ENVIRONMENTAL ASSESSMENT CERTIFICATE APPLICATION

WesPac Tilbury Marine Jetty Project
12.0 ABORIGINAL CONSULTATION

Aboriginal Interests are defined in the Section 11 Order (BCEAO, 2015b) as asserted or determined Aboriginal rights, including title, and treaty rights. An overview of planned consultation activities for the Project, activities completed to date, and a description of Aboriginal Interests is provided in Section 12.1 Aboriginal Interests. The assessment of Project-related effects on those Aboriginal Interests is presented in Section 12.1.4 Potential Effects of the Project on Aboriginal Interests. Issues raised by Aboriginal groups that do not directly relate to Aboriginal Interests, such as those pertaining to potential adverse social, economic, heritage, or health effects, and proposed measures to address those effects, are described in Section 12.2 Other Matters of Concern to Aboriginal groups. The assessment of effects on Other Matters of Concern to Aboriginal groups is also found in Section 12.2 Other Matters of Concern to Aboriginal groups. Section 12.3 provides the Issue Summary Table that summarizes Aboriginal Interests or other matters of concern to Aboriginal groups that may be affected by the Project, and the measures to avoid, mitigate or otherwise manage those effects.

Information presented in this Application regarding Aboriginal groups has been provided directly to WesPac by those Aboriginal groups in the context of consultation on the Project, or has been derived from publicly available sources.

12.1 Aboriginal Interests

12.1.1 Introduction

The Crown, both federal and provincial, has a legal duty to consult Aboriginal groups when it has knowledge of Aboriginal Interests and is contemplating conduct that may adversely affect those Aboriginal Interests, which are defined as “asserted or determined aboriginal rights, including title, and treaty rights” in the Section 11 Order (BCEAO, 2015b). The Crown has a duty to avoid, limit or otherwise accommodate adverse effects on those interests, where appropriate. The Crown can rely on engagement activities carried out by a proponent in satisfying procedural aspects of its legal duties to consult with and accommodate Aboriginal groups. EAO, as the applicable provincial Crown authority, has specified its expectations in the Section 11 Order (BCEAO, 2015b), specifically under provisions 13 and 14 of that order, and in the subsequent Section 13 Orders (EAO, 2015a, 2015b, 2018).

The Section 11 Order and Section 13 Orders 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
Tsleil-Waututh Nation.

Cowichan Tribes, Halalt First Nation, Penelakut Tribe, and Stz’uminus First Nation are affiliated as the Cowichan Nation Alliance.

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.

The purpose of Section 12.1 Aboriginal Interests is to provide a summary of consultation activities for the Project and to identify Aboriginal Interests not considered in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. Information on the Aboriginal groups consulted for the Project is provided in Section 12.1.2 Background Information. Section 12.1.3 Consultation Activities provides a summary of WesPac’s planned and completed consultation activities for the Project. Section 12.1.3.15 Issues and Concerns Raised by Aboriginal groups summarizes, in tabular form, the issues and concerns shared during consultation.

Potential effects on Aboriginal Interests not considered in Section 6.3 Current Use of Lands and Resources for Traditional Purposes are described and assessed in Section 12.1.4 Potential Effects of the Project on Aboriginal Interests. The general assessment of potential effects on Aboriginal Interests are described in Sections 12.1.4.2 through 12.1.4.2.5 while the group-specific conclusions are provided in Section 12.1.4.3.
12.1.2 Background Information

12.1.2.1 Aboriginal Regional Setting

All of the Schedule B and Schedule C First Nations, except Métis Nation British Columbia, share ancestral languages belonging to the Central Coast Salish branch of the Coast Salish language family. These include *Hul’q’umi’num’-heńq̓amíneň-Halq’eméylem* (linguistically referred to as Halkomelem Coast Salish), Squamish Salish and Northern Straits Salish (FPHLCC, 2018a, 2018c, 2018b).

"Halkomelem", an anglicisation of *Hul’q’umi’num’-heńq̓amíneň-Halq’eméylem*, represents a group of related dialects spoken on the east side of Vancouver Island, from Parksville to Saanich Inlet, and in the Lower Mainland from the mouth of the Fraser River east to Harrison Lake and into the lower Fraser Canyon. Tsawwassen First Nation, Musqueam Indian Band, Tsleil-Waututh Nation, Katzie First Nation, and Kwantlen First Nation are associated with *heńq̓amíneň*, or Downriver dialect (FPHLCC, 2018a). *Hul’q’umi’num’*, or Island dialect, is spoken primarily by First Nations on Vancouver Island, including Cowichan Tribes, Halalt, Lake Cowichan, Lyackson, Penelakut, and Stz’uminus (FPHLCC, 2018a). *Halq’eméylem*, or Upriver dialect, is the ancestral language of the Stó:lō nations (FPHLCC, 2018a), some of which are represented by the People of the River Referrals Office. All of these groups are associated with, or report use of, the Fraser River.

*Sḵwxwú7mesh sníchim* is the ancestral language of the Squamish people who are situated to the north and west of the Halkomelem-speaking nations (FPHLCC, 2018c).

Semiahmoo First Nation is one of the nations that speak Northern Straits Salish. Semiahmoo First Nation is associated with the *SEMYOME* dialect. (FPHLCC, 2018b).

Explorers on early expeditions to British Columbia noted that Métis people that they met with largely spoke French and an Aboriginal language, such as Cree (MNBC, 2018a). Métis people descend from First Nations and European fur-traders, and speak Michif, which has several dialects (EAO and Port of Vancouver, 2012).

12.1.2.2 Traditional Knowledge Incorporation

Information on traditional use and traditional use/traditional knowledge (TU/TEK) was gathered from Project-specific studies undertaken by Aboriginal groups or from studies completed for other projects with permission from those Aboriginal groups. WesPac requested TU/TEK information from Schedule B Aboriginal groups during consultations. WesPac has entered into agreements with several Aboriginal groups to provide funding for Project-related studies that include TU/TEK, but not all of the studies were completed at the time of writing the Application. Information from studies provided after the Application was submitted will inform the EAO assessment report and will be incorporated into mitigation and monitoring programs, where technically feasible and practical.

Cowichan Nation Alliance:

- Historical Geography of Cowichan Land Use and Occupancy Lower Fraser River: Map Series and Report, prepared for Woodward and Company and the Cowichan Tribes by Kenneth G. Brealey, May 2010 (Brealey, 2010).
George Massey Tunnel Replacement Project: Cowichan Occupation and Use of the Project Lands, prepared by Dorothy Kennedy for David Robbins of Woodward and Co., counsel for the Cowichan Tribes, on behalf of the Cowichan Tribes, August 2015 (Kennedy, 2015).

Cowichan Nation Traditional, Current, and Planned Future Use of the George Massey Tunnel Replacement Bridge Project Area, prepared by Candace Charlie for Cowichan Tribes, on behalf of the Cowichan Nation Alliance, August 2015 (Charlie, 2015).


Kwantlen First Nation


Métis Nation British Columbia


Musqueam Indian Band

xʷməθkwəy̓əm Musqueam Indian Band Knowledge and Use Study: WesPac Midstream’s Proposed LNG Marine Jetty Project, prepared by Jordan Tam, Rachel Olson and Firelight Research Inc. with the Musqueam Indian Band (Tam, J. et al., 2018).

Impacts of marine vessel traffic on access to fishing opportunities of the Musqueam Indian Band, prepared by M. Nelitz, H. Stimson, C. Semmens, B. Ma, and D. Robinson for the Musqueam Indian Band (Nelitz, M et al., 2018)

Musqueam Indian Band Knowledge and Use Study. Prepared for the Proposed George Massey Tunnel Replacement Project by Jordan Tam, Rachel Olson and Firelight Research Inc. (Tam, J. et al., 2016)

Tsleil-Waututh Nation

TU/TEK information was considered in the assessment of Aboriginal Interests described in Section 12.1.4 Potential Effects of the Project on Aboriginal Interests.

Relevant TU/TEK information was also considered in the existing conditions and effects assessments for Part B VCs, where available. A summary of how TU/TEK information was considered for VCs in Part B is provided in Table 12.1-1.

Table 12.1-1 Incorporation of Traditional Use/Traditional Knowledge (TU/TEK) in Part B of the Assessment

<table>
<thead>
<tr>
<th>PC/VC</th>
<th>Relevant Section</th>
<th>Method of Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Processes</td>
<td>Section 4.1</td>
<td>The Project-specific studies available at the time of writing provided no specific TU/TEK information relevant to River Processes.</td>
</tr>
</tbody>
</table>
| Fish and Fish       | Section 4.2      | The Project-specific studies available at the time of writing provided limited specific TU/TEK information on fish and fish habitat, including information on harvest locations, abundances and quality of anadromous and other fish of interest to Aboriginal groups. Kwantlen First Nation reports that the portion of the South Arm of the Fraser River where the Project site is located was traditionally used for fishing. Archaeological sites, which include two pre-contact fishing weirs, are located across the river from the Project site. The spatial boundaries for the Musqueam KUS (KUS Study Area) were defined as the Project Jetty Footprint (within 250 m of the Project), Local Study Area or LSA (south arm of the Fraser River from Sand Heads to the Pattullo Bridge) and the Regional Study Area or RSA (the north, middle and south arms of the Fraser River from the Salish Sea to the Pattullo Bridge). Musqueam Indian Band reports 66 site-specific use values within the Project Jetty Footprint, 608 site-specific values within the LSA, and 881 site-specific values within the RSA. Use values reported within or near the Project site include:  
• fishing sites used to harvest a variety of species (ie. salmon, steelhead, sturgeon, and eulachon) include  
• key habitat features for fish, including spawning areas and migratory routes;  
• travel routes used by Musqueam members to access fishing sites and gillnet fisheries; and  
• a past Musqueam fishing camp. Musqueam note that they have witnessed decreases in the availability of important fish species, such as sturgeon, eulachon, and Fraser River salmon. Musqueam also report that the KUS Study Area has unique environmental characteristics. Tsleil-Waututh Nation report that they maintain an important traditional sockeye fishery which may be impacted by increased shipping traffic. They note that the Fraser River is the only source for sockeye within the |
<p>| Habitat             |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                     |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |</p>
<table>
<thead>
<tr>
<th>PC/VC</th>
<th>Relevant Section</th>
<th>Method of Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine Mammals</td>
<td>Section 4.3</td>
<td>The Project-specific studies available at the time of writing provided no specific TU/TEK information relevant to Marine Mammals.</td>
</tr>
<tr>
<td>Air Quality</td>
<td>Section 4.4</td>
<td>The Project-specific studies available at the time of writing provided no specific TU/TEK information relevant to Air Quality.</td>
</tr>
<tr>
<td>Noise</td>
<td>Section 4.5</td>
<td>The Project-specific studies available at the time of writing provided no specific TU/TEK information relevant to Noise.</td>
</tr>
<tr>
<td>Water Quality</td>
<td>Section 4.6</td>
<td>The Project-specific studies available at the time of writing provided no specific TU/TEK information relevant to Water Quality.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Section 4.7</td>
<td>The Project-specific studies available at the time of writing provided limited specific TU/TEK information on vegetation, including information on harvest locations, abundances and quality of plant species of interest in the Project site. Kwantlen First Nation reports Tilbury Island falls within their traditional territory, noting that there are areas south of the Project site that were once used for plant and berry gathering. Tsleil-Waututh Nation records ten sites within the study area for their report that were traditionally used for plant gathering, specifically cranberries on the lower Fraser River and Burns Bog. Métis Nation British Columbia identifies 56 sites of contemporary use within 5 km of the Project site and 84 within 1 km of the proposed shipping routes, which includes harvest areas for berries. Cowichan Nation describes Lulu Island as a renowned location for berry and fruit abundance. Resources that were traditionally available to the Cowichan due to their use of the lower Fraser River included horsetail, wapato, cattail, bog cranberry, bog blueberry, wild clover, silverweed, crabapple, Indian hemp, Labrador tea and thule. Cowichan Nation also traditionally used many other species common to the area for food and material resources.</td>
</tr>
<tr>
<td>Wildlife and</td>
<td>Section 4.8</td>
<td>The Project-specific studies available at the time of writing provided limited specific TU/TEK information on wildlife and wildlife habitat,</td>
</tr>
<tr>
<td>PC/VC</td>
<td>Relevant Section</td>
<td>Method of Incorporation</td>
</tr>
<tr>
<td>-------</td>
<td>------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>including information on harvest locations, abundances and quality of species of interest near the Project area. Kwantlen First Nation reports Tilbury Island falls within their traditional territory and the portion of the south arm of the Fraser River where the Project site is located was traditionally used for hunting. Tsleil-Waututh Nation records a site within the Project study area traditionally used for bird hunting. Métis Nation British Columbia identifies 56 sites of contemporary use within 5 km of the Project site and 84 within 1 km of the proposed shipping routes, including harvest areas for birds and other animals. Resources traditionally available to the Cowichan Nation through their use of the lower Fraser River included bear, elk, deer, beaver, muskrat, grouse and ducks. From the Cowichan village site across the river from the Project site (<em>Tl'uqtinus</em>), game trails lead away from this village to hunting and gathering locations.</td>
</tr>
<tr>
<td>Heritage Resources</td>
<td>Section 7.1</td>
<td>The Project-specific studies available at the time of writing provided limited specific TU/TEK information on heritage resources. Kwantlen First Nation reports Tilbury Island falls within their traditional territory, and Project-related activities will potentially affect cultural heritage sites. Ten pre- and post-contact archaeological sites were identified in the TUS, including two sites across the river from the Project site where there are remains of pre-contact fishing weirs. The Cowichan Nation Alliance claims Aboriginal title in the lower Fraser River, making special mention of the <em>Tl'uqtinus</em> village site, located across the river from the Project site. This village was a long term occupied site and central home for all members of the Cowichan Nation.</td>
</tr>
<tr>
<td>Human Health</td>
<td>Section 8.1</td>
<td>The Project-specific studies available at the time of writing provided no specific TU/TEK information relevant to Human Health.</td>
</tr>
</tbody>
</table>

### 12.1.3 Consultation Activities

#### 12.1.3.1 Overview

This section provides information on the consultation activities that WesPac has undertaken with Aboriginal groups prior to submission of the Application. This section also 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 Aboriginal Consultation Plan for the Project.

WesPac is undertaking a four-stage engagement and consultation process with Aboriginal groups comprising Initial Engagement, Pre-Application Consultation, Application Review Consultation, and Post-Environmental Assessment Certificate (EAC) Consultation. WesPac has completed activities under the first two stages of consultation. Section 12.1.3.3 provides a description of the Consultation Stages and the status of each of those stages.
12.1.3.2 **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 nine 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.

12.1.3.3 **Consultation Stages**

Table 12.1-2 provides an overview of the consultation stages for the Project and the status for conclusion of each of those stages.
## Table 12.1-2 Overview of Aboriginal Consultation Approach

<table>
<thead>
<tr>
<th>Stage</th>
<th>Overview</th>
<th>Timeline/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Engagement</td>
<td>From Project identification to submission and acceptance of the Project Description by BC EAO. Engagement activities included:</td>
<td>Summer 2014 through Spring 2015 (Section 10 Order issued May 6, 2015)</td>
</tr>
<tr>
<td></td>
<td>• Identification of Aboriginal groups that may be affected by the Project.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Initial letters, phone calls and meetings with potentially-affected Aboriginal groups.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Providing information about the Project to potentially-affected Aboriginal groups.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Identification of early concerns with the Project and development of engagement protocols with potentially-affected Aboriginal groups.</td>
<td></td>
</tr>
<tr>
<td>Pre-Application Consultation</td>
<td>From issuance of the Section 10 Order to submission of the Application. Consultation activities with Aboriginal groups listed in the Section 11 and subsequent Section 13 Orders included:</td>
<td>Spring 2015 through Summer/ Fall 2018</td>
</tr>
<tr>
<td></td>
<td>• Ongoing communications and meetings with Aboriginal groups based on the Section 11 Order and communication protocols with Aboriginal groups.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Working group meetings (Schedule B Aboriginal groups).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Gathering TU/TEK information to inform Part B Valued Components (VC) and Part C of the Application (all Aboriginal groups).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Gathering information about Aboriginal Interests and potential mitigation strategies (all Aboriginal groups).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Involvement and input on studies (Schedule B Aboriginal groups).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Tracking and responding to comments from all Aboriginal groups.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Comments on the draft Aboriginal Consultation Plan (Schedule B Aboriginal groups).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Comments on the draft VC Selection (Schedule B Aboriginal groups through Working group and Schedule C Aboriginal groups through public comment period).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Working group review of the dAIR (Schedule B Aboriginal groups). Response to comments from Schedule B Aboriginal groups.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Comments on the draft Aboriginal Consultation Report 1 from Aboriginal groups.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Review and responding to comments on draft group-specific baseline information to be included in the Application (all Aboriginal groups).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Review and responding to comments on draft Aboriginal Consultation Report 2 (all Aboriginal groups).</td>
<td></td>
</tr>
</tbody>
</table>
WesPac Tilbury Marine Jetty Project
Environmental Assessment Certificate Application
Part C – Aboriginal Consultation
Section 12.0: Aboriginal Consultation

<table>
<thead>
<tr>
<th>Stage</th>
<th>Overview</th>
<th>Timeline/Status</th>
</tr>
</thead>
</table>
| Application Review Consultation| EAO acceptance of the Application following 30-day screening through 180-day Application Review, followed by 45-day Ministerial review, leading up to decision on issuance of the EAC. Anticipated consultation activities include.  
• Ongoing communications and meetings with Aboriginal groups based on the Section 11 Order and communication protocols with Aboriginal groups.  
• 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 Aboriginal Consultation Report 3 (all Aboriginal groups). | Fall 2018 through Spring 2019          |
| Post-Environmental Assessment Certificate 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         |

WesPac has conducted consultation activities under the Initial Engagement and Pre-Application Consultation Stages.

### 12.1.3.4 Aboriginal Consultation Plan: Overview

The Aboriginal Consultation Plan was developed to help frame Aboriginal consultation activities and to satisfy Proponent Aboriginal consultation requirements identified in EAO’s Section 11 Order (BCEAO, 2015b). 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, 2015a, 2015b, 2018). The Aboriginal Consultation Plan describes proposed consultation activities during the Pre-Application and Application Review stages of the EA. The Aboriginal Consultation Plan 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 Aboriginal Consultation Plan 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.

12.1.3.5 Feedback and Proposed Changes to the Aboriginal Consultation Plan.

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

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

12.1.3.6 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 (BCEAO, 2015b; EAO, 2015a, 2015b, 2018).

12.1.3.7 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.

12.1.3.8 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.

12.1.3.9  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.

WesPac sent electronic and/or hardcopies of key EA documents to Schedule B Aboriginal groups throughout the EA process, including drafts of the Aboriginal Consultation Plan, the VC Selection Document, the Application Information Requirements and Aboriginal Consultation Report 1. Comments were considered and incorporated into the documents, where appropriate and are described in further detail in Aboriginal Consultation Report 2. 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 Application Information Requirements 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 Valued Component 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 Application Information Requirements (dAIR) through Working group and Aboriginal Consultation Report 1 directly to WesPac.
12.1.3.10 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 will include 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 Aboriginal Consultation Plan. 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 Aboriginal Consultation Report 1 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.

12.1.3.11 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 several Schedule B Aboriginal groups and continues to work with Aboriginal groups to finalize funding agreements for the Application Review stage.

12.1.3.12 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 traditional knowledge 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 has reviewed these studies 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 on those Interests. Table 12.1-3 outlines the studies submitted by Aboriginal groups to WesPac.

**Table 12.1-3 Traditional Use, Traditional Knowledge & Other Studies Submitted by Aboriginal groups**

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Musqueam Indian Band</td>
<td>xʷməθkwəy̓əm Musqueam Indian Band Knowledge and Use Study: WesPac Midstream’s Proposed LNG Marine Jetty Project, prepared by Jordan Tam, Rachel Olson and Firelight Research Inc. with the Musqueam Indian Band. Impacts of marine vessel traffic on access to fishing opportunities of the Musqueam Indian Band, prepared by M. Nelitz, H. Stimson, C. Semmens, B. Ma, and D. Robinson for the Musqueam Indian Band</td>
</tr>
<tr>
<td>Tsawwassen First Nation</td>
<td>Not yet provided at time of Application submission.</td>
</tr>
</tbody>
</table>
| 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:  
  - Cowichan Nation Traditional, Current, and Planned Future Use of the George Massey Tunnel Replacement Bridge Project Area, prepared by Candace Charlie for Cowichan Tribes, on behalf of the Cowichan Nation Alliance, August 9, 2015  
  - George Massey Tunnel Replacement Project: Cowichan Occupation and Use of the Project Lands, 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  
  - Historical Geography of Cowichan Land Use and Occupancy Lower Fraser River: Map Series and Report, prepared for Woodward and Company and the Cowichan Tribes by Kenneth G. Brealey, May 31, 2010  
  - Cowichan Nation Alliance Strength of Claim Report, prepared by Daniel Marshall for Pacific Reach Consulting Ltd., October 16, 2017 |
| Lyackson First Nation                        | Agreement not reached at time of Application submission.              |
| Lake Cowichan First Nation                  | Not yet provided at time of Application submission.                   |
Aboriginal Consultation to Date

12.1.3.13 Aboriginal Consultation to Date

12.1.3.13.1 Overview of Consultation Activities - Initial Engagement Stage

As noted in Table 12.1-1, WesPac initiated engagement with Aboriginal groups prior to submission of the Project Description and EAO’s issuance of the Section 10 Order on May 6, 2015 (BCEAO, 2015d).

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 several 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 12.1.4.3.

12.1.3.13.2 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

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 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:

- Aboriginal Consultation Plan
- VC Selection Document
- Application Information Requirements
- Aboriginal Consultation Report 1

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 capacity funding agreements with ten 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 Section 12.1.3.15 and presented in more detail in Aboriginal Consultation Report 2.
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.

12.1.3.13.3 Working Group Meetings

EAO hosted five Working Group meetings during the Pre-Application Stage for the Project, the details of which are highlighted below.

Working Group Meeting #1 took place on July 21, 2015. The discussions and presentations included:
- Overview of the EA process in BC
- Overview of the Project
- Preliminary Issues and VCs/PCs

Working Group Meeting #2 took place on December 1, 2015. The discussions and presentations included:
- Overview of the draft VC document, including WesPac’s changes reflecting Working Group comments
- Introduction to the Application Information Requirements in the EA process by EAO
- Overview of the dAIR by WesPac
- Future Site Tour and the December Open Houses

Working Group Meeting #3 took place on February 4, 2016. WesPac hosted a site tour by boat on February 3, 2016 to coincide with the Working Group meeting. The discussions and presentations at the Working Group meeting included:
- 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

Working Group Meeting #4 took place on August 23, 2016. The discussions and presentations included:
- EA Process Update
- WesPac Project Update
VC Selection Discussions and Questions

Working Group Meeting #5 took place on May 3, 2018. The discussions and presentations included:

- Reintroduction of the Project
  - Project overview
  - Project updates
- EA Overview
- Assessment Approach and Key Findings

12.1.3.13.4  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 fund TU studies to gather this information with all Schedule B Aboriginal groups engaged on the Project to date 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.

12.1.3.13.5  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 two 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.

12.1.3.14  Planned Future Consultation

12.1.3.14.1  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:
WesPac Tilbury Marine Jetty Project
Environmental Assessment Certificate Application
Part C – Aboriginal Consultation
Section 12.0: Aboriginal Consultation

- 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, as required in the Section 11 and 13 Orders, undertake the following activities:

- 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:
  - any 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 maintain an issue and response tracking table;
- 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 asserted 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, WesPac may seek opportunities to hold separate open houses in locations that are convenient to one or more Aboriginal community.

Issues raised by Aboriginal groups and WesPac’s responses during the Application Review period will be tracked. WesPac will prepare a draft Aboriginal Consultation Report 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.

12.1.3.14.2 Post-Environmental Assessment Certificate

Should the Project be issued an EAC to proceed, WesPac will undertake the following key consultation activities:

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 any outstanding issues, monitor conditions as required under the EAC, Management Plans or as set out in any 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.

12.1.3.15 Key Issues and Concerns Raised by Aboriginal Groups

As described in previous sections, WesPac has undertaken a range of consultation activities with all Aboriginal groups during the Initial Engagement and Pre-Application Consultation stages. WesPac has logged issues and concerns about the Project (Issues) and rights, titles and interests (Interests) raised by Aboriginal groups in a consultation database to ensure that they are tracked, along with responses and proposed actions intended to address these Issues/Interests. A summary of issues and concerns is provided for each Aboriginal group in 12.1.4.3 Group-Specific Conclusions.
12.1.4 Potential Effects of the Project on Aboriginal Interests

12.1.4.1 Assessment Structure and Approach

Through the consultation activities described in Section 12.1.3, WesPac requested information from each Aboriginal group on the nature and scope of their Aboriginal Interests and how the Project may affect these Aboriginal Interests.

WesPac has provided funding to several Aboriginal groups to prepare Project-specific studies regarding past, present, and desired future use of lands and resources for traditional purposes, as well as Aboriginal Interests that may be affected by the Project. In developing proposals and agreements for these studies, WesPac suggested that Aboriginal groups focus on Tilbury Island, the South Arm of the Fraser River and adjacent lands from just upstream of the Project site to Sand Heads. While Aboriginal groups chose their own spatial boundaries for their Project-specific studies, WesPac’s assessment of potential Project-related effects on Aboriginal Interests follows the spatial boundaries described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes.

Where WesPac received studies in advance of submission of the Application, the information in those reports was incorporated in the Application. WesPac will consider information in studies received after the Application has been submitted in developing mitigation and monitoring plans for the Construction and Operation phases of the Project.

Section 6.3 Current Use of Lands and Resources for Traditional Purposes provides an assessment of potential Project-related effects on food, social and ceremonial (FSC) use of terrestrial and marine resources and the exercise of Aboriginal Interests that may be associated with that use.

A generalized discussion of potential Project-related effects on Aboriginal Interests that were not considered in Section 6.3 Current Use of Lands and Resources for Traditional Purposes (i.e., other traditional and cultural interests, title) is provided in Section 12.1.4.

Group-specific conclusions are presented in Section 12.1.4.3, and include a review of key issues raised during the EA by each Aboriginal group in relation to their Aboriginal Interests, and WesPac’s consideration of those key issues when determining the level of potential impact of the Project on each Aboriginal group’s Aboriginal Interests.

12.1.4.2 General Conclusions

The assessment presented in Section 12.1.4 is divided into:

- Other traditional and cultural interests in Section 12.1.4.2.1
- Aboriginal title in Section 12.1.4.2.2

In considering potential effects of Project-related activities on Aboriginal Interests related to social, cultural, spiritual, and experiential aspects, WesPac followed the methods employed by EAO. These consider potential effects of the Project on the experience of use or exercise of rights in the Project area, community health, socio-cultural institutions (e.g., governance), teaching and knowledge transfer, ceremonial/spiritual practices associated with the right, and the relative importance of the Project area to the exercise of the right (EAO, 2017, p. 176).
In considering potential effects of Project-related activities on Aboriginal title, WesPac considered the following three components of Aboriginal title, following the methods employed by the EAO to assess potential impacts on Aboriginal Interests (EAO, 2017, pp. 176–177):

- **Use and occupation**: Consideration of potential alienation of an area, the degree of potential disturbance or functional effect of the potential disturbance associated with the Project, how the proposed decision might restrict Aboriginal groups’ access to the area, and how the proposed decision might affect Aboriginal groups’ enjoyment, experience, and use of the area, now and in the future;

- **Decision-making**: Consideration of whether the proposed decision would result in a new tenure or transfer of ownership to the area, the extent to which an Aboriginal community might be involved in the decision-making process, and whether the activity might be consistent or inconsistent with any cultural or other objectives of the Aboriginal group for management in this area, now and in the future; and

- **Economic benefits**: Consideration of whether the impact of the Project might affect an Aboriginal group’s ability to derive direct or indirect economic benefits from the area, and how the proposed decision might affect an Aboriginal group’s economic development aspirations for the area, now and in the future.

Methods that are employed specifically in Section 12.1.4.2, such as effect thresholds (i.e., negligible, minor, moderate, serious) used to describe the predicted level of effect on a given Aboriginal Interest of a specific Aboriginal group, are described below in the introduction to that section.

### 12.1.4.2.1 Other Traditional and Cultural Interests

Aboriginal groups identified tangible and intangible cultural heritage sites and places in the area immediately surrounding the Project site that are linked to the exercise of Aboriginal Interests, including the Fraser River itself. Aboriginal groups have expressed an important historical connection to, and continued or desired use of sites or places, near the Project site for a range of cultural purposes, including cultural continuity and revitalization. Aboriginal groups have specifically noted the importance of continued use of the Fraser River as a transportation corridor.

The area around the Project site has had a long history of human occupation and use. Section 7.0 Heritage Resources reports that there is archaeological and heritage potential in the Heritage Resources LAA. The heritage resources assessment considered several sources of information to model archaeological and heritage potential, including data on known archaeological sites, information about named places, and ethnographic and historical sources. Subcomponents to the heritage resources assessment that are relevant to Aboriginal Interests include archaeological resources and historical resources, each with tangible and intangible attributes related to cultural heritage. Some traditionally known locations have been recorded along the shores of the Fraser River and the slough channels, and those located within 5 km of the LAA are shown in Figure 7.1-1 in Section 7.0 Heritage Resources.
Changes to visual quality may also affect locations associated with Aboriginal cultural use and values (e.g., cultural continuity, sense of place and spirituality). Section 6.4 Visual Quality considered Aboriginal concerns and perspectives in selecting viewpoints for the assessment of visual change.

WesPac understands that there are several factors that can affect an Aboriginal group’s traditional and cultural interests. These factors include the status and sensitivity of culturally important locations, the nature and timing of Project-related disturbances to those locations, and the effectiveness of the mitigation to address such disturbances. In addition, Project-related activities can affect an Aboriginal group’s access to, and experience at, those locations when undertaking cultural activities.

The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests is informed by the analysis of assessment conclusions for relevant PC and VC assessments in Part B sections of this Application. Potential effects, proposed mitigation, and residual and cumulative effects of relevance to other traditional and cultural interests of Aboriginal groups are presented in Section 4.1 River Processes (PC), Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.0 Heritage Resources, and Section 8.1 Human Health (air quality, noise, vibration) of this Application, and are summarized below.

WesPac considered the results of the following PC and VC assessments in assessing the potential effects of the Project on an Aboriginal group’s other traditional or cultural interests (including cultural continuity and sense of place):

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, ‘heritage offsetting’ to achieve ‘no net loss’ of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.
The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (T'luqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a resulting of urban and industrial development, have adversely affected their use of lands and resources within
the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOP recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

- Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River.
Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl'uqtinus. Tl'uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.
Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan and a Communications Plan for Aboriginal groups, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These policies will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern...
identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans). Table 12.1-4 provides a list of relevant management plans.

### Table 12.1-4 List of Construction, Operation and Decommissioning Management Plans

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Environmental Management Plans</th>
<th>Sub-Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>Construction Environmental Management Plan</td>
<td>Erosion and Sediment Control Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Heritage Resources Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Soils Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Noise Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Light Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Air Quality Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Emergency Response Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Environmental Monitoring Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fish Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marine Mammals Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Water Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste Water Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Water Quality and Stormwater Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In-water Works Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dredging Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scour protection Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Creosote Pile Removal Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Creosote Works Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wildlife Management Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vegetation Management Plan</td>
</tr>
<tr>
<td>Project Phase</td>
<td>Environmental Management Plans</td>
<td>Sub-Plans</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Transport Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Land-based Traffic)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Access and Transportation Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Communications Plan (Aboriginal groups)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Communications Plan (local government, public, stakeholders)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employment and Procurement Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Safety and Health Management Plan (Worker)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Safety Management Plan (Public)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Security Management Plan</td>
<td></td>
</tr>
<tr>
<td>Operation</td>
<td>Operation Environmental Management Plan (OEMP)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Heritage Resources Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Air Quality Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Noise Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Emergency Response Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Environmental Monitoring Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Mammals Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dredging Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ballast Waste Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scour Protection Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wildlife Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vegetation Management Plan</td>
<td></td>
</tr>
<tr>
<td>Decommissioning</td>
<td>Decommissioning Environmental Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Heritage Resources Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Noise Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Emergency Response Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Erosion and Sediment Control Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fish Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Mammals Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Waste Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wastewater Management Plan</td>
<td></td>
</tr>
</tbody>
</table>
WesPac Tilbury Marine Jetty Project
Environmental Assessment Certificate Application
Part C – Aboriginal Consultation
Section 12.0: Aboriginal Consultation

### Project Phase

<table>
<thead>
<tr>
<th>Environmental Management Plans</th>
<th>Sub-Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-water Works Management Plan</td>
<td></td>
</tr>
<tr>
<td>Wildlife Management Plan</td>
<td></td>
</tr>
<tr>
<td>Vegetation Management Plan</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employment and Procurement Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety and Health Management Plan (Worker)</td>
</tr>
<tr>
<td>Safety Management Plan (Public)</td>
</tr>
<tr>
<td>Security Management Plan</td>
</tr>
</tbody>
</table>

- Continued consultation by WesPac with Aboriginal groups regarding the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects;
- Provision of reports to Aboriginal groups throughout implementation of monitoring and follow-up strategies, where such arrangements have been made; and
- Provision of opportunities for members of Aboriginal groups to participate in monitoring activities during Project construction, including monitoring of construction activities that may affect Aboriginal Interests and related environmental values, where such arrangements have been made.

