitat and Land and Marine Resource Use. The rationale for River Processes as a PC is detailed in Part B, Section 4.1.1.2 of the Application. |
| Musqueam Indian Band Tsleil-Waututh Nation | Concern that importance of the Fraser River to Aboriginal groups has not been acknowledged. | WesPac added the following text under the River Processes PC in the VC Selection document: "Aboriginal groups have stated that the river has cultural and economic value". The cultural importance of the Fraser River to Aboriginal groups is discussed in the Application in Part C, Section 12.1 Aboriginal Interests. The importance of the Fraser River to Aboriginal groups is also acknowledged in Part B, Sections 4.1.1.1 and 4.1.1.2 (River Processes PC). |
| Cowichan Nation Alliance Musqueam Indian Band Tsawwassen First Nation Hwlitsum | Request assessment of the consequences associated with dredging. | WesPac updated the VC Selection Document to include dredging as a project activity that may interact with several VCs in the construction and operation phases of the Project. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--------|------------------|---|
| | | <p>Dredging is included as a project activity during the Construction and Operation phases as described in the Application in Part B, Section 4.1.4.1 and Table 4.1-5.</p> <p>Each environmental VC considered whether Project-related dredging had the potential to adversely affect Indicators for that VC. Where effects were identified, the effects were carried forward for assessment.</p> |

Air Quality

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|---|---|
| Cowichan Nation Alliance Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation | Request an assessment of effects on upstream GHG emissions. | <p>The assessment of potential Project-related effects on upstream GHG emissions is presented in Section 4.4.3 Upstream GHG Assessment:</p> <p>WesPac worked with Environment and Climate Change Canada to develop a methodology for assessing upstream effects. The methodology used in the Application follows the methodology used in the EA Application for the Woodfibre LNG Project.</p> |

Visual Quality

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|--|--|
| Cowichan Nation Alliance Musqueam Indian Band | Concern that WesPac considers previous industrial use of Project area as justification for not considering Project-related visual effects. | WesPac updated the VC Selection document to remove comments related to industrial nature of the site in the rationale for exclusion of Visual Quality from being a VC. |
| Cowichan Nation Alliance | Effects on Visual Quality, including light effects, related to the location of <i>Tl'uqtinus</i> need to be considered. | WesPac included a receptor site at the location of <i>Tl'uqtinus</i> and WesPac confirmed that the location of <i>Tl'uqtinus</i> is within the spatial boundaries for the assessment. <i>Tl'uqtinus</i> is included as a Key Viewpoint (VP2) in Part B, Section 6.4.2.2.1 and Table 6.4-6 of the Application. |
| Cowichan Nation Alliance Musqueam Indian Band | Request that light effects should be a VC. | WesPac updated the VC Selection Document to include Visual Quality as a VC with nighttime viewing, associated with project lighting as a Subcomponent (Part B, Section 6.4.1.2.1 of the Application). |
| Cowichan Nation Alliance Musqueam Indian Band | Concern that visual effects from light will not be considered within the cultural context of Aboriginal groups | Effects on the cultural context of Aboriginal groups from changes to visual quality are considered in the Application in Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes VC and in Part C, Section 12.1 Aboriginal Interests. |