The potential impact of the Project on other traditional and cultural interests for each Aboriginal group is described below in the Group-specific conclusions in Section 12.1.4.3.

#### 12.1.4.2.2 Aboriginal Title

The Project has the potential to affect asserted Aboriginal title. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits.

Mitigation measures relevant to address impacts to each component of asserted Aboriginal title are also considered and described below.

In considering potential Project effects on the use and occupancy component of asserted Aboriginal title, WesPac considered the following factors:

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.

While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could impact the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.

WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

In considering potential Project-related effects on the decision-making component of asserted Aboriginal title, WesPac considered the following factors:

The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group.
has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

- Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential impacts of the Project on their Aboriginal Interests.
- Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

In considering potential Project effects on the economic benefits component of asserted Aboriginal title, WesPac considered the following factors:

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.
- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.
- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.
- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.
- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
  - marine access management and communications described in Section 6.2 Land and Marine Resource Use;
  - noise management described in Section 4.5 Noise; and
  - local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.
The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential impacts to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and
- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce impacts of the Project, particularly when specific construction and operational details have been established.

The potential impacts of Project-related activities on asserted Aboriginal title for each applicable Aboriginal group are discussed in Section 12.1.3.3 below.

12.1.4.2.3 Potential Effects on Aboriginal Interests by Aboriginal Group

Mitigation measures identified in Part B of the Application were reviewed in Section 12.1.4 General Conclusions for their effectiveness at also addressing potential Project-related effects on the exercise of Aboriginal Interests. These measures are expected to be effective at avoiding, reducing, or otherwise managing potential Project-related effects on the exercise of Aboriginal Interests during all Project phases.

Table 12.1-5: Potential Effects on Aboriginal Interests

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Assessed Potential Effect on Aboriginal Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Other Traditional and Cultural Interests</td>
</tr>
<tr>
<td>Cowichan Tribes</td>
<td>Negligible</td>
</tr>
<tr>
<td>Halalt First Nation</td>
<td>Negligible</td>
</tr>
<tr>
<td>Kwantlen First Nation</td>
<td>Negligible</td>
</tr>
<tr>
<td>Lake Cowichan First Nation</td>
<td>Negligible</td>
</tr>
<tr>
<td>Lyackson First Nation</td>
<td>Negligible</td>
</tr>
<tr>
<td>Musqueam Nation¹</td>
<td>Negligible</td>
</tr>
<tr>
<td>Penelakut Tribe</td>
<td>Negligible</td>
</tr>
<tr>
<td>Semiahmoo First Nation</td>
<td>Negligible</td>
</tr>
</tbody>
</table>

¹ “Cultural Continuity” and “Sense of Place and Identity” were assessed in place of “Other Traditional and Cultural Interests” for Musqueam Nation, per their request (see Section 12.1.3.3.8).
### Section 12.0: Aboriginal Consultation

#### 12.1.4.2.4 Mitigation Measures

Mitigation measures identified in Part B of the Application were reviewed in Section 12.1.4.2 General Conclusions for their effectiveness at also addressing potential Project-related effects on the exercise of Aboriginal Interests, and are expected to be effective at avoiding, reducing, or otherwise managing potential Project-related effects on the exercise of Aboriginal Interests.

Ongoing consultation between WesPac and Schedule B Aboriginal groups is proposed during Application Review and subsequent to the issuance of an EAC, should the Project be approved. The plan for ongoing consultation following Application submission as provided in the Aboriginal Consultation Plan are summarized in Section 12.1.3 Consultation Activities. Although effects of Construction and Operation of the Project are unlikely to result in a significant adverse effect on Aboriginal groups’ other traditional and cultural interests or on Aboriginal title, WesPac has committed to ongoing consultations with Aboriginal groups as described in Section 12.1.3.14.

As described in Section 14.0 Management Plans and Follow-up Programs, WesPac will prepare a CEMP prior to the Project Construction to provide guidance on actions and activities that will be carried out during that phase of the Project, and to identify measures to reduce the risk of occurrence of incidents that could affect the environment and reduce any effects that are unavoidable. The CEMP will include sub-plans that will address activity-specific mitigation measures. Sub-plans that will include measures that are considered to be effective at avoiding, reducing, or otherwise managing potential adverse effects of the Project on the exercise of Aboriginal Interests during Project construction include the following:

- Heritage Resources Management Plan
- Erosion and Sediment Control Management Plan
- Noise Management Plan
- Air Quality Management Plan
- Marine Access and Transportation Management Plan
- Communication Plan (Aboriginal Groups)

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Assessed Potential Effect on Aboriginal Interest</th>
<th>Aboriginal Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Squamish Nation</td>
<td>Negligible</td>
<td>Negligible</td>
</tr>
<tr>
<td>Stz’uminus First Nation</td>
<td>Negligible</td>
<td>Negligible</td>
</tr>
<tr>
<td>Tsawwassen First Nation</td>
<td>Negligible</td>
<td>Not assessed (Treaty nation)</td>
</tr>
<tr>
<td>Tsleil-Waututh Nation</td>
<td>Negligible</td>
<td>Negligible</td>
</tr>
</tbody>
</table>
As also described in Section 14.0 Management Plans and Follow-up Programs, an OEMP will be developed prior to commencement of the operations phase of the Project. The OEMP will describe the environmental management measures and best management practices that will be in place throughout Project operation, and will address operation and maintenance activities that may adversely affect environmental, social, economic, heritage, or health components. Similar to the CEMP, the OEMP will include sub-plans to address activity-specific mitigation measures. Elements of the OEMP that are considered to be also effective at avoiding, reducing, or otherwise managing potential adverse effects of the Project on the exercise of Aboriginal Interests during Project operation include:

- Marine Access and Transportation Management Plan
- Marine Communication Management Plan
- Aboriginal Communications Plan

To facilitate the inclusion of Aboriginal Interests considerations of Schedule B Aboriginal groups into the effective management of potential Project construction and operation effects, WesPac will consult affected Schedule B Aboriginal groups on the development of plans contained within the CEMP and OEMP. For further details on the CEMP and OEMP, refer to Section 14.0.

As with the CEMP and OEMP, WesPac will consult affected Schedule B Aboriginal groups on the development of monitoring and follow-up programs to facilitate consideration and inclusion of their Aboriginal Interests. For further details on the Environmental Monitoring Plan, refer to Section 14.0.

After consideration of the measures identified by linked or interrelated VC and PC assessments, including the CEMP, OEMP, and Environmental Monitoring Plan relevant to those assessments, and including consultation with Schedule B Aboriginal groups on their development and implementation, no additional mitigation is required to avoid a significant adverse effect on Aboriginal Interests identified in Section 12.1.4.2 General Conclusions.

### 12.1.4.2.5 Residual Effects to Aboriginal Interests

With the implementation of mitigation measures identified in Section 12.1.4.2.4, residual adverse effects of the proposed Project on the exercise of Aboriginal Interests are expected to be negligible (i.e., not measurable or detectable), and are not further assessed.

### 12.1.4.2.6 Process for Resolving Outstanding Issues Raised by Aboriginal Groups

WesPac acknowledges that some issues, concerns, or interests raised by Aboriginal groups during the engagement and consultation process to date were not fully resolved prior to submission of the Application. During the Application Review stage WesPac will continue to address any concerns that remain outstanding through continued consultation with Aboriginal groups as required (e.g., meetings with Chief and Council, information presentations, Working Group meetings).
After the issuance of the EAC, WesPac will proceed with implementation of Project commitments and agreements with Aboriginal groups, where such agreements exist. WesPac will also work with regulatory authorities and Aboriginal groups to obtain regulatory permits, and will monitor regulatory compliance throughout the Project’s construction, operation, and decommissioning phases.

12.1.4.3 Group-Specific Conclusions

Potential effects of the Project on Aboriginal Interests are characterized in general terms in Section 12.1.4.2 of the Application. In the subsections that follow, WesPac summarizes, for each Aboriginal group, background information specific to other traditional and cultural interests, including cultural continuity and sense of place and spirituality, and Aboriginal title, issues identified by each Aboriginal group generally in relation to the Project and in relation to specific Aboriginal Interests, and considerations and conclusions on the predicted seriousness of potential effects to the Aboriginal Interests of each Aboriginal group.

Potential effects on Aboriginal Interests are assessed for each category of right for each Aboriginal group. These effects are described based on the level of serious of potential effects, from negligible to serious, defined as follows based on thresholds employed by EAO on other projects (EAO, 2017):

- **Negligible effect** – ability to exercise the Aboriginal Interest is consistent with current conditions;
- **Minor effect** – ability to exercise the Aboriginal Interest may be minimally disrupted compared to current conditions;
- **Moderate effect** – ability to exercise the Aboriginal Interest may be diminished or disrupted compared to current conditions; and
- **Serious effect** – ability to exercise the Aboriginal Interest may be considerably diminished compared to current conditions.

In some cases, WesPac has used ranges between these effect levels (e.g., negligible-to-minor) to indicate that an effect may range in seriousness between categories given certain spatial and temporal considerations. For example, the seriousness of a given effect in one area of an Aboriginal group’s territory is not necessarily equivalent to the seriousness of the same effect if it were to occur in another area of the territory, or the seriousness of effects during construction (which may be more temporary) is not necessarily equivalent to the seriousness of effects during operation (which may be more permanent). For each Aboriginal Interest, the greatest assessed degree of seriousness as a result of routine Project construction and operation is the effect level provided.

In deriving a conclusion on level of effect, WesPac considers the information presented below for each Aboriginal group regarding their past, present, and desired future use in the Project area for each Aboriginal Interest category, the analysis in 12.1.4.2 related to each category of Aboriginal Interest that takes into account potential effects, proposed mitigation, and residual and cumulative effects on PCs and VCs that are associated with the exercise of Aboriginal Interests, and assessed in earlier (Part B) sections of this Application, as well as specific measures proposed by the Proponent to specifically address the concerns of Aboriginal groups related to potential Project effects on each category of Aboriginal Interest. The characterization of residual adverse effects on Aboriginal
Interests after the consideration of mitigation, as well as the likelihood and confidence associated with those residual effects, generally follows the methods described in Section 3.0 of this Application.

12.1.4.3.1  Group-Specific Conclusions – Schedule B

12.1.4.3.1.1  Cowichan Tribes

12.1.4.3.1.1.1  Context

Cowichan Tribes, along with Halalt First Nation, Penelakut Tribe, and Stz'uminus First Nation, are represented by the Cowichan Nation Alliance (Cowichan Nation Alliance) on collective interests on matters outside of treaty negotiations. As speakers of the Island dialect of Halkomelem (Hul’q’umi’num), these four Cowichan Nation Alliance members, along with Lake Cowichan First Nation and Lyackson First Nation, refer to themselves collectively as Hul’qumi’num Mustimuhw (HTG, 2005a).

Cowichan Tribes are based in southeast Vancouver Island, with their main community located on Cowichan No. 1 in the city of Duncan. Cowichan Tribes are the largest First Nation in British Columbia, with a registered population of 5,021, with 2,517 members living on Cowichan Tribes reserves as of November 2018 (AANDC, 2018). The Project site does not overlap any current or former reserve lands of Cowichan Tribes.

Cowichan Tribes are, or have been, affiliated with the Hul’qumi’num Treaty Group (HTG), along with the other Cowichan Nation Alliance member communities, Lake Cowichan First Nation and Lyackson First Nation. As illustrated in Figure 12.1-01, the HTG assert a core territory, or title lands, and a wider marine or fishing territory, as described in its Statement of Intent to the BC Treaty Commission (BCTC, 2009d). The HTG asserts title over core areas near the Project site including “the south arm of the Fraser River, including Canoe Pass, up to and including Douglas Island, with lands on the north shore of the south arm up to Sapperton Channel (New Westminster), the islands in the south arm of the Fraser River and the south bank of the Fraser River along Canoe Pass up to Deas Island” (BCTC, 2009d). This area is part of the HTG’s broader marine or fishing territory.

Cowichan Tribes report that there are locations of importance along the South Arm of the Fraser River. The closest locations of importance to the Project are the ancestral village and resource sites known as Tl’uqtinus, on the north shore opposite the Project site on Tilbury Island, and Xwulit’sum, at Canoe Pass. Cowichan Tribes, Halalt First Nation, Penelakut Tribe, and Stz’uminus First Nation consider both locations as ancestral village and resource sites. In November 2014, Cowichan Tribes, Stz’uminus, Penelakut and Halalt First Nations filed an Amended Notice of Civil Claim seeking a declaration of Aboriginal title to an area described as the Tl’uqtinus Lands and fishing rights to the South Arm of the Fraser River. It is noted that the Tl’uqtinus Lands, as claimed, are on the north shore of the South Arm of the Fraser River across from the Tilbury Island and this Aboriginal title claim does not overlap the Project site.

12.1.4.3.1.1.2  Involvement in the Consultation Process

Cowichan Tribes engaged with WesPac directly and collectively as a member nation 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.

Cowichan Nation Alliance member communities instructed WesPac to work through Cowichan Nation Alliance for all consultation activities. WesPac occasionally received correspondence from the individual member communities, and, in some cases, not all member communities attended all meetings with WesPac. The consultation summary provided for Cowichan Tribes includes only activities attributed to Cowichan Tribes, either through direct interaction with WesPac or where Cowichan Tribes was clearly included in activities led by Cowichan Nation Alliance.

WesPac initiated engagement with Cowichan Tribes through a mailed letter in October 2014 that introduced the company and proposed Project. Cowichan Nation Alliance responded to the letter on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz’uminus. In this Initial Engagement Stage, WesPac’s consultation activities focused on sharing information on the Project, and gathering preliminary comments from Cowichan Tribes on the Project design and location, potential Project-related effects on Cowichan Tribes’ Aboriginal Interests and potential mitigation measures that may avoid or minimize those effects.

The parties met in person for the first time in January 2015. At that first meeting, Cowichan Nation Alliance shared background information for the member communities and historical records of their use of the Fraser River including the village site of Tl’uqtinus with WesPac. Cowichan Nation Alliance sent a map illustrating their traditional use and occupancy on the South Arm of the Fraser River to WesPac as a follow up to that meeting.

During the Initial Engagement Stage, consultation activities included:

- Sharing of Project information through emails and letters
- Meetings with Cowichan Tribes either in person or by teleconference
- Sharing of draft documents for review and comment
- Development of a capacity funding agreement to support Cowichan Tribes’ participation in the EA process.

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, WesPac met with Cowichan Tribes representatives, shared Project updates through email and in meetings and provided draft documents for review and comment. WesPac and Cowichan Tribes signed a capacity funding agreement outlining Cowichan Tribes’ participation in the EA review during the Pre-Application Consultation stage. The agreement was formally executed on July 27, 2015.

During this stage, WesPac provided Cowichan Tribes with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft VC Selection Document
- dAIR
Cowichan Tribes also participated in a WesPac-hosted site tour by boat that coincided with Working Group Meeting #3.

Cowichan Nation Alliance provided comments on the Draft Aboriginal Consultation Plan directly to WesPac. The main themes for those comments included:

- Corrections to text.
- Clarification regarding the description of Tl’uqtinus.
- Request to include consideration of the future use of Tl’uqtinus 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 Aboriginal Consultation Plan, where appropriate, along with comments from EAO. The updated content was included in the Draft Aboriginal Consultation Report 1 and 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. Cowichan Nation Alliance provided comments on the Draft Aboriginal Consultation Report 1 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. Cowichan Tribes were also provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

WesPac provided funding to Cowichan Tribes to undertake a TUS for the Project collectively with the other Cowichan Nation Alliance member communities. The study is anticipated to be completed after the Application has been submitted to EAO. Cowichan Tribes has granted permission to use the following recently completed studies to develop baseline information for the Application while they complete the Project-specific study:

- Cowichan Nation Traditional, Current, and Planned Future Use of the George Massey Tunnel Replacement Bridge Project Area, prepared by Candace Charlie for Cowichan Tribes, on behalf of the Cowichan Nation Alliance, August 9, 2015
- George Massey Tunnel Replacement Project: Cowichan Occupation and Use of the Project Lands, 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
- Historical Geography of Cowichan Land Use and Occupancy Lower Fraser River: Map Series and Report, prepared for Woodward and Company and the Cowichan Tribes by Kenneth G. Brealey, May 31, 2010
Cowichan Nation Alliance Strength of Claim Report, prepared by Daniel Marshall for Pacific Reach Consulting Ltd., October 16, 2017

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. 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

WesPac provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. Cowichan Tribes provided detailed comments on the content which has been incorporated in the Application. A tracking sheet of how those comments were incorporated, and a rationale for any not included, will be provided directly to Cowichan Tribes. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on comments to be provided by Cowichan Tribes. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.1.3 Summary of Key Issues and Concerns Raised

In accordance with the Project's Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Cowichan Tribes during consultation. Where possible, WesPac has worked with Cowichan Tribes to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Cowichan Tribes for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Cowichan Tribes identified the following issues and concerns during the Initial Engagement and Pre-Application consultation stages:

Methodology, Process and Consultation

- Expectation that deep consultation and accommodation due to potential interference with existing Aboriginal rights.
- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.
- Documentation of how information that Cowichan Tribes provided to WesPac has been understood and integrated into EA documents.
Provision of adequate time and capacity for reviewing and providing meaningful input on Project-related documents.

Selection and adequacy of the VCs to assess potential effects on Aboriginal Interests, that they were not identified through consultation with Aboriginal groups.

Opposed the proposed substitution. Concern that CEAA should be involved in EA review to address cumulative effects and because the land across from the Project are under litigation with the federal Crown, delegation of consultation and accommodation obligations are opposed.

Environmental Effects

- Effects on species of interest could infringe on Aboriginal rights.
- Assessment methods must include consideration of TEK.
- Not all species of interest were included as components or subcomponents. Instead, broad categories were used.
- Effects on upstream GHG emissions should be assessed.
- Project-related changes to noise need to be considered for the location of Tl'uqtinus.

Social and Economic Effects

- Effects on Visual Quality, including changes to light related to the location of Tl'uqtinus need to be considered.
- Concern regarding potential effects from the Project, including light and noise, on mental, emotional, and spiritual health and wellbeing (i.e., social determinants of health).
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.
- Concern that property values are not included in the effects assessment on economy.
- Request that WesPac complete an in-depth assessment of the economic effects on Aboriginal socio-economic conditions.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.

Heritage and Culture Effects

- Concern that effects from vessel wake on the archaeological site at Tl'uqtinus.
- Aboriginal groups must be consulted on applications for heritage permits for the Project.
- Cultural/archaeological monitors from Aboriginal groups should be included in Project-related studies.
Concern that the right to control how the land is used is not included in the effects assessment.

Health Effects

Concern that Aboriginal peoples who harvest food and medicine within the Project area are more susceptible to potential toxicity. A spill at the Project site could have an effect Tl'uqtinus village lands.

Safety

Concern regarding LNG in the event of a collision or sinking of a vessel, as well as responsibility and procedures for managing spills. Noted that WesPac should be responsible for care, safety and control of LNG carriers.

Aboriginal Interests

Expectation that CNA’s Aboriginal title be considered as Aboriginal title reflects occupancy pre-sovereignty and includes the right to control how the land is used.

Requests an assessment of potential loss in future economic potential from land and marine use at Tl'uqtinus.

Cumulative Effects

Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.

EOA’s interpretation of cumulative effects is too narrow and does not consider a pre-industrial baseline.

For WesPac's responses to all issues and concerns raised either directly by Cowichan Tribes, or through the Cowichan Nation Alliance, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.1.4 Potential Effects of the Project to Cowichan Tribes’ Aboriginal Interests

WesPac's assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of the Project on Cowichan Tribes’ Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Cowichan Tribes’ ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Cowichan Tribes during consultation on the Project, WesPac considered the following:

Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
Effects on asserted Aboriginal title.

A summary of information about Cowichan Tribes’ past, present, and desired future use of lands in the vicinity of the Project site, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

The summary provided in the following sections relied mainly on a study that Cowichan Nation Alliance (CNA) conducted for a project located upstream from Tilbury Island, entitled Pattullo Bridge Replacement Project, Cowichan Nation Alliance Strength of Claim Report (Marshall, 2017b). CNA provided WesPac with permission to use this report to develop baseline for the assessment of potential effects on CNA member communities’ Aboriginal Interests pending submission of their Project-specific report.

12.1.4.3.1.1.5 Effects on Other Traditional and Cultural Interests

The Fraser River has been described by Cowichan Tribes as both the home of the Cowichan Nation’s permanent village of Tl’uqtinus and the salmon resource that was critical to their social and economic success (Marshall, 2017b, p. 19). From Tl’uqtinus, Cowichan Nation people harvested fish and other resources, traded products they had harvested, and engaged in ceremonial practices. The activities undertaken at Tl’uqtinus ensured that their permanent winter villages on Vancouver Island and the Gulf Islands, as well as their trans-Georgia Strait culture and traditions, continued to be supported and maintained (Marshall, 2017b, p. 19).

The CNA study summarized the historical circumstances that led to the gradual alienation of Tl’uqtinus (both the village and the surrounding berry fields) by the late 1870s. While the Cowichan Nation had resisted this alienation, and the government was aware of the Cowichan Nation’s resistance and ongoing desire for the lands at Tl’uqtinus to be reserved to them, no reserves in this area were ultimately assigned, largely because the lands had already been sold to settlers (Marshall, 2017b, pp. 26–28). The study also reports that on the opening of the canneries, licences to fish for salmon had been issued to the Cowichan Nation, and this practice had continued “year after year” until 1889-1890, when they were told that “none but the Fraser River Indians could obtain a licence” (Marshall, 2017b, p. 28). The Cowichan Nation petitioned the government well into the 1900s to have their Fraser River lands and resources returned to them (Marshall, 2017b, pp. 28–29).

The loss of the Tl’uqtinus lands and access to the Fraser River have combined with other cumulative factors (e.g., ongoing government regulation, privatization of traditional lands, environmental destruction) to shift the Cowichan Nation diet from one heavily dependent on traditional foods to market foods. A survey conducted by the Hul’qumi’num Treaty Group (HTG) showed that levels of available traditional foods fall far short of levels required by almost all Cowichan Nation communities who wish to engage in traditional harvesting practices (Marshall, 2017b, p. 23).

In January 2016, the CNA issued a “Declaration for Reconciliation” to the government regarding Tl’uqtinus, expressing a desire that the reconciliation of Crown sovereignty with Cowichan Nation Aboriginal rights, including title, on the South Arm of the Fraser River be consistent with Cowichan Nation land and resource use objectives for that area (Marshall, 2017b, p. 31). These objectives included: the recovery and restoration of Tl’uqtinus; reestablishment of the Cowichan Nation’s residence and river access at Tl’uqtinus, as well as their culturally
integral practices (e.g., harvesting fish, waterfowl, and plants); the realization of Cowichan Nation revenue, economic, and development opportunities and benefits that are compatible with their land and resource use objectives; and promotion of education regarding the presence and interests of the Cowichan Nation at and about Ti’uqtinus (Marshall, 2017b, p. 31).

Cowichan Tribes have expressed the following concerns regarding other traditional or cultural interests:

- Aboriginal groups need to be consulted on applications for Heritage Conservation Act (HCA) permits for the Project.
- Cultural/archaeological monitors should be included in Project-related studies.
- Effects on Visual Quality, including changes to light, related to the location of Ti’uqtinus need to be considered.
- Concern regarding potential effects from the Project on mental, emotional, and spiritual health.
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population

In response to Cowichan Tribes’ concerns regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.
- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.
- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, 'heritage offsetting' to achieve 'no net loss' of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).
WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl’uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e.,

45
visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measures identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.
Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uqtinus. Tl’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on
Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The
receivers locations chosen include Tl'uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Cowichan Tribes, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac's analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in **Negligible** effects on Cowichan Tribes’ other traditional and cultural interests.

### 12.1.4.3.1.1.6 Effects on Asserted Aboriginal Title

The CNA report that it is likely that late 18th century Spanish and British explorers had met Cowichan people during their early map-making work in the Salish Sea in the summer of 1792, Aboriginal people moving their houses and possessions across the Strait of Georgia (Marshall, 2017b, p. 5). The CNA also report that Simon Fraser was aware of Cowichan occupation of the South Arm at the time of his visit in 1808, choosing to take the North Arm downstream to the sea after having been warned away from the South Arm by upstream Aboriginal groups, “because of the presence [there] of ferocious people from the sea and islands” (Marshall, 2017b, p. 5).

In 1824, the Hudson’s Bay Company, arriving from the south conducted an initial reconnaissance of the Fraser River to locate a suitable site for a fort. A fort was established three years later at Fort Langley (Marshall, 2017b, p. 5). The CNA note that the fort was constructed under the protection of “Cowichan Chief Shashia,” who “appears frequently” in the fort’s journals (Marshall, 2017b, p. 6).

In 1827, on their way up the river to build Fort Langley, a Hudson’s Bay Company official recorded travelling past three Cowichan villages situated side-by-side at Lulu Island on the South Arm of the Fraser River, mid-point
between New Westminster and the river’s end, which was at *Tl'uqtinus* (Marshall, 2017b, p. 5). The names of the villages were recorded as Saumnause (Somenos), Pinellahutz (Penelakut), and Quomizen (Quamichan) (Marshall, 2017b, p. 6 and 10). The CNA have said that a further 10 Cowichan communities likely had a presence in this area (i.e., Stz’uminus, Taatka, Halalt, Koksilah, Yewkwelos, Comiaken, Sickameen, Th’xyun’qsun, Clemclemaluts, and Lamalchi) (Marshall, 2017b, p. 6).²

A British Admiralty chart that the CNA report was based on survey work completed in 1846 and published in 1849, based largely on an earlier map created in 1827, is labelled “Cowitchin Villages” on the south shore of Lulu Island, downstream of Annacis Island (also labelled) and across from an island now known as Tilbury Island (Marshall, 2017b, pp. 6–11). CNA has stated that it asserts Aboriginal title to the lands that include *Tl'uqtinus*, as well as a larger area that would include the Project site (EAO, 2017, p. 244). CNA has advised that it is working on re-establishing practices that are fundamental to their culture, such as harvesting fish and waterfowl and gathering plants, on the South Arm in the area around *Tl'uqtinus*. CNA has also indicated that they intend to develop portions of *Tl'uqtinus* for residential and/or commercial purposes (EAO, 2017, p. 220).

Cowichan Tribes have expressed the following concerns regarding Aboriginal title:

- Importance of Aboriginal interests in the land and water being taken into account.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.
- Concern that the right to control how the land is used is not included in the effects assessment.
- Effects from noise and changes to visual quality, including changes to light, related to the location of *Tl'uqtinus* need to be considered.

The Project may affect each of the following three components of asserted Aboriginal title:

- use and occupation
- decision-making
- economic benefits

In response to Cowichan Tribes’ concerns regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.

---

²“Taatka” and “Th’xyun’qsun” are also rendered "T'ee't'qe" and "T'h'wumqsun."
The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.

While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.

WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

Decision-making:

The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal
groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

▪ Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.

▪ Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

Economic Benefits:

▪ Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.

▪ To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.

▪ To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.

▪ Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

▪ Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:

  ▪ marine access management and communications described in Section 6.2 Land and Marine Resource Use;
  
  ▪ noise management described in Section 4.5 Noise; and
  
  ▪ local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.

The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore,
WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and

- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of the Cowichan Tribes and the CNA, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in **Negligible** effects to Cowichan Tribes Aboriginal title.

### 12.1.4.3.1.2 Halalt First Nation

#### 12.1.4.3.1.2.1 Context

Halalt First Nation, along with Cowichan Tribes, Penelakut Tribe, and Stz’uminus First Nation, are represented by the Cowichan Nation Alliance on collective interests on matters outside of treaty negotiations. As speakers of the Island dialect of Halkomelem (*Hul’q’umi’num*), these four Cowichan Nation Alliance members, along with Lake Cowichan First Nation and Lyackson First Nation, refer to themselves collectively as *Hul’qumi’num Mustimuhw* (HTG, 2005b).

Halalt First Nation’s main community is located on Halalt No. 2 in the city of Chemainus, on the southeastern part of Vancouver Island. Of 215 registered members, 83 lived on reserve as of November 2018 (AANDC, 2018). The Project site does not overlap with any of Halalt First Nation’s current or former reserve lands.

Halalt First Nation is, or has been, affiliated with the *Hul’qumi’num* Treaty Group (HTG), along with the other Cowichan Nation Alliance members, Lake Cowichan First Nation and Lyackson First Nation. The HTG assert a core territory, or title lands, and a wider marine or fishing territory, as described in its Statement of Intent to the BC Treaty Commission (BCTC, 2009a). As illustrated in Figure 12.1-01, the HTG asserts title over core areas near the Project site including “the south arm of the Fraser River, including Canoe Pass, up to and including Douglas Island, with lands on the north shore of the south arm up to Sapperton Channel (New Westminster), the islands in the south arm of the Fraser River and the south bank of the Fraser River along Canoe Pass up to Deas Island” (BCTC, 2009a). This area is part of HTG’s broader marine or fishing territory.

Halalt First Nation reports that there are locations of importance along the South Arm of the Fraser River. The closest locations of importance to the Project are the ancestral village and resource sites known as *Tl’uqtinus*, on the north shore opposite the Project site on Tilbury Island, and *Xwulit’sum*, at Canoe Pass. Halalt First Nation, Cowichan Tribes, Penelakut Tribe, and Stz’uminus First Nation consider both locations as ancestral village and resource sites. In November 2014, Halalt First Nations, Cowichan Tribes, Stz’uminus First Nation, and Penelakut Tribe filed an Amended Notice of Civil Claim seeking a declaration of Aboriginal title to an area described as the...
Tl’uqtinus Lands and fishing rights to the South Arm of the Fraser River. It is noted that the Tl’uqtinus Lands, as claimed, are on the north shore of the South Arm of the Fraser River across from Tilbury Island and this Aboriginal title claim does not overlap the Project site.

12.1.4.3.1.2.2 Involvement in the Consultation Process

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, however, they, along with the other Cowichan Nation Alliance member nations, pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

Cowichan Nation Alliance member communities instructed WesPac to work through Cowichan Nation Alliance for all consultation activities. WesPac occasionally received correspondence from the individual member communities, and, in some cases, not all member communities attended all meetings with WesPac. The consultation summary provided for Halalt First Nation includes only activities attributed to Halalt First Nation, either through direct interaction with WesPac or where Halalt First Nation was clearly included in activities led by Cowichan Nation Alliance.

WesPac initiated engagement with Halalt through a mailed letter in October 2014 that introduced the company and proposed Project. Cowichan Nation Alliance responded to the letter on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz’uminus First Nation. In this Initial Engagement Stage, WesPac’s consultation activities focused on sharing information on the Project, and gathering preliminary comments from Halalt on the Project design and location, potential Project-related effects on Halalt’s Aboriginal Interests and potential mitigation measures that may avoid or minimize those effects.

The parties met in person for the first time in January 2015. At that first meeting, Cowichan Nation Alliance shared background information for the member nations and historical records of their use of the Fraser River including the village site of Tl’uqtinus with WesPac. Cowichan Nation Alliance sent a map illustrating their traditional use and occupancy on the South Arm of the Fraser River to WesPac as a follow up to that meeting.

During the Initial Engagement Stage, consultation activities included:

- Sharing of Project information through emails and letters
- Meetings with Halalt as a member of Cowichan Nation Alliance either in person or by teleconference
- Sharing of draft documents for review and comment
- Development of a capacity funding agreement to support Halalt’s participation in the EA process.

During the Initial Engagement Stage, WesPac provided the Draft Project Description to Halalt for review and comment. Halalt did not provide comments on the document directly to WesPac.
During the Pre-Application, WesPac met with Halalt representatives, shared Project updates through email and in meetings and provided draft documents for review and comment. WesPac and Halalt signed a capacity funding agreement outlining Halalt’s participation in the EA review during the Pre-Application Consultation stage. The agreement was formally executed on July 27, 2015.

During this stage, WesPac provided Halalt with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft VC Selection Document
- dAIR
- Draft Aboriginal Consultation Report 1

A representative of Cowichan Nation Alliance also participated in a WesPac-hosted site tour by boat that coincided with Working Group Meeting #3.

Cowichan Nation Alliance provided comments on the Draft Aboriginal Consultation Plan directly to WesPac. The main themes for those comments included:

- Corrections to text.
- Clarification regarding the description of Tl’uqtinus.
- Request to include consideration of the future use of Tl’uqtinus 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 Aboriginal Consultation Plan, where appropriate, along with comments from EAO. The updated content was included in the Draft Aboriginal Consultation Report 1 and 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. Cowichan Nation Alliance also provided comments on the Draft Aboriginal Consultation Report 1 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. Halalt was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

WesPac provided funding to Halalt to undertake a TUS for the Project collectively with the other Cowichan Nation Alliance member nations. The study is anticipated to be completed after the Application has been submitted to EAO. Halalt has granted permission to use the following recently completed studies to develop baseline information for the Application while they complete the Project-specific study:
Section 12.0: Aboriginal Consultation

- Cowichan Nation Traditional, Current, and Planned Future Use of the George Massey Tunnel Replacement Bridge Project Area, prepared by Candace Charlie for Cowichan Tribes, on behalf of the Cowichan Nation Alliance, August 9, 2015
- George Massey Tunnel Replacement Project: Cowichan Occupation and Use of the Project Lands, 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
- Historical Geography of Cowichan Land Use and Occupancy Lower Fraser River: Map Series and Report, prepared for Woodward and Company and the Cowichan Tribes by Kenneth G. Brealey, May 31, 2010
- Cowichan Nation Alliance Strength of Claim Report, prepared by Daniel Marshall for Pacific Reach Consulting Ltd., October 16, 2017

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described above in Section 12.1.3.13.3. Cowichan Nation Alliance member nations 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

WesPac has provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Halalt had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on comments to be provided by Halalt. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.2.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Halalt First Nation during consultation. Where possible, WesPac has worked with Halalt First Nation to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Halalt First Nation for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Halalt First Nation identified the following issues and concerns during the Initial Engagement and Pre-Application consultation stages:
Methodology, Process and Consultation

- Expectation that deep consultation and accommodation due to potential interference with existing Aboriginal rights.
- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.
- Provision of adequate time and capacity for reviewing and providing meaningful input on Project-related documents.
- Selection and adequacy of the VCs to assess potential effects on Aboriginal Interests, that they were not identified through consultation with Aboriginal groups.
- Opposed the proposed substitution. Concern that CEAA should be involved in EA review to address cumulative effects and because the land across from the Project are under litigation with the federal Crown, delegation of consultation and accommodation obligations are opposed.

Environmental Effects

- Effects on species of interest could infringe on Aboriginal rights.
- Assessment methods must include consideration of TEK.
- Not all species of interest were included as components or subcomponents. Instead, broad categories were used.
- Effects on upstream GHG emissions should be assessed.
- Project-related changes to noise need to be considered for the location of Tl'uqtinus.

Social and Economic Effects

- Effects on Visual Quality, including changes to light related to the location of Tl'uqtinus need to be considered.
- Concern regarding potential effects from the Project, including light and noise, on mental, emotional, and spiritual health and wellbeing (i.e., social determinants of health).
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.
- Concern that property values are not included in the effects assessment on economy.
- Request that WesPac complete an in-depth assessment of the economic effects on Aboriginal socio-economic conditions.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.
Heritage and Culture Effects

- Concern that effects from vessel wake on the archaeological site at Tl’uqtnis.
- Aboriginal groups must be consulted on applications for heritage permits for the Project.
- Cultural/archaeological monitors from Aboriginal groups should be included in Project-related studies.
- Concern that the right to control how the land is used is not included in the effects assessment.

Health Effects

- Concern that Aboriginal peoples who harvest food and medicine within the Project area are more susceptible to potential toxicity. A spill at the Project site could have an effect on Tl’uqtnis village lands.

Safety

- Concern regarding LNG in the event of a collision or sinking of a vessel, as well as responsibility and procedures for managing spills. Noted that WesPac should be responsible for care, safety and control of LNG carriers.

Aboriginal Interests

- Expectation that CNA’s Aboriginal title be considered as Aboriginal title reflects occupancy pre-sovereignty and includes the right to control how the land is used.
- Requests an assessment of potential loss in future economic potential from land and marine use at Tl’uqtnis.

Cumulative Effects

- Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.
- EAO’s interpretation of cumulative effects is too narrow and does not consider a pre-industrial baseline.

For WesPac’s responses to all issues and concerns raised either directly by Halalt First Nation, or through the Cowichan Nation Alliance, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.2.4 Potential Effects of the Project on Halalt First Nation’s Aboriginal Interests

WesPac’s assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of
the Project on Halalt First Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Halalt First Nation’s ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Halalt First Nation during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
- Effects on asserted Aboriginal Title.

A summary of information about Halalt First Nation’s past, present, and desired future use of lands in the vicinity of the Project site, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

The summary provided in the following sections relied mainly on a study that Cowichan Nation Alliance (CNA) conducted for a project located upstream from Tilbury Island, entitled Pattullo Bridge Replacement Project, Cowichan Nation Alliance Strength of Claim Report (Marshall, 2017b). CNA provided WesPac with permission to use this report to develop baseline for the assessment of potential effects on CNA member communities’ Aboriginal Interests pending submission of their Project-specific report.

### 12.1.4.3.1.2.5 Effects on Other Traditional and Cultural Interests

The Fraser River has been described by Halalt First Nation’s as both the home of the Cowichan Nation’s permanent village of *Tl’uqtinus* and the salmon resource that was critical to their social and economic success (Marshall, 2017b, p. 19). From *Tl’uqtinus*, Cowichan Nation people harvested fish and other resources, traded products they had harvested, and engaged in ceremonial practices. The activities undertaken at *Tl’uqtinus* ensured that their permanent winter villages on Vancouver Island and the Gulf Islands, as well as their trans-Georgia Strait culture and traditions, continued to be supported and maintained (Marshall, 2017b, p. 19).

The CNA study summarized the historical circumstances that led to the gradual alienation of *Tl’uqtinus* (both the village and the surrounding berry fields) by the late 1870s. While the Cowichan Nation had resisted this alienation, and the government was aware of the Cowichan Nation’s resistance and ongoing desire for the lands at *Tl’uqtinus* to be reserved to them, no reserves in this area were ultimately assigned, largely because the lands had already been sold to settlers (Marshall, 2017b, pp. 26–28). The study also reports that on the opening of the canneries, licences to fish for salmon had been issued to the Cowichan Nation, and this practice had continued “year after year” until 1889-1890, when they were told that “none but the Fraser River Indians could obtain a licence” (Marshall, 2017b, p. 28). The Cowichan Nation petitioned the government well into the 1900s to have their Fraser River lands and resources returned to them (Marshall, 2017b, pp. 28–29).

The loss of the *Tl’uqtinus* lands and access to the Fraser River have combined with other cumulative factors (e.g., ongoing government regulation, privatization of traditional lands, environmental destruction) to shift the Cowichan Nation diet from one heavily dependent on traditional foods to market foods. A survey conducted by the Hul’qumi’num Treaty Group (HTG) showed that levels of available traditional foods fall far short of levels required
by almost all Cowichan Nation communities who wish to engage in traditional harvesting practices (Marshall, 2017b, p. 23).

In January 2016, the CNA issued a “Declaration for Reconciliation” to the government regarding *Tl'uqtinus*, expressing a desire that the reconciliation of Crown sovereignty with Cowichan Nation Aboriginal rights, including title, on the South Arm of the Fraser River be consistent with Cowichan Nation land and resource use objectives for that area (Marshall, 2017b, p. 31). These objectives included: the recovery and restoration of *Tl'uqtinus*; reestablishment of the Cowichan Nation’s residence and river access at *Tl'uqtinus*, as well as their culturally integral practices (e.g., harvesting fish, waterfowl, and plants); the realization of Cowichan Nation revenue, economic, and development opportunities and benefits that are compatible with their land and resource use objectives; and promotion of education regarding the presence and interests of the Cowichan Nation at and about *Tl'uqtinus* (Marshall, 2017b, p. 31).

Halalt First Nation have expressed the following concerns regarding other traditional or cultural interests:

- Aboriginal groups need to be consulted on applications for Heritage Conservation Act (HCA) permits for the Project.
- Cultural/archaeological monitors should be included in Project-related studies.
- Effects on Visual Quality, including changes to light, related to the location of *Tl'uqtinus* need to be considered.
- Concern regarding potential effects from the Project on mental, emotional, and spiritual health.
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.

In response to Halalt First Nation’s concerns regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, ‘heritage offsetting’ to achieve ‘no net loss’ of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended.
strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl'uqtnus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the
residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

- The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of
instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uquitus. Tl’uquitus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO₂, SO₂, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO₂ are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during
Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement
policies in place throughout Project construction. These policies will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

- The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Halalt First Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in Negligible effects on Halalt First Nation’s other traditional and cultural interests.

12.1.4.3.1.2.6 Effects on Asserted Aboriginal Title

The CNA report that it is likely that late 18th century Spanish and British explorers had met Cowichan people during their early map-making work in the Salish Sea in the summer of 1792, Aboriginal people moving their houses and possessions across the Strait of Georgia (Marshall, 2017b, p. 5). The CNA also report that Simon Fraser was
aware of Cowichan occupation of the South Arm at the time of his visit in 1808, choosing to take the North Arm downstream to the sea after having been warned away from the South Arm by upstream Aboriginal groups, “because of the presence [there] of ferocious people from the sea and islands” (Marshall, 2017b, p. 5).

In 1824, the Hudson’s Bay Company, arriving from the south conducted an initial reconnaissance of the Fraser River to locate a suitable site for a fort. A fort was established three years later at Fort Langley (Marshall, 2017b, p. 5). The CNA note that the fort was constructed under the protection of “Cowichan Chief Shashia,” who “appears frequently” in the fort’s journals (Marshall, 2017b, p. 6).

In 1827, on their way up the river to build Fort Langley, a Hudson’s Bay Company official recorded travelling past three Cowichan villages situated side-by-side at Lulu Island on the South Arm of the Fraser River, mid-point between New Westminster and the river’s end, which was at Tl’uqtinus (Marshall, 2017b, p. 5). The names of the villages were recorded as Saumnauze (Somenos), Pinellahutz (Penelakut), and Quomitzen (Quamichan) (Marshall, 2017b, p. 6 and 10). The CNA have said that a further 10 Cowichan communities likely had a presence in this area (i.e., Stz’uminus, Taatka, Halalt, Koksilah, Yewkwelos, Comiaken, Sickameen, Th’xyun’qsun, Clemclemaluts, and Lamalchi) (Marshall, 2017b, p. 6).3

A British Admiralty chart that the CNA report was based on survey work completed in 1846 and published in 1849, based largely on an earlier map created in 1827, is labelled “Cowitchin Villages” on the south shore of Lulu Island, downstream of Annacis Island (also labelled) and across from an island now known as Tilbury Island (Marshall, 2017b, pp. 6–11).

CNA has stated that it asserts Aboriginal title to the lands that include Tl’uqtinus, as well as a larger area that would include the Project site (EAO, 2017, p. 244). CNA has advised that it is working on re-establishing practices that are fundamental to their culture, such as harvesting fish and waterfowl and gathering plants, on the South Arm in the area around Tl’uqtinus. CNA has also indicated that they intend to develop portions of Tl’uqtinus for residential and/or commercial purposes (EAO, 2017, p. 220).

Halalt First Nation have expressed the following concerns regarding Aboriginal title:

- Importance of Aboriginal interests in the land and water being taken into account.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.
- Concern that the right to control how the land is used is not included in the effects assessment.
- Effects from noise and changes to visual quality, including changes to light, related to the location of Tl’uqtinus need to be considered.

The Project may have an effect on each of the following three components of asserted Aboriginal title:

- use and occupation
- decision-making

3 “Taatka” and “Th’xyun’qsun” are also rendered as T’aat’ka and T’th’wumq’iqun.
In response to Halalt First Nation’s concerns regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.
- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.
- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

**Decision-making:**

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

- Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
- Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

Economic Benefits:

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.
- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.
- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.
- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.
- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential impacts to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and
- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Halalt First Nation and the CNA, the already disturbed area of impact due to the Project, and WesPac's proposed mitigation measures, it is expected that the Project will result in **Negligible** effects to Halalt First Nation’s Aboriginal title.

### 12.1.4.3.1.3 Kwantlen First Nation

#### 12.1.4.3.1.3.1 Context

Kwantlen First Nation resides on McMillan Island IR 6, in the Fraser River north of Fort Langley, approximately 40 km from the proposed Project site. Of 298 registered members, 72 lived on reserve, as of November 2018 (AANDC, 2018). Kwantlen has six reserves all centered on the area of confluence between the Stave River and the Fraser River. Kwantlen also share the Pekw’Xe:yles (Peckquaylis) reserve, approximately 2 km upstream of the Mission Bridge, with 20 Stó:lō nations (AANDC, 2018). None of these reserves overlaps the proposed Project site.

As illustrated in Figure 12.1-02, Kwantlen traditional territory extends from the watershed of the Stave River in the north to the international border in the south, taking in the northeastern part of Boundary Bay, the Serpentine, Nicomekl, and Salmon Rivers, as well as the Fraser River upstream of Tilbury Island to the Nicomen Slough, near Chilliwack.

Kwantlen First Nation, while ancestrally a Halkomelem (Hən̓q̓əmi̓ń̓əm̓)-speaking nation, has been affiliated with the Stó:lō Tribal Council since 2005, when the organization formed out of a separation from the Stó:lō Nation. The Stó:lō speak the “Upriver” form of Halkomelem (FPHLCC, 2018a). Kwantlen First Nation consults on its interests...
independently of the Stó:lō Tribal Council under the leadership of a Hereditary Chief and two-member appointed council that has been in place since 1993 (SQBG, 2015). Like other members of the Stó:lō Tribal Council, Kwantlen is not currently involved in treaty negotiations; however, in April 2016, Kwantlen First Nation reached a three year Forest Consultation and Revenue Sharing Agreement with the Province of British Columbia (MARR, 2018).

Since 2011, the economic arm of Kwantlen First Nation has operated as Seyem’ Qwantlen Business Group, representing four limited partnerships owned by Kwantlen First Nation, and providing services principally in the areas of contracting (construction, excavation, and earthworks), on and off reserve land development, and resource management (fisheries, forestry, archaeology) (SQBG, 2015).

12.1.4.3.1.3.2 Involvement in the Consultation Process

WesPac engaged directly with Kwantlen First Nation (Kwantlen) and with representatives of Seyem’ Qwantlen Business Group (SQBG). WesPac initiated engagement with Kwantlen through a mailed letter in October 2014 that introduced the company and proposed Project. Kwantlen responded in writing to the letter in November 2014 to confirm that the Project is located in their territory, just south of major archaeological sites and areas of traditional significance. Kwantlen also noted that the health of the Fraser River is a priority to their members and invited WesPac to present information on the Project to Chief and Council and begin preliminary discussions.

In this Initial Engagement Stage, WesPac’s consultation activities focused on sharing information on the Project, and gathering preliminary comments from Kwantlen on the Project design and location, potential Project-related effects on Kwantlen’s Aboriginal Interests and potential mitigation measures that may avoid or minimize those effects.

WesPac and Kwantlen met in person for the first time in February 2015. Kwantlen expressed no formal opposition to the Project, but noted they were concerned about possible effects on fish and fisheries. Kwantlen asked to be kept informed about the Project. Kwantlen also asked that WesPac consider providing them with capacity funding to support their participation in the EA review.

During the Initial Engagement Stage, consultation activities included:

- Sharing of Project information through emails and letters
- Meetings with Kwantlen and SQBG either in person or by teleconference
- Discussions about funding to support Kwantlen’s participation in the EA review and to complete a TUS

During the Pre-Application Consultation Stage, WesPac met with Kwantlen and SQBG representatives, shared Project updates through email and in meetings and provided draft documents for review and comment. WesPac continued to discuss capacity funding and funding for a TUS, and WesPac approved Kwantlen’s proposal and cost estimate in December 2015.
During this stage, WesPac provided Kwantlen with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft Aboriginal Consultation Report 1

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

- Draft VC Selection Document
- dAIR

Kwantlen also participated in a WesPac-hosted site tour by boat that coincided with Working Group Meeting #3. Kwantlen provided comments on the Draft Aboriginal Consultation Plan directly to WesPac. The main themes for those comments included:

- Kwantlen is willing to provide TEK information to WesPac through a TU study.
- 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 Aboriginal Consultation Plan, 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 Aboriginal Consultation Report 1 and Kwantlen’s specific comments were included and addressed in the confidential attachments to that report, which WesPac provided to Kwantlen for review. Kwantlen did not provide comments on the Draft Aboriginal Consultation Report 1. Kwantlen was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

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

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Kwantlen representatives participated in Working Group Meeting #3.

WesPac has provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Kwantlen had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on the comments to be provided by Kwantlen. For any
comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.3.3 Summary of Key Issues and Concerns Raised

In accordance with the Project's Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Kwantlen First Nation during consultation. Where possible, WesPac has worked with Kwantlen First Nation to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Kwantlen First Nation for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Kwantlen First Nation identified the following issues and concerns during the Initial Engagement and Pre-Application consultation stages:

Methodology, Process and Consultation
- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.

Environmental Effects
- Concern that spatial boundaries for many VCs were too limited to consider Aboriginal Interests, including the effects of marine shipping in the Salish Sea.
- Assessment methods must include consideration of TEK.
- Not all species of interest were included as components or subcomponents. Instead, broad categories were used.
- Noted that Kwantlen wants to see a balance between development and health of the Fraser River.
- Noted that all fish and wildlife are intrinsic to functioning of Fraser River ecosystem.

Social and Economic Effects
- Concern that potential effects on water quality and fish may affect fisheries, which could have an adverse effect on socio-economic and cultural conditions and spiritual health and wellbeing.
- Fish is not only important as a food source to the community, it is also integral to cultural practices.
- TEK and historical sources should be used to understand context for current use of lands and resources for traditional purposes.
Heritage and Culture Effects

- The Project could have an effect on cultural heritage (intangible heritage) and archaeological sites (tangible heritage).
- Depending on nature and scale of land alterations for the Project, archaeological assessments and construction monitoring for site discovery and disturbance may be required.

Safety

- Concern regarding LNG spills and procedures for managing such spills.

Cumulative Effects

- Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.
- Would like to see a management plan for all future development on the Fraser River.

For WesPac's responses to all issues and concerns raised by Kwantlen First Nation, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.3.4 Potential Effects of the Project on Kwantlen First Nation’s Aboriginal Interests

WesPac's assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of the Project on Kwantlen First Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Kwantlen First Nation’s ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Kwantlen First Nation during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
- Effects on Asserted Aboriginal Title.

A summary of information about Kwantlen First Nation’s past, present, and desired future use, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

The summary provided in the following sections relied mainly on a study that Kwantlen First Nation undertook for the Project, entitled Kwantlen Land Use and Occupation in the Vicinity of Tilbury Island (Jones & McLaren, 2016).
12.1.4.3.1.3.5 Effects on Other Traditional and Cultural Interests

Kwantlen First Nation identified nine archaeological sites within a 4,000 m around Tilbury Island (DgRr-25, DgRr-39, DgRr-41, DgRs-15, DgRs-17, DgRs-39, DgRs-82, DgRs-83, DhRs-82, DhRs-809) (Jones & McLaren, 2016, p. 7). Kwantlen also identified six land use and occupancy sites within the same 4,000 m buffer around Tilbury Island that may or may not coincide with recorded archaeological sites. These land use and occupancy sites are described in more detail in the following paragraphs. Kwantlen defines cultural heritage sites as “any geographically defined site (on land and water) used for the purposes of settlement, occupation, cultural use, resource gathering, transportation, or similar activity by a group of people. These sites may lack the physical evidence of human-made artifacts or structures, yet maintain cultural significance to a living community of people” (Jones & McLaren, 2016, p. 4).

Kwantlen First Nation notes that the Fraser River itself (“Stólo,” stóləw’) is one of the most significant features in their culture as it has provided resources to Kwantlen people throughout their history (Jones & McLaren, 2016, p. 5).

Both Lulu Island and Deas Island Slough help to define the extent of Kwantlen First Nation’s traditional territory. Kwantlen report that historic encounters, including Simon Fraser’s 1808 expedition down the Fraser River, document that Kwantlen people were living in New Westminster and exercising ownership over Lulu Island (Jones & McLaren, 2016, p. 3). Deas Island Slough is considered to be a boundary marker for the western extent of Kwantlen’s traditional territory (Jones & McLaren, 2016, p. 5).

Kwantlen also noted tl’ektines, which is also identified as DgRs-17 and is located directly across the Fraser River from the Project site, as a village used primarily by Tsawwassen First Nation and Cowichan peoples (Jones & McLaren, 2016, p. 5).

Two sites are noted as places for gathering cranberries. Site 290 is in the northeast portion of Lulu Island and Site 295 coincides with Burns Bog in Delta (Jones & McLaren, 2016, p. 5).

Kwantlen First Nation identified several concerns related to potential effects to other traditional and cultural interests, including:

- Concern with potential effects to archaeological and heritage resources and importance of protection of cultural heritage.
- Cumulative effects of land alienation and rapid development of Kwantlen territory without the consent of the Kwantlen First Nation should be taken into account in determining how to proceed this Project.
- Kwantlen First Nation should be included in meetings and planning related to making decisions on the Project.

In response to Kwantlen First Nation’s concerns regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:
Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, 'heritage offsetting' to achieve 'no net loss' of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (T'uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities.
Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.
Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uqtinus. Tl’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:
• scheduling noise-emitting maintenance activities during the day, whenever possible;
• notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
• setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment
Section 12.0: Aboriginal Consultation

Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan for Aboriginal groups, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These policies will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uquitus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project; and
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).
WesPac acknowledges the Fraser River's importance to supporting and maintaining Kwantlen First Nation's culture and traditions. In consideration of the available information regarding other traditional and cultural interests of the Kwantlen First Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac's analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in Negligible effects on Kwantlen First Nation’s other traditional and cultural interests.

### 12.1.4.3.1.3.6 Effects on Asserted Aboriginal Title

In the comments that Kwantlen First Nation provided to EAO on the draft VC Selection Document, Kwantlen noted that Project site is situated in the western region of Kwantlen First Nation’s traditional territory and was used by ancestors of the Kwantlen for resource gathering, cultural, spiritual, and economic activities. Kwantlen has had a presence in this area since time immemorial. Kwantlen have reported that they assert Aboriginal rights and title to all of the lands, water and related resources within their traditional territory (Jones & McLaren, 2016, p. 1).

Both Lulu Island and Deas Island Slough help to define the extent of Kwantlen’s traditional territory. Kwantlen report that historic encounters, including Simon Fraser’s 1808 expedition down the Fraser River, noted that Kwantlen people were living in New Westminster and exercising ownership over Lulu Island (Jones & McLaren, 2016, p. 3). Deas Island Slough is considered to be a boundary marker for the western extent of Kwantlen’s traditional territory (Jones & McLaren, 2016, p. 5).

Kwantlen First Nation identified the following concern regarding Aboriginal title:

- Protection of Kwantlen’s Aboriginal interests in the land and water within the Project area.

WesPac considered how the Project may have an effect on each of the following three components of asserted Aboriginal title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

In response to Kwantlen First Nation’s concerns regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.

While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.

WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

Decision-making:

The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal
groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

- Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
- Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

**Economic Benefits:**

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.
- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.
- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.
- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.
- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
  - marine access management and communications described in Section 6.2 Land and Marine Resource Use;
  - noise management described in Section 4.5 Noise; and
  - local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.

The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore,
WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and

- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Kwantlen First Nation, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in Negligible effects to Kwantlen First Nation’s Aboriginal title.

12.1.4.3.1.4 Lake Cowichan First Nation

12.1.4.3.1.4.1 Context

Lake Cowichan First Nation members descend from both Ditidaht (Nuu-chah-nulth) ancestors and Hul’q’umi’num’ ancestors known as the Somenos (or Saumni, Samena, Saumina and other variations), one of seven village groups comprising the Cowichan Tribes (Rozen 1985). Community members primarily reside on a single reserve on the northeastern shore of Cowichan Lake, approximately 30 km west of Duncan on the east coast of Vancouver Island, and less than 20 km east of Nitinat Lake on the west coast of Vancouver Island. In 1860, the community was significantly affected by a smallpox epidemic (Rozen, 1985; VAFFC, 2011). Lake Cowichan First Nation’s population has since remained small, with only 11 of 21 registered members living on reserve, as of November 2018 (AANDC, 2018). The Project site does not overlap any current or former Lake Cowichan reserve lands.

Lake Cowichan First Nation has stated that Lake Cowichan has always been their primary home and remains the centre of their traditional territory, taking in surrounding lands, streams, and other waters, including the uppermost part of the Cowichan River. They have also stated that their use of this territory has continued to the present day (LCFN, 2013). A three-year Forest Consultation and Revenue Sharing Agreement with the Province of British Columbia, dated 2017, applies to this territory (MARR, 2018).

Lake Cowichan First Nation is affiliated with the HTG. As illustrated in Figure 12.1-01, the HTG member bands collectively assert a core territory or “title lands” and a wider marine or fishing territory as described in its Statement of Intent to the British Columba Treaty Commission (BCTC, 2009a). The HTG marine or fishing territory overlaps the Project site.

12.1.4.3.1.4.2 Involvement in the Consultation Process

WesPac initiated engagement with Lake Cowichan First Nation through a mailed letter in October 2014 that introduced the company and proposed Project.
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.

During this stage, WesPac provided Lake Cowichan with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft Aboriginal Consultation Report 1

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

- Draft VC Selection Document
- dAIR

Lake Cowichan provided comments on neither the Draft Aboriginal Consultation Plan nor the Draft Aboriginal Consultation Report 1 directly to WesPac. Lake Cowichan was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. A representative from Lake Cowichan participated in Working Group Meeting #5.

WesPac provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Lake Cowichan had not provided comments on the content. Lake Cowichan First Nation had yet to provide comments at the time of writing of the Application. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on comments to be provided by Lake Cowichan. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.
12.1.4.3.1.4.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Lake Cowichan First Nation during consultation. Engagement between WesPac and Lake Cowichan First Nation was limited during the Early Engagement and Pre-Application stages, and Lake Cowichan First Nation did not provide comments on Project documents directly to WesPac or through the EAO-led Working Group.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Lake Cowichan First Nation identified the following concern during the Initial Engagement and pre-Application consultation stages:

**Methodology, Process and Consultation**
- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.

For WesPac’s responses to all issues and concerns raised by Lake Cowichan First Nation, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.4.4 Potential Effects of the Project on Lake Cowichan First Nation’s Aboriginal Interests

WesPac’s assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of the Project on Lake Cowichan First Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Lake Cowichan First Nation’s ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Lake Cowichan First Nation during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
- Effects on Asserted Aboriginal Title.

A summary of information about Lake Cowichan First Nation’s past, present, and desired future use, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

As Lake Cowichan First Nation has yet to complete a TUS for the Project, the summary provided in the following sections relied mainly on publicly available sources, including the EAC application for the Pattullo Bridge Replacement Project (MOTI, 2018) and EAO’s assessment report for the George Massey Tunnel Replacement project environmental assessment (EAO, 2017).
12.1.4.3.1.4.5 Effects on Other Traditional and Cultural Interests

In the reports that Lake Cowichan First Nation prepared for the Pattullo Bridge Replacement Project, Lake Cowichan First Nation (Ts’uubleasatx) stated that they historically enjoyed a right to visit the area of the Fraser River delta on an annual basis. These annual visits are said to have involved setting up camps to fish, hunt, visit relatives in the area, and otherwise move about on the water and land (MOTI, 2018, pp. 12-187).

Ts’uubleasatx have explained that they are in the process of locating members that dispersed in the wake of the residential school era. They expect their community to grow, and have expressed their desire for their returning members to learn about and be able to exercise their rights in the Fraser River, around Pattullo Bridge (MOTI, 2018, pp. 12-188).

Concerns raised by Ts’uubleasatx during consultations on EAs for nearby projects that may be relevant to this Project include:

- Importance of cultural continuity for Lake Cowichan First Nation.
- Interest in Traditional Use and the revitalization of Lake Cowichan First Nation traditional practices.
- Interest in the area being restored as healthy habitat for camping, food gathering and other purposes.
- Concern with potential effects to archaeological and heritage resources and importance of protection of cultural heritage.
- Archaeology and importance of Indigenous cultural/archaeological monitors being onsite during construction and participating in monitoring.

In response to any concerns that Lake Cowichan First Nation may have regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, 'heritage offsetting' to achieve 'no net loss' of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation.
and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl'uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.
The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by
Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uqtinus. Tl’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in
CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan for Aboriginal groups, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.
The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include TI’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Lake Cowichan First Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in Negligible effects on Lake Cowichan First Nation’s other traditional and cultural interests.

12.1.4.3.1.4.6 Effects on Asserted Aboriginal Title

The Project site lies within the “core territory” of the HTG, over which they assert Aboriginal title. Lake Cowichan First Nation is a member of the HTG (BCTC, 2009d).

Lake Cowichan First Nation raised no specific concerns to WesPac regarding Aboriginal title.
WesPac considered how the Project may have an effect on each of the following three components of asserted Aboriginal title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

In response to any concerns that Lake Cowichan First Nation may have regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

Use and Occupancy:

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.
- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.
- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.
Decision-making:

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

- The Project would be constructed and operated on lands that already have a history of industrial use.

- The Project is not expected to result in unplanned changes to existing land uses or future land uses.

- Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

- Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

- As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:
  - Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
  - Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

- Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

Economic Benefits:

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.

- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.
To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.

Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:

- marine access management and communications described in Section 6.2 Land and Marine Resource Use;
- noise management described in Section 4.5 Noise; and
- local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.

The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and
- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Lake Cowichan First Nation, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in **Negligible** effects to Lake Cowichan First Nation’s Aboriginal title.

### 12.1.4.3.1.5 **Lyackson First Nation**

#### 12.1.4.3.1.5.1 Context

Lyackson First Nation has three reserves, all on Le’eyqsun (Valdes) Island, which lies directly opposite the mouth of the Fraser River in the Strait of Georgia, approximately 47 km west of the Project site. The three reserves are Lyackson IR 3, which is the largest, Shingle Point IR 4 and Portier Pass IR 5. Of the total registered membership
of 214, 14 lived on Lyackson reserves as of November 2018 (AANDC, 2018). The Project site does not overlap any current or former Lyackson reserve lands.

The Lyackson people are part of the Coast Salish linguistic group and speak the dialect Hul’q’umi’num (FPHLCC, 2018a). They describe Le’eyqsun (Valdes) Island as their homeland and ancestral territory, one in which they continue to engage in traditional practices on a seasonal basis (LFN, 2015). Lyackson First Nation maintains that it enjoys Aboriginal title and rights interests in: the southern Gulf Islands, specifically Le’eyqsun (Valdes) Island; the southeast coast of Vancouver Island in and around the Cowichan Valley; along the South Arm of the Fraser River; and throughout the Salish Seas (Georgia Strait). Lyackson First Nation has stated that the South Arm of the Fraser River is the location of a very important village site, Ti’uqtinus, once central to Lyackson for trade, inter-community relations, inter-governmental relations, and for fishing and berry harvesting (LFN, 2015).

Based on their affiliation with the HTG, Lyackson First Nation is associated with a collective traditional territory with the other members of the HTG, as illustrated in Figure 12.1-01. The HTG marine or fishing territory overlaps the Project site. The traditional territory is also referenced in Lyackson’s three-year Forest Consultation and Revenue Sharing Agreement with the Province of British Columbia, dated 2018 (MARR, 2018).

12.1.4.3.1.5.2 Involvement in the Consultation Process

WesPac initiated engagement with Lyackson First Nation through a mailed letter in October 2014 that introduced the company and proposed Project. Following the announcement that WesPac had submitted the Project Description and requested that EAO and CEA Agency agree to a substituted review, Lyackson contacted both agencies requesting a meeting with WesPac. In the correspondence with the agencies, Lyackson noted that the Project is located within 5 km of a known Lyackson village site.

In this Initial Engagement Stage, WesPac’s consultation activities focused mainly on one-way sharing of information on the Project through letters and emails. WesPac did not meet with Lyackson during this stage.

In June 2015, WesPac and Lyackson met for the first time. At the meeting, Lyackson requested capacity funding to support their participation in the EA, and offered to send a draft agreement to WesPac. Lyackson also asked for information about upcoming field programs.

During the Pre-Application Consultation Stage, WesPac continued to share information via email and request to meet to discuss the Project.

During this stage, WesPac provided Lyackson with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft Aboriginal Consultation Report 1
Lyackson received the following Project-related documents through their participation as members of the Working Group:

- Draft VC Selection Document
- dAIR

Lyackson also participated in a WesPac-hosted site tour by boat that coincided with Working Group Meeting #3. Lyackson provided comments on neither the Draft Aboriginal Consultation Plan nor the Draft Aboriginal Consultation Report 1 directly to WesPac. Lyackson was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Lyackson participated in Working Group Meetings #1, #3 and #5.