Noise

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|---|
| Cowichan Nation Alliance Musqueam Indian Band Squamish Nation | Request that noise effects be a VC. | WesPac updated the VC Selection Document to include Noise as a VC (Part B, Section 4.5 of the Application). |
| Cowichan Nation Alliance | Noise effects on the location of Tl'uq̓tinus needs to be considered. | WesPac included a receptor site at the location of <i>Tl'uq̓tinus</i> . WesPac confirmed that the location of <i>Tl'uq̓tinus</i> is within the spatial boundaries for the assessment. Assessment Receptor 3 represents <i>Tl'uq̓tinus</i> (Part B, Section 4.5.1.3.1 and Table 4.5-4 of the Application). |
| Cowichan Nation Alliance Tsleil-Waututh Nation | Concern that the spatial boundaries for the assessment of effects on noise is too small given the 750 m limit. | WesPac confirmed that the spatial boundaries are larger than 750 m. The LAA comprises a 1.5 km buffer and the RAA comprises a 3.0 km buffer around the Project site. The spatial boundaries for the LAA are defined in the Application in Part B, Section 4.5.1.3.1 and Table 4.5-3 . |
| Musqueam Indian Band Squamish Nation | Requested clarification of where underwater noise would be considered in the Application. | WesPac responded that changes in underwater noise are considered under the loss or degradation of habitat indicator for the Fish and Fish Habitat VC (Part B, Section 4.2.1.2.2 and Table 4.2-2 of the Application) and under a measurable parameter for underwater noise levels generated by Project activities relative to established disturbance and injury acoustic thresholds. |
| Musqueam Indian Band | Questioned why the noise effects assessment was not tied to traditional uses or human and ecological health VCs as Musqueam uses the LAA/RAA extensively. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|--|---|
| Musqueam Indian Band | Requested more information on selection of receptors. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested clarification on the temporal boundaries used for the Noise VC. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern with use of term “baseline” when conducting an assessment of current conditions. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested further information on parameters used for the model and related data collection. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Concern regarding parameters used to define magnitude of residual effects at present, noting that noise effects can have deleterious long-term impacts that are not currently reflected by in the evaluation criteria. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested clarification of some criteria used to characterize residual effects, noting that Musqueam knowledge holders caution that fishing season will be affected by Project-related noise. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Requested clarification of how some construction activities were considered in the effects assessment. | WesPac is preparing responses to Musqueam’s comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|--|---|
| Musqueam Indian Band | Concern that the mitigation measures proposed are not sufficient and requesting that they be strengthened. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |
| Musqueam Indian Band | Noted that a monitoring and follow-up program is necessary. | WesPac is preparing responses to Musqueam's comments on draft chapters provided during Pre-Application. These will be provided to and discussed with Musqueam during screening of the Application and Application Review. |

Health

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|--|---|
| Cowichan Nation Alliance | Concern that Aboriginal peoples who harvest food and medicine within the Project area are more susceptible to potential toxicity. | WesPac responded that potential Project-related risks associated with consumption of chemicals of potential concern in plants are addressed under the Human Health VC. The harvesting of plants in the LAA and RAA are considered in Part B, Section 8.1.4.4.1.1.1 of the Application. |
| Kwantlen First Nation Musqueam Indian Band | Concern that potential effects on water quality and fish may affect fisheries, resulting in effects on socio-economic and cultural conditions. | WesPac clarified that potential Project effects on availability of fish for commercial and non-commercial recreational harvesting by Aboriginal and non-Aboriginal users, and associated economic effects are assessed under the Land and Marine Resource Use VC. Potential Project effects on access to fish for harvesting for traditional purposes are assessed under the Current Use of Lands and Resources for Traditional Purposes VC. Access for commercial and non-commercial marine resource use is included as a subcomponent in Part B, Section 6.2.1.2.1 and Table 6.2-1 . |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|---|
| Musqueam Indian Band | Request to add a subcomponent to the Health VC for marine harvesting and food security. | WesPac responded that one of the Indicators under the Community Health and Wellbeing subcomponent of the Socio-community VC is social determinants of health, which includes food security (Part B, Section 6.1.1.2 and Table 6.1-1 of the Application). Potential avoidance of use of lands and resources by Aboriginal groups due to changes in the real or perceived quality of current use resources for traditional purposes are considered under the Current Use of Lands and Resources for Traditional Purposes VC (Part B, Section 6.3.1.2 and Table 6.3-1 of the Application). |
| Cowichan Nation Alliance | Concern regarding potential effects from the Project on mental, emotional and spiritual health. | WesPac added Community Health and Wellbeing as a subcomponent under the Socio-community VC (Part B, Section 6.1.1.2.1 and Table 6.1-2). Aspects of cultural wellbeing not addressed under the Socio-community VC are included in Part C, Section 12.1.4.2.1 of the Application, where such information was provided or available to WesPac. |
| Cowichan Nation Alliance Musqueam Indian Band Tsleil-Waututh Nation | Request that health and wellbeing of Aboriginal groups not be aggregated with that of the general population. | WesPac responded that where community health and wellbeing effects are identified for a particular community or communities, these effects are disaggregated by community. Aboriginal groups in Schedule B that could potentially experience community wellbeing effects by the Project are included in the community health and wellbeing assessment. Aboriginal specific factors are considered as an indicator for Human Health in Part B, Section 8.1.1.2 and Table 8.1-1 of the Application. |