WesPac provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Halalt had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on comments to be provided by Lyackson. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

**12.1.4.3.1.5.3 Summary of Key Issues and Concerns Raised**

In accordance with the Project's Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Lyackson First Nation during consultation. Where possible, WesPac has worked with Lyackson First Nation to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Lyackson First Nation for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Lyackson First Nation identified the following issues and concerns during the Initial Engagement and Pre-Application consultation stages:

**Methodology, Process and Consultation**

- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.
- Concern that consultation between WesPac and Lyackson did not begin early enough in the EA process.
- Concern that they cannot accurately assess effects without understanding the full scope of the project at maximum build out.
Environmental Effects

- Concern that spatial boundaries for many VCs were too limited to consider Aboriginal Interests, including the effects of marine shipping in the Salish Sea.
- Concern that potential effects on the habitat of marine mammals was not considered when defining the Marine Mammals VC.
- Noted that there is good fish habitat in the area and room should be made for re-establishing fish.
- Noted that they will be looking for strong mitigation measures for fish habitat. They noted an interest in mitigation that would include shoreline remediation, side channels (for fish to rest in the shade), fifty percent shade coverage in developed areas.
- Interested in participating in the design of landscaping, shoreline restoration, road design and paved areas.
- Concerns about effects from climate change.

Social and Economic Effects

- Requested that WesPac include a market analysis in the Application.

Heritage and Culture Effects

- The Project falls within 5 km of Tl’uqtinus, a known Lyackson village site.
- Requested that an archaeologist/cultural person from the Island be on site for core sampling program.

Cumulative Effects

- Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.

For WesPac’s responses to all issues and concerns raised by Lyackson First Nation, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.5.4 Potential Effects of the Project on Lyackson First Nation’s Aboriginal Interests

WesPac's assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of...
the Project on Lyackson First Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Lyackson First Nation’s ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Lyackson First Nation during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
- Effects on Asserted Aboriginal Title.

A summary of information about Lyackson First Nation’s past, present, and desired future use, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

As Lyackson First Nation has yet to complete a TUS for the Project, the summary provided in the following sections relied mainly on publicly available sources, including the EAC application for the Pattullo Bridge Replacement Project (MOTI, 2018) and EAO’s assessment report for the George Massey Tunnel Replacement project environmental assessment (EAO, 2017).

### 12.1.4.3.1.5.5 Effects on Other Traditional and Cultural Interests

Lyackson First Nation reports that their use of the lands, waters and resources at the mouth and in the south arm of the Fraser River are fundamental to their use and occupancy and the practice of their culture, identity and rights (EAO, 2017, p. 310). Lyackson Elders and knowledge holders have described *Tl'uqtinus*, across the river from the Project site, as having been a powerful and permanent Hul'qumi'num Mustimuhw trading centre (EAO, 2017, p. 310).

Lyackson First Nation has noted that urbanization and industrialization have reduced the frequency of interactions Lyackson and Aboriginal groups in the Lower Mainland for cultural, ceremonial and economic reasons (EAO, 2017, p. 304).

The EA application for the Pattullo Bridge Replacement Project included site-specific data that appear to be relevant to this Project, including provided three “small-craft transportation” values identified as fishing routes to the Fraser River across the Salish Sea from *Le’eyqsun*, one “story-history” value is identified as taking in the lower portion of the South Arm, from *Tl'uqtinus* down to the Salish Sea, and Two “habitation” values are also identified, corresponding to the Deas Island and Steveston areas (MOTI, 2018, pp. 12–211).

Lyackson First Nation has identified the following concern related to potential effects to other traditional and cultural interests:

The Project falls within 5 km of *Tl'uqtinus*, a known Lyackson village site.

In response to any concerns that Lyackson First Nation may have regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:
Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, 'heritage offsetting' to achieve 'no net loss' of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl'ugtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities.
Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.
Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected that access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

Project design considerations and other measures identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uqtinus. Tl’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of aoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:
- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment
during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan for Aboriginal groups, are expected to mitigate adverse effects on community health and wellbeing.

- Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

- The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).
In consideration of the available information regarding other traditional and cultural interests of the Lyackson First Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in **Negligible** effects on Lyackson First Nation’s other traditional and cultural interests.

### 12.1.4.3.1.5.6 Effects on Asserted Aboriginal Title

The Project site lies within the “core territory” of the HTG, over which they assert Aboriginal title. Lake Cowichan First Nation is a member of the HTG (BCTC, 2009d).

Lyackson First Nation raised no specific concerns to WesPac regarding Aboriginal title.

WesPac considered how the Project may have an effect on each of the following three components of asserted Aboriginal title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

In consideration of any concerns that Lyackson First Nation may have regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

#### Use and Occupancy:

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.
- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape,
which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.

- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

**Decision-making:**

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

- The Project would be constructed and operated on lands that already have a history of industrial use.

- The Project is not expected to result in unplanned changes to existing land uses or future land uses.

- Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

- Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

- As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:
  - Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
  - Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

- Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups
to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

**Economic Benefits:**

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.

- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.

- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.

- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
  - marine access management and communications described in Section 6.2 Land and Marine Resource Use;
  - noise management described in Section 4.5 Noise; and
  - local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.

The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and

- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.
In consideration of the available information regarding Aboriginal title of Lyackson First Nation, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in Negligible effects to Lyackson First Nation’s Aboriginal title.

12.1.4.3.1.6 Musqueam Indian Band

12.1.4.3.1.6.1 Context

The Musqueam people are a hən̓q̓əmiʔən-speaking people (FPHLCC, 2018a). Musqueam Indian Band’s main community (Musqueam IR 2) is located at the mouth of the North Arm of the Fraser River, adjacent to what is now the City of Vancouver (AANDC, 2018). Musqueam IR 2 is the location of at least three villages, including the two important villages of máłeʔ and sćələxʷ, as well as a multitude of named houses and other sites (Barnett, 1955; Tam, J. et al., 2018). The name xʷməθkoʔəy̓əm, Anglicized Musqueam, was given to the largest village within IR 2 (Kew, 1979, 1996). A second reserve (Sea Island IR 3) is located across the river from Musqueam IR 2 at sqʷsaθən, on Sea Island, adjacent to the City of Richmond. The Fraser River is intrinsically linked to Musqueam’s oral histories, cultural identity and Musqueam’s position in historical and contemporary trade networks (Tam, J. et al., 2016, 2018). A third reserve (Musqueam IR 4) is located adjacent to Ladner, near Canoe Pass, near šxʷčičəm on the South Arm of the Fraser River. Musqueam IR 4 is the closest reserve to the Project site (approximately 10 km downstream), though Musqueam has advised WesPac that the Project site is in an area that contains multiple named sites. Musqueam place names form a network of over 125 named sites (Tam, J. et al., 2018, p. 69). At one time, Musqueam had a fourth reserve (the first reserve set aside for them) further up the Fraser River at qiqéyt (Brownsville), on the south shore across from New Westminster (Crockford, 2010; MIB, 1976). Kew’s ethnographic notes from work with a Musqueam elder and knowledge-holder indicated that present-day New Westminster represented the eastern extent of Musqueam’s territory (Tam, J. et al., 2018, p. 22).

The ancestors of present-day Musqueam people have lived in this area for thousands of years (Duff, 1952). Carbon dating at səw̓qʷeqəsn (former Glenrose-St. Mungo Cannery Site) dates to around 8,500 years ago (MIB, pers. comm). Their oral histories demonstrate Musqueam’s knowledge and use of their territory over thousands of years (Tam, J. et al., 2018, p. 21). The registered population of Musqueam Indian Band as of November 2018 was 1,418 members, of which 670 lived on reserve, primarily at Musqueam IR 2 (AANDC, 2018). Musqueam people are part of the Central Coast Salish linguistic group and speak the downriver dialect of hən̓q̓əmiʔən (FPHLCC, 2018a).

Musqueam’s traditional territory is depicted in the Musqueam’s Statement of Intent filed with the British Columbia Treaty Commission in 1993 (BCTC, 2009e). As illustrated in Figure 12.1-03, Beyond the core territory, Musqueam people use an extensive resource use area throughout the region based on traditional Coast Salish practices of stewardship and kinship protocols (Tam, J. et al., 2018, p. 19). Protocols exist that determine access rights and requires other Aboriginal groups to seek access to waterways and resources within this territory from Musqueam (Woolman, 2014 in MIB, 2018, p. 20). While the Project site does not overlap with any of Musqueam’s current or former reserve lands, it is situated within the Musqueam Consultation, Accommodation and Resources Access (CARA) Boundary and is on, and adjacent to, traditional use areas, such as the whole of the South Arm, and in an area that contains multiple named sites (see Figure 12_1-3).
A network of year-round and seasonal settlements throughout the Fraser River Delta and upstream along the Fraser River were used by Musqueam people to access resources. With their neighbours and relations, Musqueam practiced a system of resource distribution based on kinship ties and underpinned by protocols. This included arrangement of inter-village marriages to ensure access to resources and sharing of food and other goods through feasts and ceremonies between families and village. These activities continued into the contact period and to the present day (Tam, J. et al., 2018, p. 23). Today, salmon and other fish, notably eulachon and sturgeon, remain central to Musqueam’s patterns of use (Tam, J. et al., 2018, p. 26).

In 1990, the Supreme Court of Canada affirmed Musqueam members right to fish within the Fraser River in accordance with *R v Sparrow*, [1990] 1 SCR 1075. Musqueam continues to seek recognition of its Aboriginal rights and title throughout the territory (Tam, J. et al., 2018). Key areas of Musqueam rights-based practices include, but are not limited to, governance, trade, diplomacy, navigation and water-based transportation, construction of houses and related structures, artistic production, manufacture of textiles, cedar harvesting for various purposes, fishing and associated manufacture, hunting, shellfish harvesting, plant harvesting, food processing and spiritual and ceremonial activities (Tam, J. et al., 2018, pp. 22–23).

### 12.1.4.3.1.6.2 Involvement in the Consultation Process

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. WesPac followed up with a telephone call to Musqueam in June 2014. In June and July 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. Musqueam also requested capacity funding to support their participation in the EA review and an opportunity to review an early draft of Aboriginal Consultation Plan. In November 2014, WesPac and Musqueam signed a capacity funding agreement. In December 2014, Musqueam received the draft Aboriginal Consultation Plan. In December 2014, WesPac and Musqueam met and undertook a cultural tour in the Musqueam community. At this meeting, Musqueam reiterated that their rights differentiate them from other First Nations and that their preference would be to work directly with WesPac rather than through consultants and intermediaries.

In January 2015, WesPac provided a funding contribution to support Musqueam’s “c̓əsnaʔəm, the city before the city” exhibit.

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

During the Initial Engagement Stage, WesPac provided early drafts of the Aboriginal Consultation Plan and the Project Description to Musqueam for review and comment. Musqueam subsequently provided comments on the documents directly to WesPac.

During the Pre-Application Consultation Stage, WesPac met with Musqueam in person and by teleconference. WesPac also communicated with Musqueam by email correspondence to provide Project information and draft documents for review and comment. WesPac and Musqueam have 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.

During this stage, WesPac provided Musqueam with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft Aboriginal Consultation Report #1
- dAIR (early version)

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

- Draft VC Selection Document
- dAIR

Musqueam provided detailed comments on the Draft Aboriginal Consultation Plan 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 Aboriginal Consultation Plan, where appropriate, along with comments from EAO. The updated content was included in the Draft Aboriginal Consultation Report 1 and Musqueam’s specific comments were included in the confidential attachments to that report. As noted previously, a confidential MOU outlines how the parties are engaging on the Project. Musqueam provided detailed comments on the Draft Aboriginal Consultation Report #1 directly to WesPac, which were subsequently incorporated, where appropriate. Musqueam was also provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.11.2.1. Musqueam representatives participated in all five Working Group Meetings.

WesPac provided draft content for Current Use of Lands and Resources and Part C to Musqueam for review in advance of submission of the Application. Musqueam provided detailed comments and clarifications on the content. The Application was subsequently updated to address those comments and clarifications, and an issues tracking table demonstrating how the comments were addressed was provided.

Musqueam submitted to WesPac a Project-specific Knowledge and Use Study (KUS) in October 2018 (Tam, J. et al., 2018) and a study of potential impacts from marine vessel traffic on Musqueam’s fishing opportunities in November 2018 (Nelitz, M et al., 2018). Information provided in these studies has been incorporated into relevant sections of this Application.

WesPac also provided the Aboriginal Consultation Report 2 to the Musqueam and other Schedule B Aboriginal Groups for review before it was submitted to EAO. Musqueam provided comments, and revisions and improvements were made to address those comments. For any comments not incorporated in either document, WesPac has provided a written response as to why the information was not incorporated.

12.1.4.3.1.6.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Musqueam through direct interactions during consultation, and/or as provided in two studies prepared for the Project (Nelitz, M et al., 2018; Tam, J. et al., 2018). Where possible, WesPac has worked with Musqueam to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Musqueam for review and comment, can be found in Aboriginal Consultation Report #2.
In addition to Aboriginal Interests-related issues that are discussed in the next section, Musqueam identified the following issues and concerns during Initial Engagement and pre-Application consultation phases:

Methodology, Process and Consultation

- Expectation of deep consultation on all projects on the Fraser River. EA process does not replace requirement for adequate consultation and justification of infringements on Aboriginal rights by the Crown.
- Shared principles of Musqueam’s consultation process established by Chief and Council, which is more comprehensive than governments’ EA consultation.
- Information shared during consultation and in Project-related agreements is to be kept confidential.
- Need for capacity funding to facilitate participation in the environmental assessment process and to complete Project-related studies.
- Selection and adequacy of the VCs to assess potential effects on Aboriginal Interests, and that they were not identified through consultation with Aboriginal groups.
- Concern that established Aboriginal and Treaty rights were not considered in the scoping of issues and identification of VCs.
- Concern that spatial boundaries for many VCs (e.g., Fish and Fish Habitat, Wildlife and Wildlife Habitat) and the River Processes PC were too limited to consider Aboriginal Interests, including the effects of marine shipping in the Salish Sea.
- The baseline used in VC and PC effects assessments did not consider pre-industrial or historical baseline information, but rather, relied on existing conditions.
- Noted that the precautionary principle had not been applied in the determination of potential Project-related effects for several VCs, including Fish and Fish Habitat.
- Noted that Aboriginal groups need to be consulted on mitigation measures, environmental management plans for implementation during construction and operation phases of the Project, and future monitoring programs to evaluate the effectiveness and performance of the mitigation measures before they are finalized.
- Request that the Application include a description of consultation efforts undertaken to identify specific mitigation measures.
- Concerned with substituted process as it is not clear how CEAA 2012 provisions will be addressed.
- Requested that they be kept informed of studies that would be completed for the Application, noting that Musqueam wished to participate in studies and review outputs, where appropriate.

Environmental Effects

- Assessment methods must include consideration of TEK.
Not all species of interest were included as components or subcomponents, but rather, broad categories of flora and fauna were used.

Concern that increased vessel traffic on the Fraser River will adversely affect the river and the surrounding environment.

Interest in restoration of shoreline at the Project site; protection of river and shoreline are important.

Concern about effects from Project-related daytime and nighttime lighting on wildlife and fish of importance.

Requested clarification about how effects from underwater noise would be considered.

Expectation of direct involvement in development of mitigation measures.

Effects on upstream GHG emissions should be assessed.

Demolition will need to be done correctly and Musqueam requests involvement in monitoring during removal of existing marine infrastructure.

Specific concerns related to fish that Musqueam has shared with WesPac include, but are not limited to:

- Loss of fish habitat and disturbances to fisheries resources as a result of the Project
- Potential impacts on a holding area for fish that Musqueam knowledge holders have identified as overlapping the Project site
- The potential for the dredge pocket to create sturgeon habitat and the possibility that Project-related vessel movements may disturb sturgeon that are attracted to that dredge pocket.

Musqueam’s proposed least risk fish window is more appropriate for protecting key fish species than DFO’s least risk fish window.

Social and Economic Effects

The Socio-community and Economy VCs must take into account any decline in environmental quality and/or related changes that have the potential to have an effect on Musqueam society and economy, whether they are modern, commercial, or traditional (or a combination of any of these).

Effects on visual quality need to be considered, even though the site has a history of industrial use.

Concern that visual effects from light will not be considered within the cultural context of Aboriginal Groups.

Concern that potential effects on water quality and fish may affect fisheries, which could have an adverse effect on socio-economic and cultural conditions and spiritual health and wellbeing.

Specific concerns related to Musqueam fisheries that have been shared with WesPac include, but are not limited to:

- The declining number of fish available.
- Interactions between Project-related vessels and Musqueam’s fishing fleet.
Shipping will affect fishing windows and timing and infringe on Musqueam’s right to fish.

- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.
- Request to add a subcomponent to health for marine harvesting and food security.
- Concern that potential Project-related effects on the economic conditions of individual Aboriginal Groups will not be differentiated from other Aboriginal groups within the larger regional district or municipality.
- Request that Aboriginal economies and rights-based harvesting activities be considered in the Application.
- Request that WesPac complete an in-depth assessment of the economic effects on Aboriginal socio-economic conditions.
- Interested in future business and employment opportunities related to the Project.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.
- TEK and historical sources should be used to gain a critical understanding of the context for Current Use of Lands and Resources for Traditional Purposes and related VCs.
- Concern that Aboriginal right to navigation will not be considered in the Application.
- Visual quality effects must be considered in cultural context for Musqueam members. Project infrastructure and related illumination and shipping will result in ongoing effects to visual quality of the Musqueam cultural landscape of the South Arm of the Fraser River.

Heritage and Culture Effects

- Concern that importance of the Fraser River to Aboriginal groups has not been acknowledged. The Fraser River has value as a cultural and economic landscape and alterations can reduce the value of place passed down to generations.
- Intangible cultural heritage should 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.
- Request that Indicators related to effects on Aboriginal cultural landscapes and related intangible aspects of cultural heritage, and associated changes in perceived sensory and cultural experience of Aboriginal users, be included under the Heritage VC.
- Informed WesPac that a Musqueam permit is required for all archaeological work.
Health Effects

- Concern that Aboriginal peoples who harvest food and medicine within the Project area are more susceptible to potential toxicity.

Safety

- Concern regarding LNG in the event of a collision or sinking of a vessel, as well as responsibility and procedures for managing spills.
- Concern about increase in number of large ships and risks to safety caused by effects from wake of those ships.
- Concern about potential hazards to fishing gear or persons from vessels passing within proximity to areas where Musqueam members are fishing.

Aboriginal Interests

- Musqueam noted that they have proven rights under R. v. Sparrow and it’s important that WesPac understand those rights. Sparrow test will be minimum assessment requirement for Project-related effects on Musqueam’s fishing rights. Requested that their Aboriginal Right to fish be recognized in all EA documents.
- Concern regarding exclusion of proposed and planned future use of land and resources for traditional purposes.
- Request for recognition of Aboriginal navigation rights.

Cumulative Effects

- Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.
- EAO’s interpretation of cumulative effects is too narrow and does not consider a pre-industrial baseline.

For WesPac’s responses to all issues and concerns raised by the Musqueam Indian Band, refer to Aboriginal Consultation Report #2.
12.1.4.3.1.6.4 Potential Effects of the Project on Musqueam Indian Band’s Aboriginal Interests

WesPac’s assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.3.1. The discussion in this section focuses on potential effects of the Project on Musqueam’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Musqueam’s ability to practice its Aboriginal Interests. Based on the Knowledge and Use Study (KUS) prepared by Musqueam for the Project (Tam, J. et al., 2018), a study of potential effects of marine vessel traffic on Musqueam’s access to fishing opportunities provided to Wespac (Nelitz, M et al., 2018), a Musqueam study completed for another project on the Fraser River (Tam, J. et al., 2016), and key issues and concerns raised by Musqueam during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes Musqueam’s preferred VCs of Cultural Continuity and Sense of Place and Identity.
- Effects on Asserted Aboriginal Title.

A summary Musqueam’s past, present, and desired future use, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

The summary provided in the following sections initially relied on publicly-available information including Musqueam’s TUS prepared for the George Massey Tunnel Replacement Project (Tam, J. et al., 2016) and the EAO’s Assessment Report (EAO, 2017) related to the EA application for that project. Musqueam also provided WesPac with several other sources, including historic and ethnographic references and academic theses. In October, Musqueam provided WesPac with their Project-specific KUS (Tam, J. et al., 2018) and in November, Musqueam provided WesPac with a study of potential impacts of marine vessel traffic on Musqueam’s access to fishing opportunities (Nelitz, M et al., 2018). Information from both studies were incorporated into the Application while the Application was being screened by the Working Group.

12.1.4.3.1.6.5 Effects on Other Traditional and Cultural Interests

Cultural Continuity

The waters within Musqueam’s traditional territory are vital to Musqueam’s culture, sense of place and identity (Nelitz, M et al., 2018, p. ii). Musqueam have reported that they accessed resources at numerous year-round and seasonal settlements along the Fraser River delta (Kew, 1970; Tam, J. et al., 2016, 2018). Kew noted that the annual resource cycle was followed by many community members even as wage earning activities increased in importance (Kew, 1970, p. 34). While the Lower Fraser River is the current primary location for Musqueam’s fishing activities, increased land development and marine vessel traffic have resulted in an overall reduction of Musqueam use in that area (Nelitz, M et al., 2018, p. 21). A great deal of cultural knowledge held by Musqueam...
members relates to the lower Fraser River, which serves as a classroom where knowledge is adapted and built through experience and shared across generations. Time, exposure and reiteration are essential to verify and update knowledge and to share it with others (Tam, J. et al., 2018, pp. 45–46). For example, Musqueam fishers have knowledge of hydrology, tides and seasonal changes that affect fish populations and their ability to travel safely on the Fraser River. This knowledge has been passed down through generations (Tam, J. et al., 2018, pp. 95–96) and is intrinsically tied to culture and sense of place through Musqueam’s right to fish for FSC purposes as established in under R. v. Sparrow.

Musqueam note that maintaining cultural continuity requires the ability to continue to transmit cultural knowledge and language across generations (Tam, J. et al., 2016, p. 139, 2018, p. 45). Inter-generational knowledge transmission is of critical importance and includes teaching younger generations how and where to fish, hunt and gather, and sharing morals and values through communication of hanq̓əmiʔən̓ language. Knowledge of the hanq̓əmiʔən̓ language is also central to Musqueam identity (Tam, J. et al., 2016, pp. 140–142). Language connects the landscape to Musqueam culture through place names, for example, which link to actions, histories and stories related to Musqueam heritage and the environment (Tam, J. et al., 2016, pp. 145–146).

Musqueam members have expressed that the ability to learn through practical experience is critical, which requires available resources and access to locations to harvest those resources (Tam, J. et al., 2016). Musqueam has also raised concerns that the Project will adversely affect safe navigation of the Fraser River for Musqueam members to access places and people for sharing knowledge. Ability to return for repeated visits over a period of time is critical to teach and learn (Tam, J. et al., 2016, p. 148).

From the time since the establishment of Fort Langley in 1827 to the present day, ongoing development in Musqueam’s traditional territory has contributed to the displacement of Musqueam people from their territory and has adversely impacted the key aquatic, marine and terrestrial resources on which they depend (Tam, J. et al., 2018, pp. 25–26). Since the late 1990s, Musqueam fishers have increased their efforts in harvesting crab and prawn in response to a decline in available salmon (Nelitz, M et al., 2018, p. 21). Musqueam people are presently focused on rehabilitation, restoration and recovery of important resources for future generations (Tam, J. et al., 2018, p. 27).

While the majority of Musqueam’s harvesting presently focuses on fishing, hunting and plant gathering are also crucial to Musqueam cultural continuity even though the opportunity to do so has been constrained due to development, industrialization and administrative restrictions. Hunted species are still sought for ceremonial and subsistence purposes and the activity of hunting is a social event where knowledge is transmitted across generations (Tam, J. et al., 2018, pp. 107–108). Plants traditionally harvested in the territory are used for subsistence, medicinal, artistic and ceremonial purposes and, similar to hunting, the act of gathering of plants includes knowledge transmission related to gathering, preparation and processing and intangible values (Tam, J. et al., 2018, p. 108).

Reductions in the quantity and quality of preferred resources, as well as the ability to access places and resources for sharing knowledge, is becoming increasingly difficult due to cumulative effects from industrialization, pollution, changes to land use and resource management constraints within Musqueam territory (Tam, J. et al., 2016, 2018). As cultural continuity is core to all aspects of the Musqueam way of life, effects to Musqueam members’ abilities to pursue traditional resource use will affect the transmission of knowledge through diminished opportunities for teaching and learning that relies upon the availability of resources and continued access to those resources (Tam,
J. et al., 2016). This, in turn, may disrupt Musqueam members' connections to their history and identity, and therefore, ability to exercise their rights and title (Tam, J. et al., 2016, p. 150). Musqueam also notes that a decrease in the opportunities to learn about obtaining wild foods can lead to members obtaining and sharing fewer wild foods (Tam, J. et al., 2018, p. 47).

Musqueam notes that cumulative effects are numerous within their core territory, specifically the Fraser River, which includes the Project site. Musqueam members have witnessed rapid change within their lifetimes, particularly with respect to hunting and plant harvesting. They note that the cumulative effects of development, industrialization and administrative restrictions has constrained hunting and plant gathering opportunities within their territory. In some areas, hunting and plant gathering has become nearly impossible (Tam, J. et al., 2018, pp. 105–106).

The site-specific data that Musqueam provided to WesPac in their KUS indicate that Musqueam members use or have used the Project site for generations (Tam, J. et al., 2018, p. 37). Musqueam knowledge holders have identified the area around the Project site as an important holding area for salmon and eulachon (Nelitz, M et al., 2018, p. 23). While these site-specific mapped values reflect specific instances of use, they connect a wider set of rights-based cultural and livelihood practices exercised within a larger landscape (Tam, J. et al., 2018, p. 38). Lines, points or polygons on a map not only note the locations of use, they are a result of time and knowledge that allow for that use, travel to the location and knowledge transmission while undertaking that use, all of which contributes to cultural continuity (Tam, J. et al., 2018).

In the KUS Musqueam prepared for the Project (Tam, J. et al., 2018, p. 2), the spatial boundaries for the assessment (KUS Study Area) were defined as follows:

- Project Jetty Footprint – within 250 m of the proposed jetty
- Local Study Area (LSA) – south arm of the Fraser River from Sand Heads to the Pattullo Bridge, including the Project Jetty Footprint
- Regional Study Area (RSA) – north, middle and south arms of the Fraser River from the Salish Sea to the Pattullo Bridge, including the Project Jetty Footprint and the LSA

Site-specific rights-based values within the spatial boundaries of the KUS that are related to cultural continuity, include:

- Project Jetty Footprint – several culturally important sites used historically and continuously for the transmission of knowledge across generations, particularly in relation to fishing (Tam, J. et al., 2018, p. 39)
- LSA – culturally significant sites and travel routes used by Musqueam members for passing on intergenerational knowledge and teachings related to traditional harvesting; gathering sites where Musqueam people shared oral histories and teachings; and areas of shoreline along which information on Musqueam heritage and belongings was shared (Tam, J. et al., 2018, pp. 39–40)
RSA – valued teaching areas used for generations to teach fishing, hunting, medicinal and food plant harvesting and related cultural activities such as drying and smoking fish; and water routes used by Musqueam members to access their territory (Tam, J. et al., 2018, p. 40).

Musqueam identified the following potential interactions between Project-related construction and operation activities and Musqueam cultural continuity (Tam, J. et al., 2018, p. 59):

- Increased interruptions to knowledge transmission and lost opportunities to transmit knowledge due to the loss of access and use of the KUS Study Area and from construction and operation activities, including additions of in-water infrastructure and increases in marine vessel traffic;
- Increased interruptions to knowledge transmission and lost opportunities to transmit knowledge due to the compounding effects of industrial development projects, urbanisation, and environmental stressors on the resources, lands, and waters near the Project;
- Increased interruptions to knowledge transmission and lost opportunities to transmit knowledge due to rapid environmental change caused by Project activities, rendering Musqueam knowledge outdated;
- Increased interruptions in knowledge transmission and lost opportunities to transmit knowledge due to avoidance of, and alienated from, the KUS Study Area as a result of increases in marine traffic, hydrological and ecological changes, and noise disturbances; and
- Increased disruption to knowledge transmission due to Project restrictions that reduce Musqueam members’ abilities to freely access preferred resources and waters in the KUS Study Area.

In response to Musqueam’s concerns regarding cultural continuity, WesPac considered the following key factors and mitigation measures as presented in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to and experience while at those sites. Musqueam’s Project-specific KUS provided information on traditional and cultural sites in proximity to the Project site (Tam, J. et al., 2018).
- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.
- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, ‘heritage offsetting’ to achieve ‘no net loss’ of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include
and proper management of heritage resources that are unexpectedly encountered during Project activities
and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that
with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological
and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage
Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and
  the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related
  consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys
  were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and
  Photographic Field Survey. Survey locations included land-based locations on the south and north shores of
  the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints
  were used in the assessment, several of which are potentially associated with Aboriginal use or values,
  including Dyke Road (Ti’uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7),
  and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of
  Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation
  to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change
  in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-
  related effects identified for construction during nighttime viewing include a temporary change in visual quality
  due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-
  related effects identified for operation during daytime viewing include change in visual quality due to the
  presence of visible Project components and temporary visibility of marine vessel movements. Operation
  phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site
  safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning
  include a change in visual quality due to the temporary visibility of equipment, vessels and activities.
  Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of
  lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual
  quality assessment to address changes in visual quality during daytime viewing include finishing external
  surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of
  the surrounding landscape features. Mitigation measures identified to address Project-related effects on
  nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With
  implementation of these mitigation measures, residual effects on daytime and nighttime viewing are
  anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial
  infrastructure development during daytime viewing and visibility of additional lighting related to industrial
  infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected
to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate
magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the
residual effects are expected to combine with other certain and reasonably foreseeable projects and
activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.
The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except potentially for Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by...
Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Ḷ̓əq̓tínəs (referred to as Tl’uq̓tinus elsewhere in Section 12.1). Ḷ̓əq̓tínəs was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in
CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

- Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

- Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

- Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

- Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.
The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Áq̓əq̓tnēs and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

Given their current reported access levels in the South Arm of the Fraser River and concerns provided to WesPac during consultations, the above-noted mitigation measures may not be sufficient to address potential effects on Musqueam members’ access and quality of experience while fishing. To help minimize effects on Musqueam fishers by vessel traffic, WesPac will implement the following additional mitigation measures:

- Monitor incidents of interaction between Musqueam fishing vessels and other vessel traffic;
- Encourage marine vessels to minimize and/or avoid locations of interaction during fishery openings (e.g., high conflict zones in the Lower Fraser River);
- Encourage marine vessels to minimize interactions during fisheries with gear types that require more time to deploy (e.g., crab and prawn fisheries, salmon seine fisheries);
- Engage with Musqueam to gather further information on location-specific values that may be affected by the Project and to discuss potential mitigation measures intended to reduce effects on those locations; and
Implement communication measures developed by WesPac and Musqueam to help address potential interference with Musqueam fishing opportunities.

In consideration of the available information regarding cultural continuity of Musqueam, the proposed mitigation measures listed in Section 12.1.4.2.4, WesPac's analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, and additional mitigation measures proposed specifically to address Musqueam’s concerns related to potential effects from Project-related vessels, the Project is expected to result in Negligible effects on Musqueam Indian Band’s cultural continuity.

Sense of Place and Identity

For Musqueam, sense of place and identity is linked to cultural continuity and fishing, as well as other land and resource related activities (Tam, J. et al., 2018, p. 63), which are fundamental aspects of being Musqueam. These include intangible and tangible Musqueam values and activities which are intertwined with all Musqueam subsistence activities, such as:

- members’ attachment and affinity to place and associated place characteristics (i.e., sense of place);
- spirituality and sacred places;
- ceremonies and community gatherings;
- heritage resources and sites, including old village and burial sites; and
- identity as linked to history, community, worldviews, ethics, beliefs (Tam, J. et al., 2016, p. 163, 2018, p. 63).

Sense of place and identity have spatial, physical, emotional, symbolic, psychological, social and activity-based dimensions that intersect with valued places, which, in turn, impart emotional and psychological benefits and support cultural and social connections and wellbeing (Tam, J. et al., 2018, p. 64 and 69). Place names, heritage sites, ceremonies, gatherings, norms, protocols, social bonds and use of the Fraser River are key components of Musqueam sense of place and identity (Tam, J. et al., 2018, p. 69).

Musqueam members’ sense of place is connected to the natural world and experiencing nature, particularly with respect to the lands and waters of their territory (Tam, J. et al., 2018, p. 63). The ability to practice traditional activities in places used by ancestors ties members to their history (Tam, J. et al., 2016, pp. 165–166). Project-related changes that result in loss of resources, or a reduction in quantity or quality of those resources, as well as reductions or disruptions to access and effects on quality of experience while practicing traditional activities would thus affect Musqueam’s sense of place (Tam, J. et al., 2018, p. 77). Participants in the KUS noted that valued fish species in the KUS study area have been reduced, resulting in fewer openings for fishing. With fewer opportunities available to fish, Musqueam fishers note that access is essential when fishing is permitted (Tam, J. et al., 2018, p. 4).

---

*“Cultural Continuity” and “Sense of Place and Identity” were assessed in place of “Other Traditional and Cultural Interests” for Musqueam Nation, per their request (see Section 12.1.3.3.8).*
In addition, Musqueam fishers have increased their efforts in harvesting crab and prawn in response to a decline in available salmon since the late 1990s (Nelitz, M et al., 2018, p. 21).

Fishing and the Fraser River are at the core of Musqueam members’ sense of place and identity, as are cultural protocols, norms and social interactions. Fishing for others and sharing the catch contributes to personal wellbeing, as well as social connections and respect amongst community members (Tam, J. et al., 2018, pp. 64–65). Musqueam members note that enjoyment on the Fraser River could be affected by an increase in noise during construction and an increase in marine traffic during construction and operation (Tam, J. et al., 2018, pp. 75–76).

Hunting and plant gathering remain crucial to Musqueam cultural identity even though the opportunity to do so has been constrained due to development, industrialization and administrative restrictions. Hunted species are still sought for ceremonial and subsistence purposes and the activity of hunting is a social event (Tam, J. et al., 2018, pp. 107–108). Plants traditionally harvested in the territory are used for subsistence, medicinal, artistic and ceremonial purposes and, similar to hunting, gathering of plants is a social activity which reinforces cultural identity (Tam, J. et al., 2018, p. 108).

Musqueam members perceive the environment holistically whereby the territory is not divisible into parts (Tam, J. et al., 2018, p. 64). Their worldview places them as stewards of the environment and the Musqueam culture (EAO, 2017, p. 344; Tam, J. et al., 2018, p. 64). Musqueam culture is inseparable from the environment and the wellbeing of Musqueam culture and society is tied to the well being of the environment (Tam, J. et al., 2018, p. 69). Values not related to use of land and resources include ceremonies, feasts and gatherings, which are also key to the identity of Musqueam members and the larger community. Traditional resources from Musqueam territory often play a role in cultural and spiritual practices, including ceremonies and gatherings (Tam, J. et al., 2018, p. 66). Details regarding such ceremonial and spiritual sites and activities are kept confidential and not shared publicly, therefore the information that Musqueam has shared with WesPac and other proponents is not intended to be comprehensive (Tam, J. et al., 2016, p. 167, 2018, p. 66).

Participation in cultural events and ceremonies, such as community gatherings, feasts, and ceremonial rites, provide opportunities for people to come together to help reinforce social ties between community members and residents of other Coast Salish villages (Kew, 1970; Tam, J. et al., 2016, p. 167). Musqueam members also record events into oral history through ceremonies and gatherings through dedicated “witnesses” (Tam, J. et al., 2016, p. 168). These cultural events and ceremonies often require specific resources gathered from the territory or particular places on the land and water (Tam, J. et al., 2018, p. 66). Ceremonies have traditionally occurred throughout the year, often associated with seasonal resource cycles. They are not always social events, sometimes being conducted by individuals in private (e.g., when thanks are given for a successful fishing excursion) (Tam, J. et al., 2016, p. 169). A strong sense of responsibility and duty to carry on and restore ceremonial and spiritual traditions remains with Musqueam people, despite the rapidly changing natural and social environment (Tam, J. et al., 2016, p. 170). Sense of place is also derived from memories and experiences built in a particular environment or space, as well as the presence of familiar and valued features or where stories are based (Tam, J. et al., 2016, pp. 170–171).

Sense of place and identity for Musqueam is also linked to ancestral occupation and use of the territory (Tam, J. et al., 2018, p. 67). Evidence of a long period of occupation and use of the lower Fraser River, combined with stories of the past, participation or observances of ceremonies and spiritual rites, and the practice of traditional subsistence activities form part of present-day members’ identities and responsibilities (Tam, J. et al., 2016, p.
This long term use and control of the Fraser River were recognized in the *R. v. Sparrow* decision (Tam, J. et al., 2018, p. 67). Old habitation sites and place names are current day representations of Musqueam’s ancestral ties, and include Á̓łq̓ətinq̓əs (or “long shore”), which is located across the river from the Project site (Tam, J. et al., 2018, p. 68). Musqueam place names form a network of more than 125 named sites, of which 50 are recorded in the Fraser River Delta. Place names play many roles for Musqueam people, including linking the past, present and future to the environment; signifying genealogy, cultural practice, teachings and familial and community relationships; and linking stories and spiritual sites (EAO, 2017, p. 344; Tam, J. et al., 2018, pp. 68–69).

A well-established record of artefacts and archaeological sites, including village and burial sites, in Musqueam territory are also linked to oral histories and Musqueam sense of place and identity (Tam, J. et al., 2016, p. 172). For many Musqueam members, archaeological sites are more than just physical objects; they link present-day Musqueam members to their ancestors (Tam, J. et al., 2016, p. 173). These objects "speak to an enduring web of genealogical connections to the ancestors and provide a physical and spiritual connection to an integrated territory where their people have lived for thousands of years" (Roy, 2007, p. 240). Similar to other Aboriginal groups, Musqueam have developed archaeological and museum procedures tailored to their own purposes, including community appreciation, land claims and public education (Roy, 2007). Village and burial sites are also considered sacred, as are locations of historic events, ceremonial places, and sites recognized for having spiritual qualities and power (Tam, J. et al., 2016, pp. 171–172).

Musqueam reports that industrialization and urbanization have impacted access and use to locations, and reduced the abundance of available resources. Inability to access healthy resources has impacted ceremonial and spiritual activities that relate to sense of place and identity (Tam, J. et al., 2016, p. 174, 2018, p. 70). Time spent on the water and opportunities to interact with family and community members have also decreased due to the reduction in availability of preferred resources (Tam, J. et al., 2018, p. 70). Development has also disturbed sacred spiritual sites and heritage sites and resources (Tam, J. et al., 2016, p. 179, 2018, p. 70 and 72). Loss of access or disturbance to sacred places can interrupt or prevent the ability to pursue spiritual experiences (Tam, J. et al., 2018, p. 72). Increased marine vessel traffic is another factor that has affected access and the quality of experience, including feeling safe, while fishing (Nelitz, M et al., 2018, p. 4). Valued characteristics of the places where ceremonial and spiritual practices have been conducted (e.g., disturbance and loss of tranquility, privacy, safety and aesthetic qualities) have also been impacted by industrialization and urbanization (Tam, J. et al., 2016, p. 176, 2018, p. 71). Landscape changes created by urbanization and industrialization have also created disconnects between Musqueam members and their connection to place (Tam, J. et al., 2016, p. 176). This disconnect also challenges members’ ability to maintain and share worldviews and beliefs across different seasons (Tam, J. et al., 2016, p. 178, 2018, p. 72). Psychological and emotional distress, which can have an affect across generations, often accompany disruptions to the water, the land, and its resources given the close affinity felt by Musqueam towards the environment (Tam, J. et al., 2016, p. 178, 2018, p. 74).

Site-specific use values within the spatial boundaries of the KUS that are related to Sense of Place and Identity, include:

- Project Jetty Footprint – a water route used to access Musqueam territory, camping sites and a spiritually valued area (Tam, J. et al., 2018, p. 62)
Musqueam identified the following potential interactions between Project—related construction and operation activities and Musqueam sense of place and identity (Tam, J. et al., 2018, pp. 78–79):

- Increased disruption of Musqueam members’ sense of place as a result of changes to valued places and place characteristics, including from the introduction of marine traffic, noise disturbances, aesthetic changes and ecological changes due to Project-related construction and operations activities
- Disruption of Musqueam identities and increased disconnection from Musqueam cultural heritage due to direct and indirect Project-related effects on fishing, ceremonies, gatherings, and consumption of traditional foods, and other cultural practices, as well as regional Nation-to-Nation relationships
- Increased psychological and emotional stress from uncertainty over Project-related effects on access and safety, particularly in relation to an increase in marine traffic on the Fraser River, and other disruptions to Musqueam cultural activities (e.g., fishing) and values (e.g., stewardship)
- Increased disruption to the protection, persistence, and living of Musqueam šx̱wətiχ̓ (i.e., ways, manners, and customs) and snə̓weyəɬ (i.e., teachings received since childhood, including identity and responsibilities) due to Project-related construction and operations activities

In response to Musqueam Indian Band’s concerns regarding sense of place and identity, WesPac considered the following key factors and mitigation measures reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Musqueam’s Project-specific KUS provided information on traditional and cultural sites in proximity to the Project site (Tam, J. et al., 2018).
- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.
- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, ‘heritage offsetting’ to achieve ‘no net loss’ of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended.
strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl’uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the
Residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

- The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except potentially for Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of
instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Áq̓ı̑tnəs (referred to as “Tl̓uq̓tinus” elsewhere in Section 12.1). Áq̓ı̑tnəs was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during
Project operation for the increase in 1-hour NO\textsubscript{2} concentration and annual NO\textsubscript{2} concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO\textsubscript{2} concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM\textsubscript{2.5} and the increase in PM\textsubscript{10} concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

- Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

- Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

- Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

- Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement
policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include ƛəqtinəs and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

Given their current reported access levels in the South Arm of the Fraser River and concerns provided to WesPac during consultations, the above-noted mitigation measures may not be sufficient to address potential effects on Musqueam members' access and quality of experience while fishing. To help minimize effects on Musqueam fishers by vessel traffic, WesPac will implement the following additional mitigation measures:

- Monitor incidents of interaction between Musqueam fishing vessels and other vessel traffic;
- Encourage marine vessels to minimize and/or avoid locations of interaction during fishery openings (e.g., high conflict zones in the Lower Fraser River);
- Encourage marine vessels to minimize interactions during fisheries with gear types that require more time to deploy (e.g., crab and prawn fisheries, salmon seine fisheries);
Engage with Musqueam to gather further information on location-specific values that may be affected by the Project and to discuss potential mitigation measures intended to reduce effects on those locations; and

- Implement communication measures developed by WesPac and Musqueam to help address potential interference with Musqueam fishing opportunities

In consideration of the available information regarding sense of place for Musqueam Indian Band, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, and additional mitigation measures proposed specifically to address Musqueam’s concerns related to potential effects from Project-related vessels, the Project is expected to result in Negligible effects on Musqueam Indian Band’s sense of place.

### 12.1.4.3.1.6.6 Effects on Asserted Aboriginal Title

Musqueam report that they have unceded territory in what is now the city of Vancouver (Wilson, 2015). As such, Musqueam maintains that they retain rights and title across the lands and waters within their core territory (MIB, 1976; Tam, J. et al., 2016). While Musqueam was assigned reserves, no treaties were signed (Kew, 1979). Musqueam assert that they still possess lands and waters, including the riverbed and foreshore, within their territory (EAO, 2017, p. 334). Musqueam notes that prior to the assertion of Crown sovereignty, they exercised exclusive control, and continue to hold Aboriginal title to this core territory (EAO, 2017, p. 314), which includes the Project site. When the first Europeans arrived, Musqueam had occupied the North Arm of the Fraser River and Burrard Inlet (Suttles, 1955). Simon Fraser recorded Musqueam IR 2 as an important village site in 1808 and archaeological evidence indicates there was occupation at the site starting more than 3,000 years ago with continuous occupation up to the present day (Tam, J. et al., 2016). Simon Fraser’s notes indicate that the village had a substantial population at that time (Kew, 1979; Suttles, 1984).

Musqueam identity is closely linked to their territory (Tam, J. et al., 2016). Musqueam have previously explained that their Aboriginal title is central to Musqueam’s culture, identity, and the underpinning of Musqueam’s right to exercise governance over and fully benefit from its lands, as well as the ability to choose to what use its lands will be managed for (EAO, 2017, p. 334 and 336).

Musqueam has also expressed that they have an expectation that the Crown must seek their consent regarding any major infrastructure project in Musqueam territory, and to accommodate effects to Musqueam’s proven and asserted Aboriginal rights and title (EAO, 2017, p. 334). Musqueam identified several concerns relating to potential effects on Musqueam Aboriginal title, including:

- Protection of their rights to harvest within the Project area.
- Effects on access to traditional harvesting areas within and near the Project area during all phases of the Project.
Cumulative effects of industrial development and shipping on the Fraser River on Musqueam rights and interests.

WesPac considered how the Project may have an effect on each of the following three components of asserted Aboriginal title overlapping the Project area:

- use and occupancy
- decision-making
- economic benefits

In response to Musqueam’s concerns regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.
- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.
- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.
Decision-making:

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

- The Project would be constructed and operated on lands that already have a history of industrial use.

- The Project is not expected to result in unplanned changes to existing land uses or future land uses.

- Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

- Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

- As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:
  - Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
  - Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

- Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

Economic Benefits:

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.

- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.
To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.

Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:

- marine access management and communications described in Section 6.2 Land and Marine Resource Use;
- noise management described in Section 4.5 Noise; and
- local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.

The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and
- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

WesPac acknowledges the Fraser River’s contribution to support and maintain Musqueam’s culture and traditions and the exercise of their proven Aboriginal rights related to fishing. WesPac also understands that Musqueam used different components for their analyses of effects on Aboriginal Title (EAO 2017: 333) than what WesPac used for this Project:

- The right to decide how the land will be used;
- The right to the economic benefits of the land; and
- The right to pro-actively use and manage the land.

The components used by Musqueam align with the parameters used in this Application. Therefore, the general conclusions presented in Section 12.1.4.2.2 are relevant. The Project would not restrict or prevent access or other
uses that are not already precluded for the life of the Project. In addition, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and

- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Musqueam Indian Band, the ownership status of the land, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in Negligible effects to Musqueam Indian Band’s Aboriginal title.

12.1.4.3.1.7 Penelakut Tribe

12.1.4.3.1.7.1 Context

Penelakut Tribe, along with Cowichan Tribes, Halalt First Nation and Stz’uminus First Nation, are represented by the Cowichan Nation Alliance on collective interests on matters outside of treaty negotiations. As speakers of the Island dialect of Halkomelem (Hul’qumi’num), these four Cowichan Nation Alliance members, along with Lake Cowichan First Nation and Lyackson First Nation, refer to themselves collectively as Hul’qumi’num Mustimuhw (HTG, 2005b).

Penelakut Tribe is based in southeastern Vancouver Island. Their primary village is located on Penelakut Island (Penelakut Island No. 7), east of Chemainus. Penelakut members also reside on Kuper (Penelakut Island No. 7), Tent (Tent Island No. 8) and Galiano (Galiano Island No. 9) islands. As of November 2018, Penelakut Tribe had 983 registered members, of which 527 lived on their reserves (AANDC, 2018). The Project area does not overlap any of Penelakut Tribe’s current or former reserve lands.

Penelakut Tribe is, or has been, affiliated with the Hul’qumi’num Treaty Group (HTG), along with the other Cowichan Nation Alliance members, Lake Cowichan First Nation and Lyackson First Nation. As illustrated in Figure 12.1-01, the HTG assert a core territory, or title lands, and a wider marine or fishing territory, as described in its Statement of Intent to the BC Treaty Commission (BCTC, 2009a). The HTG asserts title over core areas near the Project site including “the south arm of the Fraser River, including Canoe Pass, up to and including Douglas Island, with lands on the north shore of the south arm up to Sapperton Channel (New Westminster), the islands in the south arm of the Fraser River and the south bank of the Fraser River along Canoe Pass up to Deas Island” (BCTC, 2009a). This area is part of HTG’s broader marine or fishing territory.

Penelakut Tribe reports that there are locations of importance along the South Arm of the Fraser River. The closest locations of importance to the Project are the ancestral village and resource sites known as Tl’uqtinus, on the north shore opposite the Project site on Tilbury Island, and Xwulit’sum, at Canoe Pass. In November 2014, Cowichan Tribes, Stz’uminus First Nation, Penelakut Tribe and Halalt First Nations filed an Amended Notice of
Civil Claim seeking a declaration of Aboriginal title to an area described as the Tl’uqtinus Lands and fishing rights to the South Arm of the Fraser River. It is noted that the Tl’uqtinus Lands, as claimed, are on the north shore of the South Arm of the Fraser River across from the Tilbury Island and this Aboriginal title claim does not overlap the Project site.

12.1.4.3.1.7.2 Involvement in the Consultation Process

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; however, they, along with the other Cowichan Nation Alliance member nations, pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

Cowichan Nation Alliance member communities instructed WesPac to work through Cowichan Nation Alliance for all consultation activities. WesPac occasionally received correspondence from the individual member communities, and, in some cases, not all member communities attended all meetings with WesPac. The consultation summary provided for Penelakut Tribe includes only activities attributed to Penelakut Tribe, either through direct interaction with WesPac or where Penelakut Tribe was clearly included in activities led by Cowichan Nation Alliance.

WesPac initiated engagement with Penelakut through a mailed letter in October 2014 that introduced the company and proposed Project. Cowichan Nation Alliance responded to the letter on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz’uminus First Nation. In this Initial Engagement Stage, WesPac’s consultation activities focused on sharing information on the Project, and gathering preliminary comments from Penelakut on the Project design and location, potential Project-related effects on Penelakut’s Aboriginal Interests and potential mitigation measures that may avoid or minimize those effects.

The parties met in person for the first time in January 2015. At that first meeting, Cowichan Nation Alliance shared background information for the member nations and historical records of their use of the Fraser River including the village site of Tl’uqtinus with WesPac. Cowichan Nation Alliance sent a map illustrating their traditional use and occupancy on the South Arm of the Fraser River to WesPac as a follow up to that meeting.

During the Initial Engagement Stage, consultation activities included:

- Sharing of Project information through emails and letters
- Meetings with Penelakut as a member of Cowichan Nation Alliance either in person or by teleconference
- Sharing of draft documents for review and comment
- Development of a capacity funding agreement to support Penelakut’s participation in the EA process.
During the Initial Engagement Stage, WesPac provided the Draft Project Description to Penelakut for review and comment. Penelakut did not provide comments on the document directly to WesPac.

During the Pre-Application, WesPac met with Penelakut representatives, shared Project updates through email and in meetings and provided draft documents for review and comment. WesPac and Halalt signed a capacity funding agreement outlining Penelakut’s participation in the EA review during the Pre-Application Consultation stage. The agreement was formally executed on July 27, 2015.

During this stage, WesPac provided Penelakut with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft VC Selection Document
- dAIR
- Draft Aboriginal Consultation Report 1

A representative of Cowichan Nation Alliance also participated in a WesPac-hosted site tour by boat that coincided with Working Group Meeting #3.

Cowichan Nation Alliance provided comments on the Draft Aboriginal Consultation Plan directly to WesPac. The main themes for those comments included:

- Corrections to text.
- Clarification regarding the description of Tl’uqtinus.
- Request to include consideration of the future use of Tl’uqtinus 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 Aboriginal Consultation Plan, where appropriate, along with comments from EAO. The updated content was included in the Draft Aboriginal Consultation Report 1 and 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. Cowichan Nation Alliance also provided comments on the Draft Aboriginal Consultation Report 1 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. Penelakut was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation on the Working Group.
WesPac provided funding to Penelakut to undertake a TUS for the Project collectively with the other Cowichan Nation Alliance member nations. The study is anticipated to be completed after the Application has been submitted to EAO. Penelakut has granted permission to use the following recently completed studies to develop baseline information for the Application while they complete the Project-specific study:

- Cowichan Nation Traditional, Current, and Planned Future Use of the George Massey Tunnel Replacement Bridge Project Area, prepared by Candace Charlie for Cowichan Tribes, on behalf of the Cowichan Nation Alliance, August 9, 2015
- George Massey Tunnel Replacement Project: Cowichan Occupation and Use of the Project Lands, 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
- Historical Geography of Cowichan Land Use and Occupancy Lower Fraser River: Map Series and Report, prepared for Woodward and Company and the Cowichan Tribes by Kenneth G. Brealey, May 31, 2010
- Cowichan Nation Alliance Strength of Claim Report, prepared by Daniel Marshall for Pacific Reach Consulting Ltd., October 16, 2017

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Cowichan Nation Alliance member nations 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

WesPac has provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Penelakut had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on comments to be provided by Penelakut. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.7.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Penelakut Tribe during consultation. Where possible, WesPac has worked with Penelakut Tribe to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Penelakut Tribe for review and comment, can be found in Aboriginal Consultation Report #2.
In addition to Aboriginal Interests-related issues that are discussed in the next section, Penelakut Tribe identified the following issues and concerns during the Initial Engagement and Pre-Application consultation stages:

**Methodology, Process and Consultation**

- Expectation that deep consultation and accommodation due to potential interference with existing Aboriginal rights.
- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.
- Provision of adequate time and capacity for reviewing and providing meaningful input on Project-related documents.
- Selection and adequacy of the VCs to assess potential effects on Aboriginal Interests, that they were not identified through consultation with Aboriginal groups.
- Opposed the proposed substitution. Concern that CEAA should be involved in EA review to address cumulative effects and because the land across from the Project are under litigation with the federal Crown, delegation of consultation and accommodation obligations are opposed.

**Environmental Effects**

- Effects on species of interest could infringe on Aboriginal rights.
- Assessment methods must include consideration of TEK.
- Not all species of interest were included as components or subcomponents. Instead, broad categories were used.
- Effects on upstream GHG emissions should be assessed.
- Project-related changes to noise need to be considered for the location of Tl’uqtinus.

**Social and Economic Effects**

- Effects on Visual Quality, including changes to light related to the location of Tl’uqtinus need to be considered.
- Concern regarding potential effects from the Project, including light and noise, on mental, emotional, and spiritual health and wellbeing (i.e., social determinants of health).
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.
- Concern that property values are not included in the effects assessment on economy.
- Request that WesPac complete an in-depth assessment of the economic effects on Aboriginal socio-economic conditions.
Concern that proposed and planned future use of land and resources for traditional purposes is not included.

**Heritage and Culture Effects**

- Concern that effects from vessel wake on the archaeological site at Tl'uqtinus.
- Aboriginal groups must be consulted on applications for heritage permits for the Project.
- Cultural/archaeological monitors from Aboriginal groups should be included in Project-related studies.
- Concern that the right to control how the land is used is not included in the effects assessment.

**Health Effects**

- Concern that Aboriginal peoples who harvest food and medicine within the Project area are more susceptible to potential toxicity. A spill at the Project site could have an effect on Tl'uqtinus village lands.

**Safety**

- Concern regarding LNG in the event of a collision or sinking of a vessel, as well as responsibility and procedures for managing spills. Noted that WesPac should be responsible for care, safety and control of LNG carriers.

**Aboriginal Interests**

- Expectation that CNA’s Aboriginal title be considered as Aboriginal title reflects occupancy pre-sovereignty and includes the right to control how the land is used.
- Requests an assessment of potential loss in future economic potential from land and marine use at Tl'uqtinus.

**Cumulative Effects**

- Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.
- EAO’s interpretation of cumulative effects is too narrow and does not consider a pre-industrial baseline.

For WesPac's responses to all issues and concerns raised either directly by Penelakut Tribe, or through the Cowichan Nation Alliance, refer to Aboriginal Consultation Report #2.
12.1.4.3.1.7.4 Potential Effects of the Project on Penelakut Tribe’s Aboriginal Interests

WesPac's assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of the Project on Penelakut Tribe’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Penelakut Tribe’s ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Penelakut Tribe during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
- Effects on asserted Aboriginal Title.

A summary of information about Penelakut Tribe’s past, present, and desired future use of lands in the vicinity of the Project site, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

The summary provided in the following sections relied mainly on a study that Cowichan Nation Alliance (CNA) conducted for a project located upstream from Tilbury Island, entitled Pattullo Bridge Replacement Project, Cowichan Nation Alliance Strength of Claim Report (Marshall, 2017b). CNA provided WesPac with permission to use this report to develop baseline for the assessment of potential effects on CNA member communities’ Aboriginal Interests pending submission of their Project-specific report.

12.1.4.3.1.7.5 Effects on Other Traditional and Cultural Interests

The Fraser River has been described by Penelakut Tribe’s as both the home of the Cowichan Nation’s permanent village of T'luqtinus and the salmon resource that was critical to their social and economic success (Marshall, 2017b, p. 19). From T'luqtinus, Cowichan Nation people harvested fish and other resources, traded products they had harvested, and engaged in ceremonial practices. The activities undertaken at T'luqtinus ensured that their permanent winter villages on Vancouver Island and the Gulf Islands, as well as their trans-Georgia Strait culture and traditions, continued to be supported and maintained (Marshall, 2017b, p. 19).

The CNA study summarized the historical circumstances that led to the gradual alienation of T'luqtinus (both the village and the surrounding berry fields) by the late 1870s. While the Cowichan Nation had resisted this alienation, and the government was aware of the Cowichan Nation’s resistance and ongoing desire for the lands at T'luqtinus to be reserved to them, no reserves in this area were ultimately assigned, largely because the lands had already been sold to settlers (Marshall, 2017b, pp. 26–28). The study also reports that on the opening of the canneries, licences to fish for salmon had been issued to the Cowichan Nation, and this practice had continued “year after year” until 1889-1890, when they were told that “none but the Fraser River Indians could obtain a licence” (Marshall, 2017b, p. 28). The Cowichan Nation petitioned the government well into the 1900s to have their Fraser River lands and resources returned to them (Marshall, 2017b, pp. 28–29).
The loss of the *Tl'uqtinus* lands and access to the Fraser River have combined with other cumulative factors (e.g., ongoing government regulation, privatization of traditional lands, environmental destruction) to shift the Cowichan Nation diet from one heavily dependent on traditional foods to market foods. A survey conducted by the Hul'qum'í'num Treaty Group (HTG) showed that levels of available traditional foods fall far short of levels required by almost all Cowichan Nation communities who wish to engage in traditional harvesting practices (Marshall, 2017b, p. 23).

In January 2016, the CNA issued a “Declaration for Reconciliation” to the government regarding *Tl'uqtinus*, expressing a desire that the reconciliation of Crown sovereignty with Cowichan Nation Aboriginal rights, including title, on the South Arm of the Fraser River be consistent with Cowichan Nation land and resource use objectives for that area (Marshall, 2017b, p. 31). These objectives included: the recovery and restoration of *Tl'uqtinus*; reestablishment of the Cowichan Nation’s residence and river access at *Tl'uqtinus*, as well as their culturally integral practices (e.g., harvesting fish, waterfowl, and plants); the realization of Cowichan Nation revenue, economic, and development opportunities and benefits that are compatible with their land and resource use objectives; and promotion of education regarding the presence and interests of the Cowichan Nation at and about *Tl'uqtinus* (Marshall, 2017b, p. 31).

Penelakut Tribe have expressed the following concerns regarding other traditional or cultural interests:

- Aboriginal groups need to be consulted on applications for Heritage Conservation Act (HCA) permits for the Project.
- Cultural/archaeological monitors should be included in Project-related studies.
- Effects on Visual Quality, including changes to light, related to the location of *Tl'uqtinus* need to be considered.
- Concern regarding potential effects from the Project on mental, emotional, and spiritual health.
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.

In response to Penelakut Tribe’s concerns regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.
- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.
As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, 'heritage offsetting' to achieve 'no net loss' of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl'uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.
Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a resulting of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and
historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

- Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uqtinus. Tl’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:
  - advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
  - establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
  - fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
  - taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

- Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:
  - scheduling noise-emitting maintenance activities during the day, whenever possible;
  - notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
  - setting up and implementing a call-in number that people can call when experiencing a high noise activity.

- The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.
Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO\textsubscript{2}, SO\textsubscript{2}, CO, PM\textsubscript{10} and PM\textsubscript{2.5}), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO\textsubscript{2} are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO\textsubscript{2} concentration and annual NO\textsubscript{2} concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO\textsubscript{2} concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM\textsubscript{2.5} and the increase in PM\textsubscript{10} concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine
Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These policies will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Penelakut Tribe, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in Negligible effects on Penelakut Tribe’s other traditional and cultural interests.
12.1.4.3.1.7.6  Effects on Asserted Aboriginal Title

The CNA report that it is likely that late 18th century Spanish and British explorers had met Cowichan people during their early map-making work in the Salish Sea in the summer of 1792, Aboriginal people moving their houses and possessions across the Strait of Georgia (Marshall, 2017b, p. 5). The CNA also report that Simon Fraser was aware of Cowichan occupation of the South Arm at the time of his visit in 1808, choosing to take the North Arm downstream to the sea after having been warned away from the South Arm by upstream Aboriginal groups, “because of the presence [there] of ferocious people from the sea and islands” (Marshall, 2017b, p. 5).

In 1824, the Hudson’s Bay Company, arriving from the south conducted an initial reconnaissance of the Fraser River to locate a suitable site for a fort. A fort was established three years later at Fort Langley (Marshall, 2017b, p. 5). The CNA note that the fort was constructed under the protection of “Cowichan Chief Shashia,” who “appears frequently” in the fort’s journals (Marshall, 2017b, p. 6).

In 1827, on their way up the river to build Fort Langley, a Hudson’s Bay Company official recorded travelling past three Cowichan villages situated side-by-side at Lulu Island on the South Arm of the Fraser River, mid-point between New Westminster and the river’s end, which was at Tl’uqtinus (Marshall, 2017b, p. 5). The names of the villages were recorded as Saumnouse (Somenos), Pinellahutz (Penelakut), and Quomitzen (Quamichan) (Marshall, 2017b, p. 6 and 10). The CNA have said that a further 10 Cowichan communities likely had a presence in this area (i.e., Stz’uminus, Taatka, Halalt, Koksilah, Yewkwelos, Comiaken, Sickameen, Th’xyun’qsun, Clemclemaluts, and Lamalchi) (Marshall, 2017b, p. 6).

A British Admiralty chart that the CNA report was based on survey work completed in 1846 and published in 1849, based largely on an earlier map created in 1827, is labelled “Cowitchin Villages” on the south shore of Lulu Island, downstream of Annacis Island (also labelled) and across from an island now known as Tilbury Island (Marshall, 2017b, pp. 6–11).

CNA has stated that it asserts Aboriginal title to the lands that include Tl’uqtinus, as well as a larger area that would include the Project site (EAO, 2017, p. 244). CNA has advised that it is working on re-establishing practices that are fundamental to their culture, such as harvesting fish and waterfowl and gathering plants, on the South Arm in the area around Tl’uqtinus. CNA has also indicated that they intend to develop portions of Tl’uqtinus for residential and/or commercial purposes (EAO, 2017, p. 220).

Penelakut Tribe have expressed the following concerns regarding Aboriginal title:

- Importance of Aboriginal interests in the land and water being taken into account.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.
- Concern that the right to control how the land is used is not included in the effects assessment.
- Effects from noise and changes to visual quality, including changes to light, related to the location of Tl’uqtinus need to be considered.

5 “Taatka” and “Th’xyun’qsun” are also rendered and T’eeet’qe’ and T’h’wumqsun.
The Project may have an effect on each of the following three components of asserted Aboriginal title:

- use and occupation
- decision-making
- economic benefits

In response to Penelakut Tribe’s concerns regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.
- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.
- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

**Decision-making:**
The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

- Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
- Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

**Economic Benefits:**

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.

- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.

- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.
Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:

- marine access management and communications described in Section 6.2 Land and Marine Resource Use;
- noise management described in Section 4.5 Noise; and
- local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.

The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and
- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Penelakut Tribe and the CNA, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in Negligible effects to Penelakut Tribe’s Aboriginal title.

### 12.1.4.3.1.8 Semiahmoo First Nation

#### 12.1.4.3.1.8.1 Context

Semiahmoo First Nation has one reserve, fronting Semiahmoo Bay at the Canada-United States border, about 1 km southeast of White Rock, B.C. The reserve, covering 129.10 ha, was home to 50 of 99 registered members as of November 2018 (AANDC, 2018). Originally the reserve was 158.64 ha in area, although portions of it have been successively taken up for public purposes. The Project site does not overlap the reserve.

Semyome, the ancestral language of Semiahmoo First Nation, is one of six dialects of the Northern Straits Salish. Four of the dialects – SENĆOŦEN, Malchosen, Lkwungen (or Lekwungen), and T’Sou-ke – are spoken by Douglas...
Treaty groups residing on southern Vancouver Island (i.e., Pauquachin, Tsartlip, Tsawout, Tseycum, Malahat, Esquimalt, Songhees, Sci’ianew or Beecher Bay, and T’Sou-ke), as well as the Samish Indian Nation of northwestern Washington State (FPHLCC, 2018b). The other dialect was spoken by the Lummi Nation, who reside about 20 km south of the Canada-United States border, along the eastern side of the Strait of Georgia. Semiahmoo remain closely tied to other Northern Straits-speaking nations.