Socio-economic

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|--|--|
| Kwantlen First Nation Musqueam Indian Band Squamish Nation | Concern that potential effects on water quality and fish may affect fisheries, resulting in effects on socio-economic and cultural conditions and wellbeing. | The assessment of potential Project-related effects on the availability and perceived quality of fish for food, social and ceremonial (FSC) purposes is presented in Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes of the Application. Part C, Section 12.1 Aboriginal Interests considers potential effects of Project-related activities on Aboriginal Interests related to social, cultural, spiritual, and experiential aspects. |
| Musqueam Indian Band Tseil-Waututh Nation | Request that effects of the Project and changes to the environment on Aboriginal groups should be assessed specifically for each individual Aboriginal group, and not as part of an aggregated survey that lumps Aboriginal groups together, or as part of the larger regional district or municipality. | Potential effects from the Project are considered for each individual Aboriginal group in Part B, Section 6.3.2 and Part C, Section 12.1.4.6 of the Application. |
| Cowichan Nation Alliance | Concern that property values are not included in the effects assessment. | WesPac responded that property value effects due to the Project are likely to be either non-existent or not be measurable. Therefore, this was not included in the Application. |
| Lyackson First Nation | Request for inclusion of a market analysis. | The Economy VC (Part B, Section 5.1) considers whether Project-related labour, materials, good and services demand would affect local employment, business opportunities and the local economy. |
| Musqueam Indian Band Tseil-Waututh Nation | Concern that potential Project-related effects on the economic conditions of individual Aboriginal groups will be aggregated with all Aboriginal groups in the larger regional district or municipality. | WesPac committed to continued consultation and engagement with Aboriginal groups throughout the EA process to identify and understand their concerns and discuss how to address those concerns. Ongoing consultation is described in Section 9.0 of this ACR2. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
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| Musqueam Indian Band | Request that the VC subcomponents, indicators, and Measurable Parameters include impacts to Aboriginal economies and rights-based harvesting activities. | Potential Project-related effects on rights-based harvesting activities were assessed in the Application in Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes. |
| Cowichan Nation Alliance Lyackson First Nation Musqueam Indian Band Tsleil-Waututh Nation | Noted that economic effects are an important consideration for Aboriginal groups. Request that WesPac complete an in-depth assessment of the economic effects on Aboriginal socio-economic conditions. | Existing conditions and potential Project socio-economic effects on Aboriginal groups, which are not related to current use of lands and resources for traditional purposes, are addressed in Part B of the Application under Section 5.1 Economy, Section 6.1 Socio-community and Section 6.2 Land and Marine Resource Use. |
| Cowichan Nation Alliance Musqueam Indian Band Tsawwassen First Nation | Request information on where potential effects on economies of Aboriginal groups due to adverse effects on the exercise of Aboriginal fishing rights will be considered | Potential effects on commercial fishing and seafood harvesting for Aboriginal and non-Aboriginal users were considered under the Commercial Land and Marine Resource Use Sub-component of the Land and Marine Resource Use (Part B, Section 6.2.4.2.2). |
| Cowichan Nation Alliance Musqueam Indian Band Tsleil-Waututh Nation | Request that effects of the Project and changes to the environment on Aboriginal groups should be assessed specifically for each individual Aboriginal group, and not as part of an aggregated survey that lumps Aboriginal groups together, or as part of the larger regional district or municipality. | Effects of the Project are considered for each individual Aboriginal group in Part B, Section 6.3.2 and Part C, Section 12.1.4.6 of the Application. |