Semiahmoo traditional territory was previously represented as centred on Boundary Bay, taking in eastern portions of the Point Roberts peninsula, Mud Bay, and the lands and waters in and around the Serpentine, Nicomekl, and Little Campbell rivers (MOTI, 2006). As illustrated in Figure 12.1-04, Semiahmoo First Nation has presented a more extensive territory that centered in the Lower Mainland in and around White Rock, B.C., and extends out from the mainland into the Strait of Georgia where it overlaps with the closely related Saanich peoples (FPHLCC, 2018b). Based on the more recent description, the Project site overlaps asserted Semiahmoo territory.

To date, the Semiahmoo First Nation has not entered into the BC treaty process independently or with other Aboriginal groups.

12.1.4.3.1.8.2 Involvement in the Consultation Process

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.


In June 2016, WesPac and Semiahmoo met for the first time. At the meeting, Semiahmoo shared preliminary information on their interests related to the Project and requested that WesPac provide funding for participation in the EA process and for completing a TUS for the Project. WesPac agreed to provide such funding and followed up in July 2016 with a draft letter agreement for their review. WesPac and Semiahmoo signed a capacity funding agreement in September 2018 to support Semiahmoo’s participation in the EA process, including a project-specific TUS.

During the Pre-Application Consultation Stage, WesPac continued to share information via email and request to meet to discuss the Project.

Semiahmoo received the following Project-related documents through their participation as members of the Working Group:
Semiahmoo did not provide comments directly to WesPac or EAO through the Working Group on the Draft VC Selection Document or the dAIR.

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Semiahmoo did not participate in any of the meetings.

WesPac has provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Semiahmoo had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on the comments to be provided by Semiahmoo. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.8.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Semiahmoo First Nations during consultation. Where possible, WesPac has worked with Semiahmoo First Nations to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Semiahmoo First Nations for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Semiahmoo First Nations identified the following issues and concerns during the Initial and pre-Application consultation phases:

**Methodology, Process and Consultation**

- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.
- Noted that they have a small staff that can be involved in EA reviews, but that they have not built up much capacity to date.

**Environmental Effects**

- Effects on fisheries was noted as a primary concern.
- Noted that rehabilitation of the foreshore is important.
- Concerned about potential effects from marine traffic at the foreshore of Semiahmoo’s lands.

**Social and Economic Effects**

- Interested in economic opportunities related to the Project.
■ Noted that Semiahmoo First Nation is a progressive community that wants to be involved, and encourage industry to be involved, in changes to improve the health of the Fraser River ecosystem.

Cumulative Effects

■ Concerned about health of the Lower Fraser River, and the cumulative effects of proposed projects.

For WesPac’s responses to all issues and concerns raised by Semiahmoo First Nation, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.8.4 Potential Effects of the Project on Semiahmoo First Nation’s Aboriginal Interests

WesPac's assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of the Project on Semiahmoo First Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Semiahmoo First Nation's ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Semiahmoo First Nation during consultation on the Project, WesPac considered the following:

■ Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.

■ Effects on Asserted Aboriginal Title.

A summary of information about Semiahmoo First Nation’s past, present, and desired future use, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

As Semiahmoo First Nation has yet to complete a TUS for the Project, the summary provided in the following sections relied mainly on publicly available sources, including EAO’s assessment report for the George Massey Tunnel Replacement project environmental assessment (EAO, 2017).

12.1.4.3.1.8.5 Effects on Other Traditional and Cultural Interests

Semiahmoo have said that use of their traditional lands and resources, access to which they say is now limited, has a spiritual and sacred element not readily separated from practical considerations (EAO, 2017, p. 434). Legendary stories are also integrated into this world view, which relay that people related to the first ancestors, who descended from the sky, were transformed by Khaals (the Transformer and mythical leader) into physical and biological elements of the landscape, and remain relatives of the Semiahmoo (EAO, 2017, p. 434). The
Semiahmoo therefore consider themselves as part of the landscape (their territory), and this landscape serves as their sacred place, history book, storehouse of raw materials, and training ground (EAO, 2017, p. 434).

Semiahmoo First Nation has reported that they are seeking to restore or maintain, within their territory, the conditions necessary to promote the exercise of ancestral uses in the future (EAO, 2017, p. 435).

Concerns raised by Semiahmoo during consultations on EAs for nearby projects that may be relevant to this Project include:

- Importance of cultural continuity to the Semiahmoo people.
- Concern with potential effects to archaeological and heritage resources and importance of protection of cultural heritage.
- Ensuring appropriate protocol and cultural work takes place if ancestral remains may be disturbed.

In response to any concerns that Semiahmoo First Nation may have regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, 'heritage offsetting' to achieve 'no net loss' of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.
The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (T'Iuqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a resulting of urban and industrial development, have adversely affected their use of lands and resources within...
the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMOPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

- Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River.
Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl'uqtinus. Tl'uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.
Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern.
identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Semiahmoo First Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in Negligible effects on Semiahmoo First Nation’s other traditional and cultural interests.

12.1.4.3.1.8.6 Effects on Asserted Aboriginal Title

Based on recent descriptions, the Project site overlaps Semiahmoo First Nation’s asserted traditional territory (FPHLCC, 2018b).

Semiahmoo First Nation raised no specific concerns to WesPac regarding Aboriginal title.

WesPac considered how the Project may have an effect on each of the following three components of asserted Aboriginal title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

In consideration of any concerns that Semiahmoo First Nation may have regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:
Use and Occupancy:

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.

- The Project would be constructed and operated on lands that already have a history of industrial use.

- The Project is not expected to result in unplanned changes to existing land uses or future land uses.

- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.

- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.

- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

Decision-making:

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

- The Project would be constructed and operated on lands that already have a history of industrial use.

- The Project is not expected to result in unplanned changes to existing land uses or future land uses.

- Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.
Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

- Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
- Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

Economic Benefits:

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.
- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.
- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.
- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.
- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
  - marine access management and communications described in Section 6.2 Land and Marine Resource Use;
  - noise management described in Section 4.5 Noise; and
  - local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.
The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and
- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Semiahmoo First Nation, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in **Negligible** effects to Semiahmoo First Nation’s Aboriginal title.

### 12.1.4.3.1.9 Squamish Nation

#### 12.1.4.3.1.9.1 Context

On July 23, 1923, 16 Squamish-speaking tribes amalgamated to establish the Squamish Nation to “guarantee equality to all Squamish people and to ensure good government” (SN, 2013c). Squamish Nation is the largest First Nation in the Metro Vancouver Region in terms of the number of reserves, combined area of reserves, registered Indian population, and total member population on its reserves. Members live primarily at the North Vancouver reserves — Capilano IR 5, Mission IR 1, Seymour Creek IR 2 — and at four of nine reserves in the Squamish Valley (Metro Vancouver, 2018). The total registered population of Squamish Nation was 4,278, with 2,221 members living on their own reserves as of November 2018 (AANDC, 2018).

Members of Squamish Nation speak the Skwxwú7mesh Snicnim (Squamish language). “Squamish Nation” is used often used to describe this group of Coast Salish people, who once referred to themselves as *Skwxwú7mesh* or “the Squamish People” (SN, 2013b), with their territory located in the Lower Mainland region of British Columbia (SN, 2013a).

Squamish Nation’s sources of revenue include taxation, leases, and Squamish-owned businesses. For example, Squamish Nation Marine Group owns and operates the Mosquito Creek and Lynnwood Marinas. The Park Royal Shopping Centre, International Plaza, and Greater Vancouver Storage Sewage Plant are examples of existing tenants on Squamish Nation lands. Squamish Nation also intends to develop parcels of land at Seymour, Capilano, Kitsilano, Chekwelp, and Stawamus (SN, 2013d).
Squamish Nation’s traditional territory as described in their Statement of Intent filed with the BC Treaty Commission (BCTC, 2009f), and illustrated in Figure 12.1-05, includes the:

“Lower Mainland region of British Columbia from Point Grey on the south to Roberts Creek on the west; then north along the height of land to the Elaho River headwaters including all the islands in Howe Sound and the Sound drainages; then southeast to the confluence of the Soo and Green Rivers north from Whistler; then south along the height of land to the Port Moody area including the entire Mamquam River and Indian Arm drainages; then west along the height of land to Point Grey”.

The Project site lies outside of Squamish Nation’s described traditional territory (BCTC, 2009f; SN, 2013a).

12.1.4.3.1.9.1.1 Involvement in the Consultation Process
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.


In July 2016, Squamish responded to WesPac’s introductory emails with a letter stating that due to their use of the Fraser River, the Project has the potential to adversely affect Squamish Nation fishing rights.

Squamish also noted that the nation expects to participate fully in the environmental assessment process and would require funding to support that participation. WesPac and Squamish 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.

During this stage, WesPac provided Squamish with the Draft Aboriginal Consultation Report 1 for review.

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

- Draft VC Selection Document
- dAIR

Squamish responded to WesPac’s request for comments on the Draft Aboriginal Consultation Report 1 that as they had not been engaged in consultation on the Project through this period, they did not have comments on the
draft Aboriginal Consultation Report 1. Squamish was subsequently provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Squamish participated in Working Group Meeting #4.

WesPac has provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Squamish had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on the comments to be provided by Squamish. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.9.2 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Squamish Nation during consultation. Where possible, WesPac has worked with Squamish Nation to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Squamish Nation for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Squamish Nation identified the following issues and concerns during the Initial Engagement and Pre-Application consultation phases:

Methodology, Process and Consultation

- Noted that the Nation expects to participate fully in the EA process and would require funding to support that engagement.
- For Existing Conditions sections for all VCs, Squamish requested consideration of future conditions in the absence of the Project.
- Noted that the inability to measure an effect does not remove it altogether; there may still be effect pathways that should be carried forward so as not to limit a reliable cumulative effects assessment.
- Noted that residual effects do not need to be significant to trigger a cumulative effects assessment.

Environmental Effects

- Concern that spatial boundaries for many VCs were too limited to consider Aboriginal Interests, including the effects of marine shipping in the Salish Sea.
- Concerned about underwater noise during construction and operations, including in the shipping lanes.
Not all species of interest were included as components or subcomponents. Instead, broad categories were used.

Requested that the Application consider potential effects from aquatic invasive species as a result of increased transboundary shipping.

Noted that the Vegetation VC should be scoped in a way that the results will inform the assessment for Fish and Fish Habitat VC, particularly aquatic vegetation.

Aboriginal Rights and Interests

Noted that the due to use of the Fraser River, the Project has the potential to adversely affect Squamish Nation fishing rights.

For WesPac’s responses to all issues and concerns raised by Squamish Nation, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.9.3 Potential Effects of the Project on Squamish Nation’s Aboriginal Interests

WesPac's assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of the Project on Squamish Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Squamish Nation’s ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Squamish Nation during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
- Effects on Asserted Aboriginal Title.

A summary of information about Squamish Nation’s past, present, and desired future use, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

As Squamish Nation has yet to complete a TUS for the Project, the summary provided in the following sections relied mainly on publicly available sources, including EAO’s assessment report for the George Massey Tunnel Replacement project environmental assessment (EAO, 2017).

12.1.4.3.1.9.4 Effects on Other Traditional and Cultural Interests
Squamish Nation has reported that their Fraser River sockeye fishery was culturally and economically significant to them prior to contact (EAO, 2017, p. 437).

Squamish Nation has not identified concerns regarding traditional/cultural interests in relation to the Project. Concerns raised by Squamish during consultations on EAs for nearby projects that may be relevant to this Project include:

- Importance of cultural continuity to the Squamish Nation.
- Protection of archaeological and heritage resources, including intangible heritage sites.
- Participation in archaeological field work and opportunities to review draft reports.
- Potential effects on Squamish Nation’s ability to transmit cultural and traditional knowledge.

In response to any concerns that Squamish Nation may have regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, 'heritage offsetting' to achieve 'no net loss' of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and
Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl'uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

- The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a resulting of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.
As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

Project design considerations and other measures identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uqtinus. Tl’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from
construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:

- advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
- establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
- fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO\textsubscript{2}, SO\textsubscript{2}, CO, PM\textsubscript{10} and PM\textsubscript{2.5}), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO\textsubscript{2} are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO\textsubscript{2} concentration and annual NO\textsubscript{2} concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO\textsubscript{2} concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM\textsubscript{2.5} and the increase in PM\textsubscript{10} concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for
Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant.
There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Squamish Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac's analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in **Negligible** effects on Squamish Nation’s other traditional and cultural interests.

### 12.1.4.3.1.9.5 Effects on Asserted Aboriginal Title

Although Squamish Nation reports that they harvested Fraser River sockeye based on family ties with other Aboriginal groups (EAO, 2017, p. 440), the Project site lies outside of their reported traditional territory (BCTC, 2009f; SN, 2013a).

Squamish Nation has raised no specific concerns to WesPac regarding Aboriginal title.

The Project may have an effect on each of the following three components of asserted Aboriginal title:

- use and occupation
- decision-making
- economic benefits

In consideration of any concerns that Squamish Nation may have regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**
The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.

The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.

While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.

WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

Decision-making:

The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

The Project would be constructed and operated on lands that already have a history of industrial use.

The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.
As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

- Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
- Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

**Economic Benefits:**

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.

- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.

- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.

- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
  - marine access management and communications described in Section 6.2 Land and Marine Resource Use;
  - noise management described in Section 4.5 Noise; and
  - local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.
The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and

- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Squamish Nation, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in **Negligible** effects to Squamish Nation’s Aboriginal title.

### 12.1.4.3.1.9.6 Stz’uminus First Nation

#### 12.1.4.3.1.9.6.1 Context

Stz’uminus First Nation, along with Cowichan Tribes, Halalt First Nation and Penelakut Tribe, are represented by the Cowichan Nation Alliance on collective interests on matters outside of treaty negotiations. As speakers of the Island dialect of Halkomelem (*Hul’q’umi’num*), these four Cowichan Nation Alliance members, along with Lake Cowichan First Nation and Lyackson First Nation, refer to themselves collectively as *Hul’qumi’num Mustimuhw* (HTG, 2005b).

Stz’uminus First Nation is based in southeast Vancouver Island. Their main community is located on Chemainus No. 13 in Ladysmith. As of November 2018, Stz’uminus First Nation had 1,352 registered members, of which 742 lived on reserve (AANDC, 2018). The Project area does not overlap any of Stz’uminus First Nation’s current or former reserve lands.

Stz’uminus First Nation is, was at one time, affiliated with the Hul’qumi’num Treaty Group (HTG), along with the other Cowichan Nation Alliance members, Lake Cowichan First Nation and Lyackson First Nation. As illustrated in Figure 12.1-01, the HTG assert a core territory, or title lands, and a wider marine or fishing territory, as described in its Statement of Intent to the BC Treaty Commission (BCTC, 2009a). The HTG asserts title over core areas near the Project site including “the south arm of the Fraser River, including Canoe Pass, up to and including Douglas Island, with lands on the north shore of the south arm up to Sapperton Channel (New Westminster), the islands in the south arm of the Fraser River and the south bank of the Fraser River along Canoe Pass up to Deas Island” (BCTC, 2009a). This area is part of HTG’s broader marine or fishing territory.
Stz’uminus First Nation reports that there are locations of importance along the South Arm of the Fraser River. The closest locations of importance to the Project are the ancestral village and resource sites known as Tl’uqtinus, on the north shore opposite the Project site on Tilbury Island, and Xwulit’sum, at Canoe Pass. Cowichan Tribes, Halalt First Nation, Penelakut Tribe, and Stz’uminus First Nation consider both locations as ancestral village and resource sites. In November 2014, Cowichan Tribes, Stz’uminus First Nation, Penelakut Tribe, and Halalt First Nations filed an Amended Notice of Civil Claim seeking a declaration of Aboriginal title to an area described as the Tl’uqtinus Lands and fishing rights to the South Arm of the Fraser River. It is noted that the Tl’uqtinus Lands, as claimed, are on the north shore of the South Arm of the Fraser River across from Tilbury Island and this Aboriginal title claim does not overlap the Project site.

12.1.4.3.1.9.6.2 Involvement in the Consultation Process

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; however, they, along with the other Cowichan Nation Alliance member nations, pooled their funding to have Cowichan Nation Alliance coordinate reviews, feedback and participation in meetings.

Cowichan Nation Alliance member communities instructed WesPac to work through Cowichan Nation Alliance for all consultation activities. WesPac occasionally received correspondence from the individual member communities, and, in some cases, not all member communities attended all meetings with WesPac. The consultation summary provided for Stz’uminus First Nation includes only activities attributed to Stz’uminus First Nation, either through direct interaction with WesPac or where Stz’uminus First Nation was clearly included in activities led by Cowichan Nation Alliance.

WesPac initiated engagement with Stz’uminus through a mailed letter in October 2014 that introduced the company and proposed Project. Cowichan Nation Alliance responded to the letter on behalf of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz’uminus First Nation. In this Initial Engagement Stage, WesPac’s consultation activities focused on sharing information on the Project, and gathering preliminary comments from Stz’uminus on the Project design and location, potential Project-related effects on Stz’uminus’ Aboriginal Interests and potential mitigation measures that may avoid or minimize those effects.

The parties met in person for the first time in January 2015. At that first meeting, Cowichan Nation Alliance shared background information for the member nations and historical records of their use of the Fraser River including the village site of Tl’uqtinus with WesPac. Cowichan Nation Alliance sent a map illustrating their traditional use and occupancy on the South Arm of the Fraser River to WesPac as a follow up to that meeting.

During the Initial Engagement Stage, consultation activities included:

- Sharing of Project information through emails and letters
- Meetings with Stz’uminus as a member of Cowichan Nation Alliance either in person or by teleconference
- Sharing of draft documents for review and comment
Development of a capacity funding agreement to support Stz’uminus’ participation in the EA process.

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

During the Pre-Application, WesPac met with Stz’uminus representatives, shared Project updates through email and in meetings and provided draft documents for review and comment. WesPac and Halalt signed a capacity funding agreement outlining Stz’uminus’ participation in the EA review during the Pre-Application Consultation stage. The agreement was formally executed on July 27, 2015.

During this stage, WesPac provided Stz’uminus’ with the following Project-related documents:

- Draft Aboriginal Consultation Plan
- Draft VC Selection Document
- dAIR
- Draft Aboriginal Consultation Report 1

A representative of Cowichan Nation Alliance also participated in a WesPac-hosted site tour by boat that coincided with Working Group Meeting #3.

Cowichan Nation Alliance provided comments on the Draft Aboriginal Consultation Plan directly to WesPac. The main themes for those comments included:

- Corrections to text.
- Clarification regarding the description of Tl’uqtinus.
- Request to include consideration of the future use of Tl’uqtinus 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 Aboriginal Consultation Plan, where appropriate, along with comments from EAO. The updated content was included in the Draft Aboriginal Consultation Report 1 and 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. Cowichan Nation Alliance also provided comments on the Draft Aboriginal Consultation Report 1 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. Stz’uminus was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

WesPac provided funding to Stz’uminus to undertake a TUS for the Project collectively with the other Cowichan Nation Alliance member nations. The study is anticipated to be completed after the Application has been submitted to EAO. Stz’uminus has granted permission to use the following recently completed studies to develop baseline information for the Application while they complete the Project-specific study:

- Cowichan Nation Traditional, Current, and Planned Future Use of the George Massey Tunnel Replacement Bridge Project Area, prepared by Candace Charlie for Cowichan Tribes, on behalf of the Cowichan Nation Alliance, August 9, 2015
- George Massey Tunnel Replacement Project: Cowichan Occupation and Use of the Project Lands, 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
- Historical Geography of Cowichan Land Use and Occupancy Lower Fraser River: Map Series and Report, prepared for Woodward and Company and the Cowichan Tribes by Kenneth G. Brealey, May 31, 2010
- Cowichan Nation Alliance Strength of Claim Report, prepared by Daniel Marshall for Pacific Reach Consulting Ltd., October 16, 2017

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Cowichan Nation Alliance member nations 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
WesPac has provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Stz’uminus had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to EAO. Where appropriate, revisions will be made based on the comments to be provided by Stz’uminus. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.9.6.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Stz’uminus First Nation during consultation. Where possible, WesPac has worked with Stz’uminus First Nation to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Stz’uminus First Nation for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Stz’uminus First Nation identified the following issues and concerns during the Initial Engagement and Pre-Application consultation stages:

Methodology, Process and Consultation

- Expectation that deep consultation and accommodation due to potential interference with existing Aboriginal rights.
- Need for capacity funding to facilitate participation in the environmental assessment process and to complete a Project-related TUS.
- Provision of adequate time and capacity for reviewing and providing meaningful input on Project-related documents.
- Selection and adequacy of the VCs to assess potential effects on Aboriginal Interests, that they were not identified through consultation with Aboriginal groups.
- Opposed the proposed substitution. Concern that CEAA should be involved in EA review to address cumulative effects and because the land across from the Project are under litigation with the federal Crown, delegation of consultation and accommodation obligations are opposed.

Environmental Effects

- Effects on species of interest could infringe on Aboriginal rights.
- Assessment methods must include consideration of TEK.
- Not all species of interest were included as components or subcomponents. Instead, broad categories were used.
- Effects on upstream GHG emissions should be assessed.
Project-related changes to noise need to be considered for the location of Tl’uqtinus.

Social and Economic Effects

- Effects on Visual Quality, including changes to light related to the location of Tl’uqtinus need to be considered.
- Concern regarding potential effects from the Project, including light and noise, on mental, emotional, and spiritual health and wellbeing (i.e., social determinants of health).
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.
- Concern that property values are not included in the effects assessment on economy.
- Request that WesPac complete an in-depth assessment of the economic effects on Aboriginal socio-economic conditions.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.

Heritage and Culture Effects

- Concern that effects from vessel wake on the archaeological site at Tl’uqtinus.
- Aboriginal groups must be consulted on applications for heritage permits for the Project.
- Cultural/archaeological monitors from Aboriginal groups should be included in Project-related studies.
- Concern that the right to control how the land is used is not included in the effects assessment.

Health Effects

- Concern that Aboriginal peoples who harvest food and medicine within the Project area are more susceptible to potential toxicity. A spill at the Project site could effect Tl’uqtinus village lands.

Safety

- Concern regarding LNG in the event of a collision or sinking of a vessel, as well as responsibility and procedures for managing spills. Noted that WesPac should be responsible for care, safety and control of LNG carriers.

Aboriginal Interests
- Expectation that CNA’s Aboriginal title be considered as Aboriginal title reflects occupancy pre-sovereignty and includes the right to control how the land is used.
- Requests an assessment of potential loss in future economic potential from land and marine use at Tl’uqtnus.

Cumulative Effects

- Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.
- EAO’s interpretation of cumulative effects is too narrow and does not consider a pre-industrial baseline.

For WesPac’s responses to all issues and concerns raised either directly by Stz’uminus First Nation, or through the Cowichan Nation Alliance, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.9.6.4 Potential Effects of the Project on Stz’uminus First Nation’s Aboriginal Interests

WesPac’s assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.4. The discussion in this section focuses on potential effects of the Project on Stz’uminus First Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Stz’uminus First Nation’s ability to practice Aboriginal Interests. Based on the key issues and concerns raised by Stz’uminus First Nation during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects to specific sites (locations) of traditional use and social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.
- Effects on asserted Aboriginal Title.

A summary of information about Stz’uminus First Nation’s past, present, and desired future use of lands in the vicinity of the Project site, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

The summary provided in the following sections relied mainly on a study that Cowichan Nation Alliance (CNA) conducted for a project located upstream from Tilbury Island, entitled Pattullo Bridge Replacement Project, Cowichan Nation Alliance Strength of Claim Report (Marshall, 2017b). CNA provided WesPac with permission to use this report to develop baseline for the assessment of potential effects on CNA member communities’ Aboriginal Interests pending submission of their Project-specific report.
12.1.4.3.1.9.6.5 Effects on Other Traditional and Cultural Interests

The Fraser River has been described by Stz’uminus First Nation’s as both the home of the Cowichan Nation’s permanent village of *Tl’uqtinus* and the salmon resource that was critical to their social and economic success (Marshall, 2017b, p. 19). From *Tl’uqtinus*, Cowichan Nation people harvested fish and other resources, traded products they had harvested, and engaged in ceremonial practices. The activities undertaken at *Tl’uqtinus* ensured that their permanent winter villages on Vancouver Island and the Gulf Islands, as well as their trans-Georgia Strait culture and traditions, continued to be supported and maintained (Marshall, 2017b, p. 19).

The CNA study summarized the historical circumstances that led to the gradual alienation of *Tl’uqtinus* (both the village and the surrounding berry fields) by the late 1870s. While the Cowichan Nation had resisted this alienation, and the government was aware of the Cowichan Nation’s resistance and ongoing desire for the lands at *Tl’uqtinus* to be reserved to them, no reserves in this area were ultimately assigned, largely because the lands had already been sold to settlers (Marshall, 2017b, pp. 26–28). The study also reports that on the opening of the canneries, licences to fish for salmon had been issued to the Cowichan Nation, and this practice had continued “year after year” until 1889-1890, when they were told that “none but the Fraser River Indians could obtain a licence” (Marshall, 2017b, p. 28). The Cowichan Nation petitioned the government well into the 1900s to have their Fraser River lands and resources returned to them (Marshall, 2017b, pp. 28–29).

The loss of the *Tl’uqtinus* lands and access to the Fraser River have combined with other cumulative factors (e.g., ongoing government regulation, privatization of traditional lands, environmental destruction) to shift the Cowichan Nation diet from one heavily dependent on traditional foods to market foods. A survey conducted by the Hul’qumi’num Treaty Group (HTG) showed that levels of available traditional foods fall far short of levels required by almost all Cowichan Nation communities who wish to engage in traditional harvesting practices (Marshall, 2017b, p. 23).

In January 2016, the CNA issued a “Declaration for Reconciliation” to the government regarding *Tl’uqtinus*, expressing a desire that the reconciliation of Crown sovereignty with Cowichan Nation Aboriginal rights, including title, on the South Arm of the Fraser River be consistent with Cowichan Nation land and resource use objectives for that area (Marshall, 2017b, p. 31). These objectives included: the recovery and restoration of *Tl’uqtinus*; reestablishment of the Cowichan Nation’s residence and river access at *Tl’uqtinus*, as well as their culturally integral practices (e.g., harvesting fish, waterfowl, and plants); the realization of Cowichan Nation revenue, economic, and development opportunities and benefits that are compatible with their land and resource use objectives; and promotion of education regarding the presence and interests of the Cowichan Nation at and about *Tl’uqtinus* (Marshall, 2017b, p. 31).

Stz’uminus First Nation have expressed the following concerns regarding other traditional or cultural interests:

- Aboriginal groups need to be consulted on applications for *Heritage Conservation Act* (HCA) permits for the Project.
- Cultural/archaeological monitors should be included in Project-related studies.
- Effects on Visual Quality, including changes to light, related to the location of *Tl’uqtinus* need to be considered.
- Concern regarding potential effects from the Project on mental, emotional, and spiritual health.
Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population

In response to Stz’uminus First Nation’s concerns regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, ‘heritage offsetting’ to achieve ‘no net loss’ of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl’uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities.
related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

- The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated
through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

- Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl’uqtinus. Tl’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:
  - advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
  - establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and

- taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:

- scheduling noise-emitting maintenance activities during the day, whenever possible;
- notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
- setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effects on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO\textsubscript{2}, SO\textsubscript{2}, CO, PM\textsubscript{10} and PM\textsubscript{2.5}), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO\textsubscript{2} are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO\textsubscript{2} concentration and annual NO\textsubscript{2} concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO\textsubscript{2} concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM\textsubscript{2.5} and the increase in PM\textsubscript{10} concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a
result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

- Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

- Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These policies will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

- The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtinus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following
measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Stz’uminus First Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in Negligible effects on Stz’uminus First Nation’s other traditional and cultural interests.

12.1.4.3.1.9.6.6 Effects on Asserted Aboriginal Title

The CNA report that it is likely that late 18th century Spanish and British explorers had met Cowichan people during their early map-making work in the Salish Sea in the summer of 1792, Aboriginal people moving their houses and possessions across the Strait of Georgia (Marshall, 2017b, p. 5). The CNA also report that Simon Fraser was aware of Cowichan occupation of the South Arm at the time of his visit in 1808, choosing to take the North Arm downstream to the sea after having been warned away from the South Arm by upstream Aboriginal groups, “because of the presence [there] of ferocious people from the sea and islands” (Marshall, 2017b, p. 5).

In 1824, the Hudson’s Bay Company, arriving from the south conducted an initial reconnaissance of the Fraser River to locate a suitable site for a fort. A fort was established three years later at Fort Langley (Marshall, 2017b, p. 5). The CNA note that the fort was constructed under the protection of “Cowichan Chief Shashia,” who “appears frequently” in the fort’s journals (Marshall, 2017b, p. 6).

In 1827, on their way up the river to build Fort Langley, a Hudson’s Bay Company official recorded travelling past three Cowichan villages situated side-by-side at Lulu Island on the South Arm of the Fraser River, mid-point between New Westminster and the river’s end, which was at Tl’uqthin (Marshall, 2017b, p. 5). The names of the villages were recorded as Saumnauve (Somenos), Pinellahutz (Penelakut), and Quomiten (Quamichan) (Marshall, 2017b, p. 6 and 10). The CNA have said that a further 10 Cowichan communities likely had a presence in this area (i.e., Stz’uminus, Taatka, Halalt, Koksilah, Yewkwelos, Comiaken, Sickameen, Th’xyun’qsun, Clemclemaluts, and Lamalchi) (Marshall, 2017b, p. 6).6

A British Admiralty chart that the CNA report was based on survey work completed in 1846 and published in 1849, based largely on an earlier map created in 1827, is labelled “Cowitchin Villages” on the south shore of Lulu Island,

---

6 “Taatka” and “Th’xyun’qsun” are also rendered as T’aat’a and Th’h’wumqsun.
downstream of Annacis Island (also labelled) and across from an island now known as Tilbury Island (Marshall, 2017b, pp. 6–11).

CNA has stated that it asserts Aboriginal title to the lands that include *Tl'uqtinus*, as well as a larger area that would include the Project site (EAO, 2017, p. 244). CNA has advised that it is working on re-establishing practices that are fundamental to their culture, such as harvesting fish and waterfowl and gathering plants, on the South Arm in the area around *Tl'uqtinus*. CNA has also indicated that they intend to develop portions of *Tl'uqtinus* for residential and/or commercial purposes (EAO, 2017, p. 220).

Stz’uminus First Nation have expressed the following concerns regarding Aboriginal title:

- Importance of Aboriginal interests in the land and water being taken into account.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.
- Concern that the right to control how the land is used is not included in the effects assessment.
- Effects from noise and changes to visual quality, including changes to light, related to the location of *Tl'uqtinus* need to be considered.

The Project may have an effect on each of the following three components of asserted Aboriginal title:

- use and occupation
- decision-making
- economic benefits

In response to Stz’uminus First Nation’s concerns regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage,
but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.

- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.

- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

Decision-making:

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.

- The Project would be constructed and operated on lands that already have a history of industrial use.

- The Project is not expected to result in unplanned changes to existing land uses or future land uses.

- Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

- Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

- As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

  - Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.

  - Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.
Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

**Economic Benefits:**

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.

- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.

- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.

- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
  - marine access management and communications described in Section 6.2 Land and Marine Resource Use;
  - noise management described in Section 4.5 Noise; and
  - local and Aboriginal hiring and procurement policies described in Section 5.1 Economy.

The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and

- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.
In consideration of the available information regarding Aboriginal title of Stz'uminus First Nation and the CNA, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in 

**Negligible** effects to Stz’uminus First Nation’s Aboriginal title.

### 12.1.4.3.1.10 Tsawwassen First Nation

#### 12.1.4.3.1.10.1 Context

Tsawwassen First Nation (TFN) are Coast Salish, an aboriginal people, and speak a dialect of the Hun’qum’i’num language (Final Agreement Preamble) (TFN et al., 2010).

TFN is a modern Treaty Nation pursuant to the Tsawwassen First Nation Final Agreement (TFNFA) with Canada and British Columbia, which is a constitutionally-protected comprehensive land claims agreement that came into effect on April 3, 2009. Under the TFNFA, TFN acquired 725 hectares of treaty settlement lands, including 290 hectares of former reserves and 370 hectares of former Provincial Crown Land (TFN et al., 2010), none of which overlaps the Project site. These Tsawwassen Lands, located on the upland areas between the ferry terminal at Tsawwassen and the container port at Roberts Bank, are owned by and under the jurisdiction of TFN; an additional 62 hectares of fee simple land near Boundary Bay and on the Fraser River (along Canoe Pass) are owned by TFN, but are under the jurisdiction of the City of Delta (EAO and Port of Vancouver, 2012). These lands along the Fraser River are approximately 10 km downstream of the Project site. Figure 12.1-06 illustrates Tsawwassen Treaty Lands and the larger territory. As of May 2018, there are 490 registered members of the Tsawwassen First Nation, of whom, 188 live on Tsawwassen Lands (AANDC, 2018).