Aboriginal Interests

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--|--|--|
| Musqueam Indian Band | Concern that Aboriginal right to navigation will not be considered in the Application. | Project effects on navigation are considered in Project Interactions in Part B, Section 6.3.4.1 and Table 6.3-9 of the Application. |
| Cowichan Nation Alliance Musqueam Indian Band | Concern regarding the effects of changes to light on Aboriginal Interests. | Effects from Project-related changes to light may contribute to the assessment of current use of lands and resources for traditional purposes through the Measurable Parameter “changes in the real or perceived quality of current use resources (as informed by other VC assessments linked to those resources)”. An analysis of Project-related lighting is included in Part B, Section 6.4.2.1.6 of the Application. Potential effects of Project-related lighting on Aboriginal groups’ current use is considered in Part B, Section 6.3 and on other Aboriginal Interests is considered in Part C, Section 12.1.4 . |
| Musqueam Indian Band | Concern that traditional territory maps used for the LAA and RAA will be developed and published without input from Aboriginal groups. | WesPac confirmed that maps of Aboriginal groups’ areas of use will not be provided without permission from the relevant Aboriginal group. The maps of Aboriginal groups’ areas of use that WesPac intended to use in the Application were provided to each Aboriginal group for review and comment before finalizing the Application. |
| Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Tsleil-Waututh Nation Tsawwassen First Nation | Request that the LAA include the marine shipping portion of the Project assessment area. | WesPac responded that effects from marine shipping beyond Sand Heads would not be considered in the Application. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|---|--|
| Cowichan Nation Alliance Kwantlen First Nation Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation | Requests that TEK and historical sources be used to gain a critical understanding of the context for Current Use of Lands and Resources for Traditional Purposes, as well as related VCs. | <p>WesPac responded that it would include historical context in the assessment of potential Project-related effects relating to changes in use over time by Aboriginal groups (i.e., cumulative effects on use to date), where this information has been provided by Aboriginal groups (e.g., TEK), or was otherwise available from publicly available sources.</p> <p>A summary of how TEK was incorporated in the Application is presented in Part C, Section 12.1.2.2 and Table 12.1-1. In Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes and in Part C, Aboriginal Interests, WesPac lists all sources used to develop the context for the assessments of effects on Aboriginal groups' current use and Aboriginal Interests.</p> |
| Musqueam Indian Band Tsleil-Waututh Nation | Request that the changes in distribution or movement, relative abundance or habitat area or composition of current use resources be considered in relation to an Indigenous group's sufficiency requirements, as informed by both consultation with the Aboriginal group and the findings of other linked VCs | WesPac responded that it will not be conducting a study of the sufficiency requirements of Aboriginal groups for the Application but that consultation will inform the measurable parameters for the assessment of effects on Current Use of Lands and Resources for Traditional Purposes. |
| Cowichan Nation Alliance Kwantlen First Nation Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation | Expectation that TEK would be used to inform the assessments. | Available TEK was considered in the selection of VCs and was requested from Aboriginal groups for consideration in the effects assessments for all relevant VCs. A summary of TEK and historical source incorporation is presented in Part C, Section 12.1.2.2 and Table 12.1-1 of the Application. |
| Cowichan Nation Alliance Musqueam Indian Band Tsawwassen First Nation Tsleil-Waututh Nation | Request information on how WesPac will gather information for the assessment of current use of lands and resources for traditional purposes. | <p>WesPac requested information on current use from Aboriginal groups</p> <p>A summary of the information collected on current use for each Aboriginal group, including the sources of that information, is presented in Part B, Section 6.3.2.3 of the Application.</p> |

| Source | Issue or Concern | WesPac Response/Proposed Action |
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| Musqueam Indian Band Tsawwassen First Nation | Noted expectation that TU studies would be fully reviewed prior to finalization of Project documents or decisions. | <p>WesPac responded that information provided by Aboriginal groups during consultations on the Project, including TU/TEK information included in Project-specific studies would be considered. Information received prior to finalization of the Application was considered for relevant Part B VCs or in Part C, as applicable. Information made available following submission of the Application would be reviewed and considered in the development of construction or operation stage Management Plans which will be shared with Schedule B Aboriginal groups and other relevant members of the Working Group in advance of construction. WesPac also noted it understands that EAO will incorporate TU information received after the Application has been submitted into its analysis including the Assessment Report and Referral Package to Responsible Ministers.</p> <p>A summary of how TEK was incorporated into the Application is presented in Part C, Section 12.1.2.2 and Table 12.1-1 of the Application. A summary of the information collected on current use for each Aboriginal group, including the sources of that information, is presented in Part B, Section 6.3.2.3 of the Application.</p> |
| Cowichan Nation Alliance Musqueam Indian Band Squamish Nation Tsleil-Waututh Nation | Concern regarding exclusion of proposed and planned future use of land and resources for traditional purposes. | <p>Effects on traditional use of land and marine resources, including desired future use are considered in the Application in Part B, Section 6.3 Current Use of Lands and Resources for Traditional Purposes and in Part C, Section 12.1 Aboriginal Interests where such information was provided by Aboriginal groups to WesPac during consultation.</p> <p>In Part C, Section 12.1.4.2.2 of the Application, in assessing potential Project-related effects on Aboriginal title WesPac considered how the Project may impact each of the following three components of asserted Aboriginal title overlapping the Project area:</p> <ul style="list-style-type: none"> • use and occupation • decision-making • economic benefits |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--------------------------|---|--|
| Cowichan Nation Alliance | Requested definition of “traditional” and noted that Aboriginal title rights could be exercised in “non-traditional” ways. | WesPac followed CEAA 2012 requirements by including the Current Use of Lands and Resources for Traditional Purposes VC and that it was following the definition of “traditional purposes” provided in EAO’s <i>Technical guidance for assessing the current use of lands and resources for traditional purposes under the Canadian Environmental Assessment Act, 2012</i> dated December 2015. |
| Cowichan Nation Alliance | Concern that the right to control how the land is used is not included in the effects assessment. | In Part C, Section 12.1.4.2.2 of the Application, in assessing potential Project-related effects on Aboriginal title WesPac considered how the Project may impact each of the following three components of asserted Aboriginal title overlapping the Project area: <ul style="list-style-type: none"> • use and occupation • decision-making • economic benefits. |
| Cowichan Nation Alliance | Requested clarification regarding where Aboriginal Interests related to land and resource use would be considered. | The Land and Marine Resource Use VC considered current and potential future commercial and non-commercial (exclusive of traditional) use of land and marine areas and resources by both Aboriginal and non-Aboriginal users (Part B, Section 6.2.1.2.1 and Table 6.2-1 of the Application). Traditional current use and other Aboriginal Interests were considered under either the Current Use of Land and Resources for Traditional Purposes VC (Part B, Section 6.3) or under the assessment of effects on Aboriginal Interests presented in Part C, Section 12.1 of the Application. |
| Cowichan Nation Alliance | Some Aboriginal groups assert Aboriginal rights over the South Arm of the Fraser River, including a former village site across from the Project site. | The Application includes an assessment of potential Project effects on asserted Aboriginal rights for each Aboriginal group under the Current Use of Lands Resources for Traditional Purposes (Part B, Sections 6.3.2.3 and Section 6.3.4) and Aboriginal Interests (Part C, Section 12.1.4.6) WesPac provided a summary of baseline information to Aboriginal groups for review and comment prior to submission of Application. |

Tsawwassen First Nation Treaty Rights

| Source | Issue or Concern | WesPac Response/Proposed Action |
|-------------------------|---|--|
| Tsawwassen First Nation | Requested clarification of where effects on the Tsawwassen First Nation Fishing Right would be considered in the Application. | Potential Project-related effects on the Tsawwassen First Nation Fishing Right were considered under the Current Use of Lands and Resources VC (Part B, Section 6.3.4.6.11). |
| Tsawwassen First Nation | Requested that the Current Use of Lands and Resources for Traditional Purposes VC be renamed to remove “traditional” as the Tsawwassen First Nation Fishing Right is a contemporary activity. | WesPac acknowledged that fishing under the Tsawwassen First Nation Fishing Right is a contemporary activity and that the Current Use of Lands and Resources for Traditional Purposes (Part B, Section 6.3 of the Application) considers contemporary activities. |

Musqueam Indian Band Aboriginal Right to Fish

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|--|---|
| Musqueam Indian Band | Musqueam Indian Band requests that their Aboriginal Right to fish under section 35 of the <i>Constitution Act</i> be recognized in all EA documents. | <p>WesPac referenced Musqueam’s proven right to fish for food, social and ceremonial (FSC) purposes as set out in <i>R v Sparrow</i>, [1990] 1 SCR 1075 and Musqueam’s assertion of an Aboriginal right to fish for FSC purposes in a broader area in the updated Aboriginal Consultation Plan and all subsequent Project documents.</p> <p>WesPac considered potential Project-related effects on Musqueam’s fishing rights under the Current Use of Lands and Resources VC and in Part C of the Application and in existing conditions of related Part B VCs.</p> <p>The Musqueam Indian Band right to fish is considered in Part B, Section 6.3.2.3.6.1 and Part C, Section 12.1.4.6.6 of the Application.</p> |