Chapter 15 of the TFNFA describes the duties of both the federal and provincial governments for Environmental Assessment and ensures that the Tsawwassen First Nation will be provided complete information about a project and its effects and will be consulted on those effects. It also states that no project may proceed on Tsawwassen Lands without consent from the Tsawwassen First Nation (TFN et al., 2010). The Project site does not overlap with Tsawwassen Lands.

In addition to fee simple interests, the TFNFA secures harvesting rights to TFN in areas located within the broader Tsawwassen Territory, which is defined in the TFNFA as the area of land that Tsawwassen identified in its Statement of Intent to the British Columbia Treaty Commission, and included as a map in Appendix A to the agreement (TFN et al., 2010). This territory is bordered on the northeast by the watersheds that feed into Pitt Lake, down the Pitt River to Pitt Meadows, where they empty into the Fraser River. It includes Burns Bog and part of New Westminster, following the outflow at the Fraser River just south of Sea Island. From Sea Island, it cuts west across the Salish Sea to Galiano Island and includes all of Salt Spring, Pender, and Saturna islands. From there, the territory continues northeast to include the Point Roberts Peninsula and the watersheds of the Serpentine and Nicomekl rivers. Harvesting rights under the TFNFA are limited by measures necessary for conservation, public health, or public safety.

The Project lies within Tsawwassen Territory, and is situated in or near several harvesting areas defined in the TFNFA relating to fishing, wildlife and migratory bird harvesting, and plant gathering. The Project lies within the Tsawwassen Fishing Area, where TFN has the right to harvest fish and aquatic plants; the Tsawwassen Wildlife Harvest Area, where TFN has the right to harvest wildlife; and within the Tsawwassen Migratory Bird Harvest Area,
where TFN has the right to harvest migratory birds. The Project also lies in proximity to Burns Bog, a Tsawwassen Plant Gathering Area, where TFN has the right to gather plants.

12.1.4.3.1.10.2 Involvement in the Consultation Process

This section summarizes the Initial Engagement and Pre-Application stages of consultation undertaken with Tsawwassen First Nation. Additional information regarding consultation with Tsawwassen First Nation can be found in Aboriginal Consultation Report #2.

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.

During the 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.

During the Initial Engagement Stage, WesPac provided the Draft Project Description to Tsawwassen for review and comment. Tsawwassen subsequently provided comments on the document directly to WesPac.

During the Pre-Application Consultation Stage, WesPac met with Tsawwassen in person and by teleconference. WesPac also communicated with Tsawwassen by email to provide Project information and draft documents for review and comment.

During this initial stage, WesPac provided Tsawwassen with the following Project-related documents:
Tsawwassen subsequently received the following Project-related documents through their participation as members of the Working Group:

- Draft VC Selection Document
- dAIR

Tsawwassen provided comments on the Draft Aboriginal Consultation Plan directly to WesPac. The main themes for those comments included:

- 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 Aboriginal Consultation Plan, where appropriate, along with comments from EAO. The updated content was included in the Draft Aboriginal Consultation Report 1 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. Tsawwassen did not provide comments on the Aboriginal Consultation Report #1. Tsawwassen was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation as members of the Working Group.

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Tsawwassen representatives participated in four of these Working Group Meetings, specifically Working Group Meetings #1, #3, #4 and #5.

WesPac and Tsawwassen signed a capacity funding agreement in September 2018 to support Tsawwassen’s participation in the EA process. 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.
WesPac provided draft content for Current Use of Lands and Resources and Part C for review by Tsawwassen in advance of submission of the Application. Tsawwassen First Nation subsequently provided comments to WesPac on the content, which were incorporated where appropriate. WesPac also provided a tracking table to demonstrate how Tsawwassen First Nation’s comments were incorporated. WesPac will also provide the Aboriginal Consultation Report #2 to Tsawwassen for review before it is submitted to EAO. Where appropriate, revisions will be made based on comments to be provided by Tsawwassen First Nation. For any comments not incorporated in either document, WesPac will provide a written response to Tsawwassen as to why the information was not incorporated.

12.1.4.3.1.10.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Tsawwassen First Nation during consultation. Where possible, WesPac has worked with Tsawwassen First Nation to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Tsawwassen First Nation for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Tsawwassen First Nation identified the following issues and concerns during Initial Engagement and Pre-Application consultation stages:

Methodology, Process and Consultation

- Asked that consultation occur between WesPac and Tsawwassen directly, not through intermediaries.
- Need for capacity funding to facilitate participation in the Environmental Assessment process and to complete Project-related studies.
- Provision of adequate time and capacity for reviewing and providing meaningful input on Project-related documents.
- Concern that established Aboriginal or Treaty rights were not considered in the scoping of issues and identification of VCs.
- Concern that spatial boundaries for many VCs were too limited to consider Aboriginal Interests, including the effects of marine shipping in the Salish Sea.
- Interest in having technical information in its original format available to all Aboriginal groups for their perusal and for analysis by professionals they retain.
- Intent to participate in most, if not all, regulatory processes outside of EA process.

Environmental Effects

- Assessments need to consider TEK.
Not all species of interest were included as components or subcomponents, but rather, broad categories of flora and fauna were used.

- Effects on upstream GHG emissions should be assessed.
- Noted the importance of Tsawwassen’s Food, Social and Ceremonial (FSC) fishery.
- Concern about effects of construction schedule on fisheries;
- Concern about effects from construction activities, including dredging, and decommissioning on fisheries.
- Concerned about environmental health of the Fraser River and riparian areas and interested in shoreline restoration.

Social and Economic Effects

- Concern that the potential effects on Aboriginal groups’ economies resulting from adverse effects on the exercise of Aboriginal fishing rights will not be considered.
- Request that TEK and historical sources be used to understand the context for current use of land and resources for traditional purposes and related VCs.
- Request that the LAA for the navigation assessment include the Salish Sea.
- Interested in future economic opportunities for Tsawwassen related to the Project, including an interest in acquiring surplus dredged materials.
- The desktop study for the Current Use of Lands and Resources for Traditional Purposes VC should include review of the Tsawwassen First Nation Final Agreement, appendices, errata and related side agreements, as well as annual fishing plans and post-season reports. Current and traditional use is not particularly relevant in Tsawwassen’s case as rights are defined in Treaty.

Tsawwassen Treaty Rights

- Tsawwassen’s Treaty Rights need to be acknowledged and distinguished from asserted rights of other Aboriginal groups.
- As Tsawwassen is self-governing under their Treaty, terminology relating to the Indian Act should not be used.
- Concern about where potential effects on Tsawwassen First Nation fishing rights would be considered in the Application.

Cumulative Effects
Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal rights in the Fraser River.

For WesPac's responses to all issues and concerns raised by Tsawwassen First Nation, refer to Aboriginal Consultation Report #2.

12.1.4.3.1.10.4 Potential Effects of the Project on Tsawwassen First Nation's Right to Practice Tsawwassen First Nation Culture

WesPac's assessment approach and understanding of potential Project-related effects on Aboriginal Interests generally, which includes Treaty rights, are provided in Section 12.1.4. Potential effects on biophysical components that are associated with Tsawwassen First Nation Treaty Rights are assessed in Part B. A discussion of Tsawwassen First Nation’s exercise of harvesting rights in the vicinity of the Project site and potential Project-related effects on those rights is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes.

The discussion in this section focuses on potential Project-related effects on the Treaty rights associated with Tsawwassen First Nation culture. Based on information derived mainly from publicly-available studies and key issues and concerns raised by Tsawwassen First Nation during consultation on the Project, WesPac considered the following:

- Potential effects on specific sites (locations) of traditional use, where identified by Tsawwassen First Nation; and
- Effects on social, cultural, spiritual, and experiential aspects of exercising Treaty rights.

The Tsawwassen First Nation Right to Practice Tsawwassen First Nation Culture and to use the *Hun’qumi’łənum* language is described in Chapter 14 of the Tsawwassen First Nation Final Agreement (TFN et al., 2010). Appendix O-4 of the TFNFA lists several *Hun’qumi’łənum* place names for heritage sites near the Project area, including (TFN et al., 2010):

- ƛ’eqtines, or Tl’ektines, (identified as DgRs-17), which is directly across the Fraser River from the Project site.
- Skwakwexwqon or Poplar Island (identified as DhRr-000 or “not registered”), which is in the North Arm of the Fraser River, upstream of the Project site; and
- xwlíc’em (identified as DgRs-35), which is located downstream of the Project site at Brunswick Point on Canoe Pass.
Tsawwassen First Nation have emphasized that the Fraser River is important to their members for fishing, transportation, recreation, and cultural purposes (EAO, 2017, p. 494). Tsawwassen notes that changes to the landscape can affect how members use preferred locations (EAO, 2017, p. 495).

Fishing and associated activities continue to be important to the community's culture and economy. Their ability to participate in fishing is decreasing due to diminishing stocks, increasing harvesting restrictions, and higher costs related to increased travel distances to harvest areas (EAO, 2017, p. 494).

Section 12.1.4.2.1 presents a summary of key factors that WesPac has considered when assessing the potential effects of the Project on other traditional and cultural interests linked to the exercise of Aboriginal Interests. In considering potential effects on Tsawwassen First Nation practice of their culture, WesPac considered the following key factors and mitigation measures reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, ‘heritage offsetting’ to achieve ‘no net loss’ of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (Tl’uqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of
Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

- The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a resulting of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river
bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except potentially Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

- Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Tl'uquitus. Tl'uquitus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:
▪ advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
▪ establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
▪ fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
▪ taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:
▪ scheduling noise-emitting maintenance activities during the day, whenever possible;
▪ notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
▪ setting up and implementing a call-in number that people can call when experiencing a high noise activity.

The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant. Residual cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.
Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These policies will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include T'I'uqtnus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal
rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

Given their current reported access levels in the South Arm of the Fraser River, the above-noted mitigation may not be sufficient to address potential effects on Tsawwassen members access and quality of experience while visiting locations that are related to exercising Treaty rights related to Tsawwassen First Nation cultural practices in the South Arm of the Fraser River. To help minimize effects Tsawwassen members, WesPac will implement the following additional mitigation measures:

- Engage with Tsawwassen to gather further information on location-specific values that may be affected by the Project and to discuss potential mitigation measures intended to reduce effects on accessing those locations; and
- Implement communication measures developed by WesPac and Tsawwassen to help address potential interference with Tsawwassen use of the area around the Project site in exercising their Treaty rights.

In consideration of the available information regarding Tsawwassen First Nation’s right to practice Tsawwassen First Nation culture, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage resources, visual quality, navigation and access factors, noise, socio-community, economy and human health, and additional mitigation measures proposed specifically to address potential Project-related effects on Tsawwassen members’ use of the area around the Project site, the Project is expected to result in **Negligible** effects to Tsawwassen First Nation’s right to practice Tsawwassen First Nation culture.

### 12.1.4.3.1.11 Tsleil-Waututh Nation

#### 12.1.4.3.1.11.1 Context

Tsleil-Waututh Nation is located in North Vancouver, on the shore of Burrard Inlet, approximately 2 km east of the north end of the Second Narrows Bridge, at Burrard Inlet IR 3. Tsleil-Waututh Nation established this site as its principal winter village in the 1830s, relocating from a site at Belcarra (on the east shore of Indian Arm) that had been occupied for the previous 2,000 years (TWN, 2016). Two other reserves, Inlailawatash IR 4 and Inlailawatash IR 4A, are located on Indian Arm. Of 597 registered members, 287 reside on reserve as of November 2018 (AANDC, 2018). The Project site does not overlap any current or former reserve lands of Tsleil-Waututh Nation.
Tsleil-Waututh are Coast Salish people and speak Hən̓q̓əmin̓əm̓, the “downriver” dialect of “Halkomelem,” and are closely related to, but politically separate from, the nearby nations of the Skwxwú7mesh (Squamish) and xʷməθkʷəy̓əm (Musqueam) and other speakers of the same dialect (FPHLCC, 2018a).

Tsleil-Waututh Nation’s asserted traditional territory extends approximately from Mount Garibaldi in the north, the 49th parallel and beyond to the south, west towards Gibsons and east towards Coquitlam Lake (TWN, 2009a). Tsleil-Waututh Nation has established a Consultation Area that encompasses the area for which documented Tsleil-Waututh use and occupancy information exists and within which the Tsleil-Waututh Nation seeks consultation on proposed land and resource policies, plans, and developments for the purpose of assessing potential effects (TWN, 2009a). Tsleil-Waututh’s Consultation Area is illustrated in Figure 12.1-07. Tsleil-Waututh Nation signed a Framework Agreement with Canada and the Government of BC and is negotiating an Agreement-in-Principle (BCTC, 2009g).

Tsleil-Waututh Nation established an Economic Development Department in 1992. The Nation owns and operates several businesses, including Takaya Developments Ltd. (real estate development), Takaya Tours (cultural tourism), TWN Wind Power Inc. (small wind turbine distribution), Tsleil-Waututh Nation established an Economic Development Department in 1992. The Nation owns and operates several businesses, including Takaya Developments Ltd. (real estate development), Takaya Tours (cultural tourism), TWN Wind Power Inc. (small wind turbine distribution), Inlailawash Limited Partnership, which offers natural resource management services in tree and vegetation management; ecosystem restoration; archaeological and cultural services; GIS, mapping and information management and renewable resource services, and SPAL General Constructors, a project management company co-owned with Tsawwassen First Nation (TWN, 2014).

12.1.4.3.1.11.2 Involvement in the Consultation Process

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.

In this Initial Engagement Stage, WesPac’s consultation activities focused on sharing information on the Project through letters and emails. WesPac did not meet with Tsleil-Waututh during this stage.

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 versions, WesPac and Tsleil-Waututh signed an MOU in July 2016.

During the Pre-Application Consultation Stage, WesPac met with Tsleil-Waututh in person and by teleconference. WesPac also communicated with Tsleil-Waututh by email to provide Project information and draft documents for review and comment.

During this stage, WesPac provided Tsleil-Waututh with the following Project-related documents:

- Draft Aboriginal Consultation Plan
Draft Aboriginal Consultation Report 1

Tsleil-Waututh received the following Project-related documents through their participation in the Working Group:

- Draft VC Selection Document
- dAIR

Tsleil-Waututh provided comments on the draft Aboriginal Consultation Plan. Cowichan Nation Alliance provided comments on the Draft Aboriginal Consultation Plan directly to WesPac. 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.

Tsleil-Waututh also provided comments on the Draft Aboriginal Consultation Report 1 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. Tsleil-Waututh was provided an opportunity to comment on the Draft VC Selection Document and the dAIR through their participation in the Working Group.

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

EAO hosted five Working Group meetings during the Pre-Application Consultation Stage for the Project as described in Section 12.1.3.13.3. Tsleil-Waututh representatives participated in Working Group Meetings #2, #3, #4 and #5.

WesPac has provided draft content for Current Use of Lands and Resources and Part C for review in advance of submission of the Application. At the time the Application was finalized, Tsleil-Waututh had not provided comments on the content. WesPac will also provide the Aboriginal Consultation Report 2 for review before it is submitted to
EAO. Where appropriate, revisions will be made based on the comments to be provided by Tsleil-Waututh. For any comments not incorporated in either document, WesPac will provide a written response as to why the information was not incorporated.

12.1.4.3.1.11.3 Summary of Key Issues and Concerns Raised

In accordance with the Project’s Aboriginal Consultation Plan, and as specified in the Section 11 Order, WesPac has tracked issues, concerns and interests raised by Tsleil-Waututh Nation during consultation. Where possible, WesPac has worked with Tsleil-Waututh Nation to address and resolve those issues and concerns. A table of issues and concerns, previously provided to Tsleil-Waututh for review and comment, can be found in Aboriginal Consultation Report #2.

In addition to Aboriginal Interests-related issues that are discussed in the next section, Tsleil-Waututh Nation identified the following issues and concerns during the Initial and pre-Application consultation phases:

Methodology, Process and Consultation

- Need for capacity funding to facilitate participation in the environmental assessment process, including review of Project-related documents, and to complete a Project-related TUS.
- Noted an expectation that all TU/TEK studies will be fully reviewed prior to the finalization of any documents and or decisions.
- Noted that consultation is to follow the steps outlined in the Tsleil-Waututh Stewardship Policy and will occur between WesPac and Tsleil-Waututh, not through consultants.
- Request for documentation of how information that Tsleil-Waututh Nation provided to WesPac has been understood and integrated into EA documents.
- Request for adequate time and capacity for reviewing and providing meaningful input on Project-related documents.
- Interest in establishing a collaborative decision-making framework and a dispute resolution procedure.
- Selection and adequacy of the VCs to assess potential effects on Aboriginal Interests, that they were not identified through consultation with Aboriginal groups.
- Concern that spatial boundaries for many VCs were too limited to consider Aboriginal Interests, including the effects of marine shipping in the Salish Sea.
- Concern that current EA review process does not adequately account for the dynamic nature and relationship between environmental, social, cultural, economic effects, including cumulative effects, from the Project.
- Concern that proposed assessment methods lack input form Aboriginal groups.
- Disagrees with the characterization of Residual Effects. Many effects can be characterized quantitatively, but could also be characterized qualitatively. Should not limit qualitative approaches to using solely when quantitative approaches are not available.
Expects that TU/TEK studies undertaken for the Project by Aboriginal groups will be fully reviewed prior to the finalization of any documents and decisions.

Environmental Effects

- Noted that Tsleil-Waututh takes a holistic approach to reviewing EAs.
- Assessment methods must include consideration of TEK.
- Noted a preference for baseline conditions that incorporate pre-existing conditions in addition to existing conditions to allow for a holistic and realistic view of effects.
- Notes that mitigation should ensure that Project-related effects are either lessened or avoided as many effects directly affect Aboriginal title, rights and interests. Aboriginal groups should be participants in developing, implementing and monitoring effectiveness of mitigation measures.
- Not all species of interest were included as components or subcomponents. Instead, broad categories were used.
- Concern that increased vessel traffic on the Fraser River will adversely affect the river and the surrounding environment.
- Effects on upstream GHG emissions should be assessed based on new goals of decreasing emissions based on Canada's commitments to the Paris Accord.

Social and Economic Effects

- Concern regarding potential effects from the Project on mental, emotional, and spiritual health and wellbeing, as well as cumulative effects from other projects. Social determinants of health such as Aboriginal cultural health, quality of life and well-being, must be included in the EA to fully assess and address potential effects on health.
- Request that spiritual health and wellbeing of Aboriginal groups not be aggregated with that of the general population.
- Request that effects of the Project on Aboriginal groups be assessed for each individual group and not in the aggregate.
- Concern that potential Project-related effects on the economic conditions of individual Aboriginal groups will not be differentiated from other Aboriginal groups within the larger regional district or municipality.
- Request that WesPac complete an in-depth assessment of the economic effects on Aboriginal socio-economic conditions, including both positive and negative effects.
- Concern that proposed and planned future use of land and resources for traditional purposes is not included.
Noted the importance of conservation in maintaining and rebuilding traditional Aboriginal culture in relation to the use of lands and resources.

EA should consider effects on all Aboriginal groups that use the Fraser River, not just those considered “nearby”.

**Heritage and Culture Effects**

- Concern that importance of the Fraser River to Aboriginal groups has not been acknowledged.
- Interest in contributing and participating in archaeological studies.
- Requests that the RAA encompass the territories of Tsleil-Waututh and other Aboriginal groups as the Fraser River is a major resource center for many Aboriginal groups.

**Aboriginal Interests**

- Tsleil-Waututh considers all aspects of the Project that could have an effect on Tsleil-Waututh rights, title and interests.
- Potential Project effect should be inclusive of all Aboriginal groups that partake in such activities in the Fraser River, including Tsleil-Waututh, not just those considered “nearby”.

**Safety**

- Concern regarding LNG in the event of a collision or sinking of a vessel, as well as responsibility and procedures for managing spills.

**Cumulative Effects**

- Concern that increased vessel traffic adds to cumulative effects to both the environment and Aboriginal Rights in the Fraser River.
- EAO’s interpretation of cumulative effects is too narrow and does not consider a pre-industrial baseline.

For WesPac’s responses to all issues and concerns raised by Tsleil-Waututh Nation, refer to Aboriginal Consultation Report #2.

**12.1.4.3.1.11.4 Potential Effects of the Project on Tsleil-Waututh Nation’s Aboriginal Interests**
WesPac’s assessment approach and understanding of the potential direct and indirect effects of the Project on Aboriginal Interests are provided in Section 12.1.3.1. The discussion in this section focuses on potential effects of the Project on Tsleil-Waututh Nation’s Aboriginal Interests. These potential effects are characterized by considering how the Project could affect several factors important to Tsleil-Waututh Nation’s ability to practice its Aboriginal Interests. Based on the Tsleil-Waututh Nation TUS completed for the Project (Morin, 2016) and key issues and concerns raised by Tsleil-Waututh Nation during consultation on the Project, WesPac considered the following:

- Effects on Other Traditional and Cultural Interests, which includes effects on Cultural Continuity and on Sense of Place.
- Effects on Asserted Aboriginal Title.

A summary Tsleil-Waututh Nation’s past, present, and desired future use, as well as an assessment of potential Project-related effects on that use is provided in Section 6.3 Current Use of Lands and Resources for Traditional Purposes of this Application.

The summary provided in the following sections relied mainly on Tsleil-Waututh Nation’ TUS completed for the Project (Morin, 2016), supplemented with publicly-available information including EAO’s Assessment Report (EAO, 2017) related to the EA application for the George Massey Tunnel Replacement Project.

### 12.1.4.3.1.11.5 Effects on Other Traditional and Cultural Interests

The study area for Tsleil-Waututh’s TUS was defined as a two-hour travel radius around the Project site (Morin, 2016, p. 5). Within that area, several temporary settlements and one cultural site, coded as a “gathering site”, were identified (Morin, 2016, p. 11). The location of the traditional gathering place is not known, but D’akti’nes, directly opposite the Project site on the north shore of the Fraser River, and Qiqá:yt, on the south shore of the Fraser River at the Pattullo Bridge, are likely candidates (Morin, 2016, p. 21).

In addition to the temporary settlements and cultural site, Tsleil-Waututh identified numerous locations for harvesting fish, bird and gathering berries (Morin, 2016). Tsleil-Waututh notes that all areas used for traditional purposes, including harvesting activities, are considered scared (EAO, 2017, p. 512).

Waterways in their traditional territory, including the Fraser River, were the principal means of accessing traditional use locations (EAO, 2017, p. 512).

In their comments to EAO regarding the draft VC Selection Document, Tsleil-Waututh noted that “The Fraser River and the surrounding environment have been used by First Nations, since time out of mind. It is home to a rich biodiversity of flora, fauna, and habitats, which are culturally significant to the Tsleil-Waututh. Salmon, additional species of fish and shellfish are harvested from the Fraser River and downstream from the Project area. These foods have been a staple of Tsleil-Waututh diet and culture for generations.” Sockeye is the most significant traditional food to Tsleil-Waututh and the Fraser River is currently the sole source of sockeye for Tsleil-Waututh (Morin, 2016, pp. 10–11). Tsleil-Waututh currently use sockeye and chinook salmon for ceremonial and,
occasionally, to exchange for food sources not, or minimally, available in their territory (Morin, 2016, p. 30). In their comments on the dAIR for the Project, Tsleil-Waututh noted that conservation is important in maintaining and rebuilding traditional Aboriginal culture in relation to the use of lands and resources.

Tsleil-Waututh note that historic documentation indicates that Tsleil-Waututh had Aboriginal Interests in the Fraser River, which were recognized by other Aboriginal groups, in the 19th century (Morin, 2016, p. 25). For example, Sla-holt, a Tsleil-Waututh hereditary chief, was included among Indigenous signatories to an 1867 petition that articulated concerns regarding the payment of fees by Aboriginal peoples to transport goods on the Lower Fraser River (Morin, 2016, p. 25).

Tsleil-Waututh Nation identified the following concerns related to potential effects on other traditional and cultural interests, including:

- Concern with potential effects to Coast Salish cultural heritage.
- Concern that importance of the Fraser River to Aboriginal groups has not been acknowledged.
- Interest in contributing and participating in archaeological studies.
- A desire to see within the assessment relating to the social determinants of health, a link to cultural health.
- Importance of cultural continuity.

In response to Tsleil-Waututh Nation’s concerns regarding other traditional or cultural interests, WesPac considered the following key factors and mitigation measures as reviewed in Section 12.1.4.2.1:

- Key traditional/cultural sites identified by Aboriginal groups that are in proximity to the Project were considered in relation to past, present, and anticipated future use of the area for cultural purposes, including access to, and experience while at those sites. Key sites for specific Aboriginal groups are identified in the group-specific subsections in Section 12.1.4.3.

- Section 1.1 Project Activities defines the construction period as 2019-2022. WesPac will refine the construction activities and sequencing of construction work following issuance of the EAC. All construction activities at the site will be limited to the Project site. The floating temporary bunker berth is expected to be in service in mid-2020 and the permanent berth is expected to be in service in late 2022. Project operation is expected to extend to 2050.

- As assessed in Section 7.1 Heritage Resources, the Project has the potential to disturb protected and unprotected heritage. Avoidance, minimization/reduction of effects, ‘heritage offsetting’ to achieve ‘no net loss’ of heritage (i.e., gain in knowledge commensurate with severity of the adverse effect) and development and implementation of a Heritage Resources Chance Find Management Procedure are recommended strategies to address these potential Project effects. The objectives of this Procedure include the preservation and proper management of heritage resources that are unexpectedly encountered during Project activities and to minimize disruption to construction activities and scheduling. The heritage assessment concludes that with the implementation of mitigation measures summarized in Table 7.1-7, residual effects to archaeological
and historical resources are negligible, with no significant residual effect or cumulative effects for Heritage Resources (refer to Section 7.1.4.4).

- WesPac will involve Aboriginal groups in the planning and execution of ongoing heritage assessments and the development of management recommendations, as required by relevant legislation.

- The Visual Quality VC (Section 6.4) considered input from Aboriginal groups received during Project-related consultation in the selection of viewing locations for the visual quality assessment. Photographic field surveys were conducted at the identified viewpoints as described in Section 6.4.2.2.1 Viewpoint Selection and Photographic Field Survey. Survey locations included land-based locations on the south and north shores of the Fraser River in Delta and Richmond as well as at marine locations in the Fraser River. Seven viewpoints were used in the assessment, several of which are potentially associated with Aboriginal use or values, including Dyke Road (T'luqtinus village site) (VP2), Deas Island Regional Park (VP6), Garry Point Park (VP7), and the Fraser River itself, upstream and downstream of the Project (VP3, VP4). Therefore, perspectives of Aboriginal groups were factored into the understanding of existing conditions and viewer sensitivity in relation to changes in visual quality at these locations.

- Potential Project-related effects identified for construction during daytime viewing include a temporary change in visual quality due to visibility of construction related equipment, vessels and activities. Potential Project-related effects identified for construction during nighttime viewing include a temporary change in visual quality due to the visibility of lighting related to construction equipment, vessels and activities. Potential Project-related effects identified for operation during daytime viewing include change in visual quality due to the presence of visible Project components and temporary visibility of marine vessel movements. Operation phase effects to visual quality during nighttime viewing would be due to visibility of lighting related to site safety and navigation. Potential Project-related effects identified for daytime viewing during decommissioning include a change in visual quality due to the temporary visibility of equipment, vessels and activities. Decommissioning phase effects to visual quality during nighttime viewing include temporary visibility of lighting related to site safety, and equipment during removal. Mitigation measures identified in the visual quality assessment to address changes in visual quality during daytime viewing include finishing external surfaces of the built structures with low glare and appropriate colours to reduce contrast with the qualities of the surrounding landscape features. Mitigation measures identified to address Project-related effects on nighttime viewing include the incorporation of practices into the CEMP to manage obtrusive lighting. With implementation of these mitigation measures, residual effects on daytime and nighttime viewing are anticipated during all Project phases, but are considered in the visual quality assessment to be not significant.

- Section 6.4 Visual Quality identifies two potential cumulative effects: visibility of additional industrial infrastructure development during daytime viewing and visibility of additional lighting related to industrial infrastructure development during nighttime viewing. For daytime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in moderate magnitude residual cumulative effects for as long as the projects are operational. For nighttime viewing, the residual effects are expected to combine with other certain and reasonably foreseeable projects and activities, resulting in low magnitude residual cumulative effects for as long as the projects are operational.

- The determination of residual effects and significance is considered to apply equally to the general population and to Aboriginal peoples within the LAA. Information received from public and stakeholder engagement and
Aboriginal consultation and studies was integrated into the assessment of existing conditions and viewer sensitivity. Indicators selected for assessing the change to the existing visual quality are based on objective criteria that describe the experience of observing the visual landscape regardless of cultural value (i.e., visibility, contrast). However, Aboriginal groups have indicated that landscape changes over time, as a result of urban and industrial development, have adversely affected their use of lands and resources within the LAA, suggesting a vulnerability to visual change relative to Aboriginal values of cultural continuity and sense of place.

- As the visual quality assessment concluded that any residual effects following mitigation are considered to be not significant, no further mitigation is proposed specific to Aboriginal groups.

- Section 6.2 Land and Marine Resource Use considers potential Project-related effects on navigation, which is associated with marine access to a culturally important transportation route, namely the Fraser River, and specific cultural sites. No effects on navigation from a change to local erosion and sediment patterns, river bed levels and velocities of river currents during construction and operation are predicted. However, marine transportation of materials and equipment during construction and decommissioning, marine shipping during operations, dredging of dredge area and maintenance dredging, and operations of the marine security zone during construction and operations could result in temporary interference to navigation, both within the navigational channels and in the area surrounding the Project site. These effects are expected to be mitigated through implementation of TERMPOL recommendations, compliance with maritime regulations and legislation, and development of a Dredging Management Plan, a Marine Access and Transportation Management Plan, and a Marine Communication Plan. WesPac will seek input on the content and implementation of the Marine Communications Plan from Aboriginal groups. With implementation of these mitigation measures, residual Project effects on navigation during construction and operations are not expected.

- Biophysical and location-specific (access) factors related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same location-specific access factors related to marine- and land-based harvesting section apply to access of culturally important locations. Based on the information reviewed regarding past, present and desired future use, it is expected effects on access could be experienced by some Schedule B Aboriginal Groups, but it is expected that these effects would be negligible for these groups except Musqueam Indian Band and Tsawwassen First Nation, given current reported access levels in the South Arm of the Fraser River. While some Schedule B Aboriginal Groups (e.g., Cowichan Nation Alliance member communities) have reported a desire for higher levels of use in the Fraser River based on prior and historic use, the short-term access effects that are anticipated as result of instream Project-related construction activities are not expected to measurably affect the current or desired future use.

- Project design considerations and other measure identified in Section 5.2: Marine Use and Section 5.3: Land Use are intended to avoid, reduce, or otherwise manage incremental access effects on use as a result of instream Project construction activities, including participation in a marine users group as part of the Marine Access Management Plan, are expected to largely address the incremental Project-related effects on access to preferred locations for harvesting and cultural practices during construction that may be experienced by Musqueam Indian Band, Tsawwassen First Nation, and potentially other Schedule B Aboriginal Groups, should they wish to participate in a marine users group or other consultation mechanism involving other
marine users. To specifically address potential effects on access to preferred locations an Aboriginal Communications Plan will be developed in consultation with affected Aboriginal Groups.

- Section 4.5 Noise evaluated potential Project-related changes to noise that may affect Aboriginal groups’ use of areas for activities that may be associated with knowledge transfer at locations on the Fraser River. Aboriginal groups have identified noise-sensitive locations along the Fraser River. Several Aboriginal groups specifically raised concerns about potential Project-related changes to noise affecting the village site of Ti'uqtinus. Ti’uqtinus was chosen as a receptor site for the noise assessment (R3). Residual effects from construction noise from general construction, pile driving, and marine transportation of construction materials and equipment are expected. Noise levels during operations will not exceed guidelines. Potential noise effects associated with decommissioning are expected to be comparable to (or less than) those associated with construction. Mitigation measures for construction and decommissioning related noise follow the OGC Guideline and include:
  - advising nearby residents of particularly noisy activities and scheduling these activities to reduce disruption to those residents;
  - establishing heavy equipment muster points at least 500 m from any residential dwelling, if possible;
  - fitting equipment with standard mufflers or silencers and keeping these mufflers/silencers in good working order; and
  - taking advantage of acoustical screening from existing on-site barriers to shield dwellings from construction equipment noise.