Heritage

| Source | Issue or Concern | WesPac Response/Proposed Action |
|----------------------|--|---|
| Musqueam Indian Band | Requested confirmation that intangible cultural heritage will be assessed as part of the Current Use of Lands and Resources for Traditional Purposes VC, separate from the Heritage Resources VC that will only assess physical cultural heritage. | The Heritage Resources VC (Part B, Section 7.1 of the Application) considers only physical heritage. Intangible cultural heritage is considered under the Current Use of Lands and Resources for Traditional Purposes VC (Part B, Section 6.3) and in Part C, Section 12.1.4.2.1 Other Traditional Cultural Interests in the Application. |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|--------------------------|--|---|
| Musqueam Indian Band | Request that Indicators related to effects on Aboriginal cultural landscapes and related intangible aspects of cultural heritage and changes in perceived sensory and cultural experience of Aboriginal users be included under the Heritage VC. | Intangible aspects of heritage are addressed under Current Use of Lands and Resources for Traditional Purposes VC (Part B, Section 6.3) and in Part C, Section 12.1.4.2.1 Other Traditional Cultural Interests in the Application. |
| Musqueam Indian Band | Concern regarding use of definition of heritage resources in the <i>Heritage Conservation Act</i> . | WesPac responded that the definition of heritage resources considers CEEA 2012 and CEA Agency's technical guidance regarding the assessment of effects on physical and cultural heritage. |
| Musqueam Indian Band | Request that Indicators related to effects on Aboriginal cultural landscapes and related intangible aspects of cultural heritage and changes in perceived sensory and cultural experience of Aboriginal users be included under the Heritage VC. | Intangible aspects of heritage are addressed under Current Use of Lands and Resources for Traditional Purposes VC (Part B, Section 6.3) and in Part C, Section 12.1.4.2.1 Other Traditional Cultural Interests in the Application. Any information provided by Aboriginal groups regarding physical locations of spiritual sites or areas, landforms with historical importance, places of importance shared by stories, cultural landscapes and locations of cultural activities would also be considered under the Heritage Resources VC (Part B, Section 7.1). |
| Cowichan Nation Alliance | Aboriginal groups must be consulted on applications for HCA permits for the Project. | WesPac responded that it understands that the BC Archaeology Branch provides opportunities to First Nations to review and provide comments on the applications. The BC Archaeology Branch determines which First Nations receive the applications. |

Project-Related Shipping

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|--|--|
| Musqueam Indian Band Tseil-Waututh Nation | Concern that increased vessel traffic on the Fraser River will affect the river and the surrounding environment. | Potential Project-related effects were considered in the assessment for all relevant environmental VCs. |
| Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Tseil-Waututh Nation Tsawwassen First Nation | Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River. | Changes in Navigational use and Navigability is considered as an indicator of the subcomponent navigation in Part B, Section 6.2.1.2.2 and Table 6.2-2 . |
| Squamish Nation | Concern that increased transboundary shipping will result in increase of aquatic invasive species which may have effects on several VCs. | WesPac responded that ships calling upon the Project will adhere to provincial, federal and international regulatory requirements regarding ballast water. Consideration of potential risks associated with aquatic invasive species will be taken into consideration. |
| Cowichan Nation Alliance Tsawwassen First Nation | Concerns regarding LNG when there is a collision or sinking of a vessel. | WesPac responded that LNG is flammable but will not explode. LNG is cold and will vaporize on release and evaporate. It is not toxic and will not stay in the water. Ships are double hulled and there has never been an explosion of a LNG vessel. |
| Cowichan Nation Alliance | Concerns about how spills will be handled | A spill response plan is included in the Application. The development and implementation of an Emergency Response and Spill Prevention Plan is detailed in Part E, Section 14.1.1.6 . |

| Source | Issue or Concern | WesPac Response/Proposed Action |
|---|--|--|
| Kwantlen First Nation Lyackson First Nation Musqueam Indian Band Tseil-Waututh Nation Tsawwassen First Nation | Request to include Salish Sea in LAA. | WesPac revised the LAA for the Marine Resource Use VC Navigation subcomponent to include the entire marine area of the South Arm of Fraser River from Fraser Surrey Docks downstream to the southwestern boundaries of compulsory pilot Area 1 in the Salish Sea as detailed in Part B, 6.2.1.31 and Table 6.2-3 of the Application. |
| Musqueam Indian Band | Request recognition of Aboriginal navigation rights. | WesPac assessed the potential for Project-related activities to affect Aboriginal groups' abilities to navigate in proximity to the Project site while exercising their Aboriginal Interests in Part B, Section 6.3 Current Use of Lands and Resources and Part C, Section 12.1 Aboriginal Interests of the Application. |

Cumulative Effects

| Source | Issue or Concern | WesPac Response/Proposed Action |
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| Cowichan Nation Alliance Kwantlen First Nation Musqueam Indian Band Tsleil-Waututh Nation | EAO's interpretation of cumulative effects is too narrow and does not consider a pre-industrial baseline. | WesPac deferred to EAO on comments related to non-inclusion of a pre-industrial baseline. |
| Cowichan Nation Alliance Musqueam Indian Band Tsleil-Waututh Nation Tsawwassen First Nation | Concern that the projects listed in the VC Selection document under cumulative effects assessment did not include all projects and activities. | WesPac updated the list of projects to be included in the effects assessment to include all projects that Aboriginal groups raised as missing. |
| Musqueam Indian Band | Concern that FortisBC's LNG plant is not included in this EA. | WesPac responded that activities or development at the FortisBC Tilbury LNG plant are separate from this Project. |