- Although no mitigation measures are required for operation, WesPac will include the following in operational management plans:
  - scheduling noise-emitting maintenance activities during the day, whenever possible;
  - notifying residents prior to high noise-emitting maintenance activities, if appropriate; and
  - setting up and implementing a call-in number that people can call when experiencing a high noise activity.

- The cumulative effects assessment concluded that there are no significant residual effect on noise during construction.

- Potential Project-related effects to air quality (Section 4.4) were assessed based on changes in ambient air concentration of each air quality measurement parameter (NO2, SO2, CO, PM10 and PM2.5), and a comparison of predicted air quality when the project is operational to relevant ambient air criteria. Potential Project-related effects to air quality can be reduced by the use of mitigation measures during construction, operation, and decommissioning. Project-related residual effects for SO2 are considered negligible and were not carried forward to determination of significance or cumulative effects assessment. Residual effects during Project operation for the increase in 1-hour NO2 concentration and annual NO2 concentration are characterized as not-significant. Residual effects during Project operation for the increase in SO2 concentration were determined to be negligible. Residual effects during Project operation for the increase in CO concentration are characterized as not-significant. Residual effects during Project operation for the increase in PM2.5 and the increase in PM10 concentration are characterized as not-significant.
cumulative effects during Project operation are also characterized as not-significant. Residual effects from the Dredger Operation Scenario were characterized as not-significant. Therefore, Project-related effects on air quality are not anticipated to have an impact on Aboriginal Interests or activities related to the exercise of those Aboriginal Interests.

- Factors that may affect the quality of use experience for Aboriginal groups related to marine- and land-based harvesting are reviewed in Section 6.3 Current Use of Lands and Resources for Traditional Purposes. The same effects on quality of use experience described in Section 6.3 Current Use of Lands and Resources for Traditional Purposes apply to access of culturally important locations. Based on the results of related VC assessments summarized above, specifically Noise, Visual Quality and Air Quality, in relation to potential Project-related effects to the quality of use experience on Aboriginal Groups, effects are expected to be minor and temporary. With the implementation of mitigation described for each of these VCs, effects to the quality of the current use experience are assessed as negligible and are not carried through for further assessment.

- Section 6.1 Socio-community includes the community health and wellbeing subcomponent that addresses social determinants of health. WesPac recognizes that the ability to effectively engage in cultural use and achieve the intended cultural objectives (i.e., cultural health) is a determinant of health for Aboriginal groups and their members. Project-related effects on the use of lands and resources for traditional purposes as a result of, for example biophysical factors affecting the resource, site-specific factors affecting access to or use of valued locations, or factors connected to changes in the sensory experience, have the potential to specifically affect Aboriginal health if remaining available and healthy resources, relative ease of access (in terms of time, costs) to critical harvesting locations, and environmental conditions that are conducive to cultural pursuits and objectives (e.g., sense of safety, sense of place, cultural continuity) are further impeded.

- Section 6.2 Land and Marine Resource Use concluded that the Project will affect commercial and non-commercial marine area use and access to the Project area due to transportation of materials and equipment during construction. Aboriginal groups have noted that fishing in the Fraser River is of utmost importance. While site-specific information about current use of lands and resources for traditional purposes is not available for the Project area, it is conservatively assumed that harvesting takes place within the study area. Based on the results of the assessments in Sections 6.3 and 6.4, there is the potential for adverse effects to community health and wellbeing linked to decreased access to the Project area during construction and operation. Mitigation measures proposed for Section 6.2 Land and Marine Resource Use, specifically the development and implementation of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, are expected to mitigate adverse effects on community health and wellbeing.

- Section 6.1 Socio-community also concluded that there may be positive effects on individual wellbeing, including Aboriginal persons, due to Project-related employment opportunities. As identified in Section 5.1 Economy, WesPac will require their EPC Contractor have formal local and Aboriginal hiring and procurement policies in place throughout Project construction. These polices will include general approaches and strategies to maximize local and Aboriginal hiring consistent with industry best practice.

- The assessment of health risks related to the physical environment (e.g., chemical emissions from the Project) is found in Section 8.0 Human Health. The indicator for the Human Health VC is a comparison of air, water, sediment, soil, and country foods measurements/predictions to applicable human health
guidelines/standards to identify constituents of potential concern. Potential effects on Human Health were assessed using a human health risk assessment (HHRA) approach, as described in Section 8.1.3. The receptors locations chosen include Tl’uqtnus and other locations along the Fraser River, that may be of interest to Aboriginal groups. The results from Section 8.1 Human Health indicate that there are negligible to low residual effects for residents from Aboriginal groups from exposure to constituents of potential concern identified in acute inhalation assessment. Based on the conservatism associated with the 1-hour air predictions and the screening thresholds applied, the residual effects are not considered to be significant. There were negligible residual effects from exposure to constituents of potential concern identified in the chronic inhalation assessment; therefore, the residual effects were not considered to be significant.

As summarized above, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs that are related to, or associated with, the exercise of asserted or determined Aboriginal rights at specific locations. These mitigation measures include the development of management plans and monitoring and follow-up programs, which are listed in Table 12.1-4. WesPac has also committed to the following measures that specifically address the concerns of Aboriginal groups related to potential Project effects on other traditional and cultural interests:

- Ongoing consultation with Aboriginal groups on design of infrastructure for the Project;
- Ongoing consultation with Aboriginal groups regarding the development of the CEMP and specific management plans within the CEMP (refer to Section 14.0 Management Plans for details on the CEMP and associated plans).

In consideration of the available information regarding other traditional and cultural interests of the Tsleil-Waututh Nation, the proposed mitigation measures listed in Section 12.1.4.2.4 and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in negligible effects on Tsleil-Waututh Nation’s other traditional and cultural interests.

12.1.4.3.1.11.6 Effects on Asserted Aboriginal Title

The Project site lies within Tsleil-Waututh’s Consultation Area (TWN, 2009b, p. ii). The Project site is not, however, within the area which Tsleil-Waututh filed with the BC Treaty Commission for inclusion in treaty negotiations (BCTC, 2009g).

Tsleil-Waututh Nation raised no specific concerns to WesPac regarding Aboriginal title.

WesPac considered how the Project may have an effect on each of the following three components of asserted Aboriginal title overlapping the Project area:

- use and occupation
In consideration of any concerns that Tsleil-Waututh Nation may have regarding Aboriginal title, WesPac notes the following key factors and mitigation measures as described in Section 12.1.4.2.2:

**Use and Occupancy:**

- The new jetty would be required to be constructed in such a way as to maintain access to the Fraser River for navigation and fishing during construction and operations.
- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River.
- The Project would be constructed and operated on lands that already have a history of industrial use.
- The Project is not expected to result in unplanned changes to existing land uses or future land uses.
- Potential residual effects on PCs/VCs relevant to the related Aboriginal Interests characterized in this Application range in magnitude from negligible to moderate for effects related to river processes (i.e., release of fine sediments, river currents and geomorphology), noise, air quality, land and marine use, and heritage, but are expected to be not significant. Residual effects are not expected in relation to fish and fish habitat, wildlife and wildlife habitat, vegetation or economy.
- While the jetty will be built in a location that was already an industrial site and where a jetty was present in the past, the new jetty and associated infrastructure would result in permanent changes to the landscape, which could have an effect on the use of the area by Aboriginal groups in the vicinity of the Project. There will be changes to noise, visual, light, and other sensory disturbances to areas of use.
- WesPac has proposed measures that are intended to specifically address the concerns of Aboriginal groups related to potential Project effects on Aboriginal Interests. These measures consist of ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

**Decision-making:**

- The onshore portion of the Project site is situated on private land, while the offshore portion of the Project site is situated on Crown lands (water lots) on the South Arm of the Fraser River. The Crown land portions will remain Crown land.
- The Project would be constructed and operated on lands that already have a history of industrial use.
The Project is not expected to result in unplanned changes to existing land uses or future land uses.

Aboriginal groups have been consulted on the Project and consultation with Aboriginal groups will continue on the development and implementation of environmental management plans and monitoring and follow-up programs, should the Project receive an EAC.

Concerns raised by Aboriginal groups regarding the Project’s role in the further growth and industrialization of the Fraser River and the cumulative effects to the Fraser River as a whole and to the estuary.

As described in Section 12.1.3 above and in the group-specific conclusions in Section 12.1.4.3, WesPac has attempted to undertake a principled and responsive consultation process with each Aboriginal group. WesPac has endeavoured to integrate TEK into the Application, where such information was provided by Aboriginal groups, and to acknowledge, document, and demonstrably address Aboriginal groups’ concerns as part of Project planning and decision-making, including by undertaking the following:

- Providing Aboriginal groups with opportunities to offer their perspectives on the nature and scope of potential effects of the Project on their Aboriginal Interests.
- Providing Aboriginal groups with opportunities to offer their perspectives on the extent to which the Project affects their ability to manage and make decisions over areas impacted by the Project.

Should the Project proceed, WesPac will continue to consult with potentially affected Schedule B Aboriginal groups. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially affected Aboriginal group.

**Economic Benefits:**

- Based on Section 6.2 Land and Marine Resource Use, Aboriginal groups currently use the area around the Project site for economic purposes (i.e., for the purposes of deriving business revenue or personal income), including fishing under DFO commercial and economic opportunity (EO) licences.
- To address Aboriginal groups’ concern about potential Project-related effects on fisheries, including active commercial fisheries interests as indicated in Sections 6.2 Land and Marine Resource Use, WesPac is proposing measures to mitigate impeding commercial and EO fisheries during DFO fishing openings.
- To address Aboriginal groups’ concern that the Project may reduce their economic development aspirations for lands that will continue to be limited by physical works, the Project will not worsen the situation as the Onshore Facilities area largely on private land that has been used historically for industrial purposes.
- Aboriginal groups have expressed interest in Project-related opportunities, such as training, employment and contracting opportunities for their members. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.
- Measures designed to assist Aboriginal groups with deriving direct and/or indirect economic benefits of the Project, if approved, include:
The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Therefore, WesPac has proposed measures that would help support the avoidance or reduction of potential effects to the asserted Aboriginal title of Aboriginal groups, including:

- Ongoing consultations to provide opportunities for Schedule B Aboriginal groups to provide input into the development and implementation of the Project; and
- Measures that provide for the ongoing consideration and integration of Aboriginal use (past, present, desired future use) and knowledge to help avoid or reduce effects of the Project, particularly when specific construction and operational details have been established.

In consideration of the available information regarding Aboriginal title of Tsleil-Waututh Nation, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in Negligible effects to Tsleil-Waututh Nation’s Aboriginal title.

### 12.1.4.3.2 Group-Specific Conclusions – Schedule C

Schedule B and Schedule C of the Section 11 Order relate to the EAO’s preliminary assessment of where the identified Aboriginal groups lie on the consultation spectrum. While the Proponent is only required to provide information on Schedule B Aboriginal groups in this section (Part C) of the Application, statutory requirements pursuant to CEAA 2012 5(1)(c) that relate to potential Project-related effects of a change to the environment on Indigenous peoples are not dependent upon where Aboriginal groups fall on the consultation spectrum, and therefore upon the schedules to the Section 11 Order. To inform the analysis of potential Project-related effects of a change to the environment on Indigenous peoples pursuant to CEAA 2012 5(1)(c) in Section 11 of the Application, and specifically 5(1)(c)(iii) regarding the current use of lands and resources for traditional purposes, limited contextual and baseline information regarding Schedule C Aboriginal groups has been included here for reference.

The Section 11 Order (BCEAO, 2015b) and Section 13 Orders (EAO, 2015a, 2015b, 2018) list the Aboriginal groups EAO has identified for consultation on the Project. Schedule B and Schedule C of the Section 11 Order and Section 13 Orders relate to EAO’s preliminary assessment of where these Aboriginal groups lie on the consultation spectrum. Statutory requirements pursuant to CEAA 2012 5(1)(c) that relate to potential Project-
related effects of a change to the environment on Indigenous peoples are not dependent upon where Aboriginal groups fall on the consultation spectrum. To inform the analysis of potential Project-related effects of a change to the environment on Indigenous peoples pursuant to CEAA 2012 5(1)(c) in Section 11 of the Application, and specifically 5(1)(c)(iii), limited contextual and baseline information regarding Schedule C Aboriginal groups has been included here for reference.

### 12.1.4.3.2.1 Katzie First Nation

#### 12.1.4.3.2.1.1 Context

Katzie First Nation’s administration and office headquarters are located on its main reserve (IR 1), situated on the north bank of the Fraser River south of Pitt Meadows, BC. Katzie has four other reserves, including IR 2 located on the south bank of the Fraser River, IR 3 situated on the south shore of Barnston Island, IR 4 located at the lower end of Pitt Lake, and IR 5, which is designated as a cemetery (AANDC, 2018; Katzie, 2017; MOTI, 2006). None of the reserves overlaps with the Project site.

As Coast Salish people, Katzie First Nation members speak a down-river Halkomelem dialect (FPHLCC, 2018a). As of November 2018, the registered population of Katzie First Nation was 592, of which 302 resided on Katzie First Nation reserves (AANDC, 2018).

Katzie First Nation’s asserted traditional territory, provided in Figure 12.1-08, covers large portions of Garibaldi Park, Pitt River, the mouth of the Fraser River, and the cities of Surrey, Langley, New Westminster, further west to Marpole Avenue in South Vancouver (BCTC, 2009b; Katzie, 2017; MOTI, 2006). Katzie First Nation’s asserted traditional territory is documented in the Statement of Intent (SOI) filed with the BC Treaty Commission (BCTC, 2009b).

In 2006, Katzie Nation established the Katzie Development Corporation, located in Pitt Meadows, which provides archaeological consulting and environmental services (KDC, 2011).

#### 12.1.4.3.2.1.2 Involvement in the Consultation Process

This section summarizes initial and pre-Application phase consultation undertaken with Katzie First Nation. Additional information regarding consultation with Katzie First Nation can be found in Aboriginal Consultation Report #2.

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 Aboriginal Consultation Report 1 for review. Katzie did not provide comments on the Draft Aboriginal Consultation Report 1.

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.

12.1.4.3.2.2 Métis Nation British Columbia

12.1.4.3.2.2.1 Context

Métis Nation British Columbia reports more than 18,000 provincially registered Métis citizens in BC, and nearly 90,000 self-identified Métis people (MNBC, 2018a). Within the Lower Mainland, there are six Métis Chartered Communities associations:

- North Fraser Métis Association, located in New Westminster, approximately 20 km from the project site;
- Fraser Valley Métis, located in Abbotsford, approximately 98 km from the project site;
- Golden Ears Métis Society, located in Maple Ridge, approximately 69 km from the project site;
- Chilliwack Métis Association, located in Chilliwack, approximately 112 km from the project site;
Métis people descend from First Nations and European fur-traders, and speak Michif, which has several dialects (MNBC, 2018a). Métis Nation British Columbia is not involved in treaty negotiations. In 2006, Métis Nation British Columbia and the Province of British Columbia signed the Métis Nation Relationship Accord to signify a positive working relationship for the nearly 90,000 self-identified Métis in BC (MNBC, 2018c).

12.1.4.3.2.2 Involvement in the Consultation Process

This section summarizes initial and pre-Application phase consultation undertaken with Métis Nation British Columbia. Additional information regarding consultation with Métis Nation British Columbia can be found in Aboriginal Consultation Report #2.

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 Aboriginal Consultation Report 1 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 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.

12.1.4.3.2.3 People of the River Referrals Office

12.1.4.3.2.3.1 Context

The People of the River Referrals Office (PRRO) is housed within the Stó:lō Research and Resource Management Centre (SRRMC) in Chilliwack, BC. It is the operational division of a larger political organization that is represented
by leadership of 16 Stó:lō communities known as the S’ólh Téméxw Stewardship Alliance (STSA). The PRRO was formed in June of 2012 as a result of the Stó:lō Strategic Engagement Agreement (SSEA) with the Province. The PRRO provides administrative and technical support to the 16 Stó:lō Community signatories in the review of development project proposals and land and resource questions in S’ólh Téméxw.

The following 16 Stó:lō communities are signatories to the SSEA: Aitchelitz Band, Shxwhá:y Village, Skowkale First Nation, Soowahlie First Nation, Squiala First Nation, Tzeachten, and Yakweakwioose First Nation are represented by Ts’elxwéyeqw Tribe Limited Partnership, while Chawathil First Nation, Cheam First Nation, Leq’á:mel First Nation, Scowlitz First Nation, Shxw’ow’hamel First Nation, Skawahlook First Nation, Sumas First Nation, Skwah First Nation, and Kwaw-kwaw-apilt First Nation each represent their own interests.

12.1.4.3.2.3.2 Involvement in the Consultation Process

This section summarizes Initial Engagement and Pre-Application phase consultation undertaken with the PRRO. Additional information regarding consultation with the PRRO can be found in Aboriginal Consultation Report #2.

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 Aboriginal Consultation Report 1 for review. People of the River Referrals Office did not provide comments on the Draft Aboriginal Consultation Report 1.

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.

12.1.4.3.2.4 Stó:lō Nation

12.1.4.3.2.4.1 Context

The Stó:lō Nation member bands’ collective asserted traditional territory includes the Fraser Valley, much of the Lower Mainland and the Harrison Lake watershed. Stó:lō Nation’s area of use is illustrated SOI map filed with the BC Treaty Commission (BCTC, 2009c). Figure 12.1-09 illustrates Stó:lō area of use.

The Stó:lō Service Agency (SSA) is the service delivery arm of the Stó:lō Nation, providing services to its 11 member bands throughout S’olh Temexw (the traditional territory of the Stó:lō people). The SSA focuses on social and economic development through the provision of facilities and programs in the areas of education, health, and social development, along with tourism, and land and research and resource management services (Stó:lō Nation, 2017).

12.1.4.3.2.4.2 Involvement in the Consultation Process

This section summarizes Initial Engagement and Pre-Application phase consultation undertaken with Stó:lō Nation. Additional information regarding consultation with Stó:lō Nation can be found in Aboriginal Consultation Report #2.

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 Aboriginal Consultation Report 1 for review. Stó:lō Nation did not provide comments on the Draft Aboriginal Consultation Report 1.

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.
12.1.4.3.2.5 Stó:lō Tribal Council

12.1.4.3.2.5.1 Context

Located in Agassiz, BC, the Stó:lō Tribal Council represents eight First Nations with a combined population of approximately 3,396 members as of May 2018 (AANDC, 2018). The First Nations represented include: Chawathil First Nation, Cheam First Nation, Kwantlen First Nation, Kwaw-kwaw-apilt First Nation, Sq’ewlets First Nation, Seabird Island Indian Band, Shxw’ow’hemel First Nation, and Soowhalie Indian Band (Stó:lō Tribal Council n.d.). Stó:lō are Coast Salish, Halq’emeylem speaking people (FPHLCC, 2018a). The combined territory of the Stó:lō Tribal Council and the Stó:lō Nation is illustrated in their SOI map as submitted by Stó:lō Nation to the BC Treaty Commission (BCTC, 2009c). Figure 12.1-09 illustrates Stó:lō area of use.

The First Nations represented by Stó:lō Tribal Council assert a collective traditional territory encompassing much of the land along the lower Fraser River. The Stó:lō Tribal Council is not involved in treaty negotiations, although its mandate is to provide representation and governance for the First Nations it represents in a number of areas, including Aboriginal rights and title, treaty negotiations, fisheries, and economic development (Stó:lō Tribal Council, 2018).

12.1.4.3.2.5.2 Involvement in the Consultation Process

This section summarizes Initial Engagement and Pre-Application stage consultation undertaken with the Stó:lō Tribal Council. Additional information regarding consultation with the Stó:lō Tribal Council can be found in Aboriginal Consultation Report #2.

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 Aboriginal Consultation Report 1 for review. Stó:lō Tribal Council did not provide comments on the Draft Aboriginal Consultation Report 1.

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.

## 12.2 Other Matters of Concern to Aboriginal Groups

This section of the Application provides a list of other matters of concern raised by the Schedule B Aboriginal groups through consultation with WesPac, and considers potential environmental, social, economic, heritage, and health effects of the Project that have not already been considered in Section 11 Summary of Statutory Requirements under CEAA 2012, and Section 12.1.4 Potential Effects of the Project on Aboriginal Interests. These other matters of concern are listed in Table 12.2-1 Other Matters of Concern to Aboriginal Groups.

For each matter of concern listed in Table 12.2-1, relevant VC assessments in Part B of the Application and the assessments presented below were reviewed to identify applicable measures to avoid, reduce, or otherwise manage the effects of the Project associated with the concern. These measures for each matter of concern are proposed in Table 12.2-1.

### Table 12.2-1: Other Matters of Concern to Aboriginal Groups

<table>
<thead>
<tr>
<th>Concern</th>
<th>Aboriginal Group(s)</th>
<th>Proposed Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Section 12.0: Aboriginal Consultation

### Section 12.0: Aboriginal Consultation

<table>
<thead>
<tr>
<th>Concern</th>
<th>Aboriginal Group(s)</th>
<th>Proposed Mitigation Measures</th>
</tr>
</thead>
</table>
| Potential accidents and malfunctions | Cowichan Nation Alliance, Tsawwassen First Nation, Lyackson First Nation, Musqueam Indian Band | **Section 9.0 Accidents and Malfunctions**
Measures to avoid or minimize potential effects from accidents and malfunctions including Project design considerations as well as spill contingency and emergency response measures within the CEMP

**Section 14.0 Management Plans**
- CEMP
  - Emergency Response and Spill Contingency Plan
  - Waste Management Plan
  - Health and Safety Plan
- OEMP

| Effects on upstream GHG emissions   | Cowichan Nation Alliance, Musqueam Indian Band, Tsawwassen First Nation, Tsleil-Waututh Nation | Section 4.4.3 Upstream GHG Assessment:
The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aids in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intense economies transitioning to natural gas. The Project also aligns with Canada’s economic goals and market conditions where Canada has an opportunity to become a major player in the global LNG trade due to Canada’s proximity to key Asian importers. Canada’s expanding market role may aid these states in accomplishing their national climate goals through the transition to LNG. |

### Social

<p>| Social                               |                                                                                       | No concerns identified that are not included in other assessments.                                                                                                   |</p>
<table>
<thead>
<tr>
<th>Concern</th>
<th>Aboriginal Group(s)</th>
<th>Proposed Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effects on property values</td>
<td>Cowichan Nation Alliance</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
</tr>
<tr>
<td>Inclusion of a market analysis</td>
<td>Lyackson First Nation</td>
<td>Section 5.1 Economy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Baseline for Aboriginal economic conditions are presented separately in Section 5.1.4 Description of Existing Conditions – Aboriginal Populations.</td>
</tr>
<tr>
<td>Effects on Aboriginal socio-economic conditions as separate from larger regional district or municipality.</td>
<td>Cowichan Nation Alliance Lyackson First Nation Musqueam Indian Band Tsleil-Waututh Nation</td>
<td>Section 5.1 Economy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Baseline for Aboriginal economic conditions are presented separately in Section 5.1.4 Description of Existing Conditions – Aboriginal Populations. Mitigation measures are proposed to support maximization of employment opportunities specifically for Aboriginal communities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 6.1 Socio-community</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Separate consideration of community health and wellbeing (social determinants of health) for Aboriginal peoples.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Communication plan developed with Aboriginal communities. Mitigation measures are proposed to support maximization of employment opportunities specifically for Aboriginal communities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 12.1.3 Consultation Activities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WesPac is 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.</td>
</tr>
</tbody>
</table>
Section 12.0: Aboriginal Consultation

<table>
<thead>
<tr>
<th>Concern</th>
<th>Aboriginal Group(s)</th>
<th>Proposed Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>Cowichan Nation Alliance, Lyackson First Nation, Musqueam Indian Band, Tsleil-Waututh Nation</td>
<td><strong>Section 6.1 Socio-community</strong> &lt;br&gt;Separate consideration of community health and wellbeing (physical determinants of health) for Aboriginal peoples.</td>
</tr>
<tr>
<td>Heritage</td>
<td>No concerns identified that are not included in other assessments.</td>
<td></td>
</tr>
</tbody>
</table>

All other matters of concern raised by Aboriginal groups with respect to potential environmental, economic, social, heritage and health effects related to the Project have been considered in Section 11 Summary of Statutory Requirements under CEAA 2012 and Section 12.1.4 Potential Effects of the Project on Aboriginal Interests.

12.3 Issue Summary Table

The results of the analysis presented in Section 12.1.4 Potential Effects of the Project on Aboriginal Interests and Section 12.2 Other Matters of Concern to Aboriginal Groups, including the findings of the assessments of PCs and VCs associated with the exercise of Aboriginal Interests or other matters of concern, are summarized in Table 12.3-1.

Comments and concerns provided to WesPac by Aboriginal groups are summarized in each of the group-specific sections in Section 12.1.4.3 Group-Specific Conclusions. These comments have been considered in the development of Section 12.0 Aboriginal Consultation, portions of which were provided to Schedule B Aboriginal groups prior to submission of the Application (i.e., Aboriginal group profiles, baseline information, traditional territory and consultation area maps, and summaries of past, present, and desired future use presented in Section 6.3 Current Use of Lands and Resources for Traditional Purposes). Based on the comments received and ongoing consultation between WesPac and Aboriginal groups, WesPac provides its view on the degree to which the issues raised related to Aboriginal Interests or other matters of concern to Aboriginal groups are resolved below in Table 12.3-1.
### Table 12.3-1: Summary Table of the Results of Aboriginal Consultation related to Aboriginal Interests/Other Matters of Concern to Aboriginal Groups

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowichan Tribes</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Fishing</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.</td>
<td>As described in <strong>Part B Section 6.3</strong> Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communications Plan and an Aboriginal Communications Plan, proposed in <strong>Part B Section 6.2</strong> Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups' current use of lands and resources related to fishing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td>With implementation of mitigation measures described in <strong>Part B Section 4.2</strong> Fish and Fish Habitat and <strong>Part B Section 4.3</strong> Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall, 2017; TMEP, 2014a</td>
<td></td>
<td>With implementation of mitigation measures described in <strong>Part B Section 4.2</strong> Fish and Fish Habitat and <strong>Part B Section 4.3</strong> Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (<strong>Part B Section 4.5</strong>). Project infrastructure may have a minor effect on visual quality (<strong>Part B Section 6.4</strong>). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Aboriginal Consultation

#### Section 12.0: Aboriginal Consultation

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowichan Tribes</td>
<td></td>
<td>Effects on Hunting/ Trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In consideration of the available information regarding hunting/trapping in proximity to the Project site by Cowichan Tribes, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Cowichan Tribes’ hunting/trapping.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
- **Consultation Stage:** Initial Engagement and Pre-Application Consultation
- **Information Source:**
  - Meetings, presentations, and discussions
  - Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a
- Written comments provided to WesPac on Project documents.
- Written comments provided to EAO on Project documents.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowichan Tribes</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Gathering</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Souchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Cowichan Tribes</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Other Cultural Interests</td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site.</td>
<td>Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality because of the Project.</td>
<td>Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Cowichan Tribes to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Cowichan Tribes, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Cowichan Tribes’ other traditional and cultural interests.</td>
</tr>
</tbody>
</table>
### Cowichan Tribes

**Consultation Stage:**
- Initial Engagement and Pre-Application Consultation

**Information Source:**
- Meetings, presentations, and discussions
  - Bouchard and Kennedy, 2015;
  - Charlie, 2015, Cowichan Tribes, 2014a and 2014b; Marshall 2017
- Written comments provided to WesPac on Project documents.
- Written comments provided to EAO on Project documents

**Effects on Aboriginal Title**

The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:
- use and occupation
- decision-making
- economic benefits

It is WesPac’s view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities.

Cowichan Tribes have expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

**To avoid, mitigate, or otherwise manage potential effects on use and occupancy,** WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations, WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group.

To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefiting from the Project through training, employment, and contracting opportunities, as well as participation in environmental monitoring.

In consideration of the available information regarding Aboriginal Title of the Cowichan Tribes and the CNA, Resolved as it is not anticipated that Project-related activities will interfere with Cowichan Tribes’ Aboriginal Interest related to Aboriginal Title.
### Aboriginal Consultation

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| Cowichan Tribes  | Consultation Stage: Initial Engagement and Pre-Application Consultation | Spill response to LNG leaks. | Project-related activities have the potential to result in a leakage or spill of LNG. | In **Part B Section 9.0 Accidents and Malfunctions**, WesPac describes proposed measures to avoid or minimize potential effects from accidents and malfunctions, specifically Project design considerations and spill contingency and emergency response measures to be included in the CEMP and OEMP. The CEMP and OEMP (**Section 13.0 Management Plans**) will include:  
  • Emergency Response and Spill Contingency Plan  
  • Waste Management Plan  
  • Health and Safety Plan | Resolved through the development and implementation of component plans to the CEMP and OEMP related to emergency response. |
| Cowichan Tribes  | Consultation Stage: Initial Engagement and Pre-Application Consultation | Effects on upstream GHG emissions. | Project-related activities have the potential to affect upstream GHG emissions. | **Part B Section 4.4.3 Upstream GHG Assessment:** The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aids in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intensive economies transitioning to natural gas. The Project also aligns with Canada’s economic goals and market conditions where Canada has an opportunity to become a major player in the global LNG trade due to Canada’s proximity to key Asian importers. Canada’s expanding market role may aid these states in accomplishing their national climate goals through the transition to LNG. | Resolved. A GHG assessment was completed for the Application. The Project is anticipated to contribute to Canadian and global climate strategies. |

The already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in **Negligible** impacts to Cowichan Tribes Aboriginal Title.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowichan Tribes</td>
<td>Consultation Stage: Pre-Application</td>
<td>Effects on property values</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Resolved through a response provided through Working Group.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Source: Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Cowichan Tribes  | Consultation Stage: Pre-Application    | Aggregation of Aboriginal peoples with larger regional district in socio-economic assessments. | Aggregation with a larger population prevents an understanding of potential effects on Aboriginal peoples that is different than the larger population. | In Part B Section 5.1 Economy, WesPac proposes mitigation measures to support employment opportunities specifically for Aboriginal communities. | Ongoing resolution through consultations.                            | In Part B Section 6.1 Socio-community, WesPac proposes the following measures to avoid or minimize potential effects on community health and wellbeing (social determinants of health):  
    • Communication plan developed with Aboriginal communities.  
    • Support employment opportunities specifically for Aboriginal communities  
    WesPac is 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 (see Part C Section 12.1.3 Consultation Activities). |  

<p>| Cowichan Tribes  | Consultation Stage: Pre-Application    |                             |                               |                            |                                                              |                                                                      |
|                  | Information Source: Written comments provided to EAO on Project documents |                             |                               |                            |                                                              |                                                                      |</p>
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halalt First Nation</td>
<td>Consultation Stage:</td>
<td>Effects on Fishing</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning. In consideration of the available information regarding fishing in proximity to the Project site by Halalt First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Halalt First Nation’s fishing.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Halalt First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/Trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>As described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning. In consideration of the available information regarding hunting/trapping in proximity to the Project site by Halalt First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Halalt First Nation’s hunting/trapping.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Souchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Halalt First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Gathering</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td>As described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a</td>
<td></td>
<td></td>
<td>In consideration of the available information regarding gathering in proximity to the Project site by Halalt First Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Halalt First Nation’s gathering.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Aboriginal Consultation

### Section 12.0: Aboriginal Consultation

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halalt First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Other Cultural Interests</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Halalt First Nation to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Halalt First Nation, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Halalt First Nation’s other traditional and cultural interests.</td>
<td>Resolved as it not anticipated that Project-related activities will interfere with Halalt First Nation’s Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
</tr>
</tbody>
</table>

Halalt First Nation Consultation Stage: Initial Engagement and Pre-Application Consultation

Information Source: Meetings, presentations, and discussions Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017

Written comments provided to WesPac on Project documents.

Written comments provided to EAO on Project documents
Halalt First Nation

Consultation Stage: Initial Engagement and Pre-Application Consultation

Information Source:
Meetings, presentations, and discussions
Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall, 2017

Written comments provided to WesPac on Project documents.
Written comments provided to EAO on Project documents

Effects on Aboriginal Title

The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

It is WesPac’s view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities.

Halalt First Nation have expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow-up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations, WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group.

To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefiting from the Project through training, employment, and contracting opportunities, as well as participation in environmental monitoring.

Resolved as it is not anticipated that Project-related activities will interfere with Halalt First Nation’s Aboriginal Interest related to Aboriginal Title.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| Halalt First Nation | Consultation Stage: Initial Engagement and Pre-Application Consultation | Spill response to LNG leaks. | Project-related activities have the potential to result in a leakage or spill of LNG. | Section 9.0 Accidents and Malfunctions: WesPac describes proposed measures to avoid or minimize potential effects from accidents and malfunctions in Section 9.0 Accidents and Malfunctions, specifically Project design considerations and spill contingency and emergency response measures in the CEMP and OEMP. The CEMP and OEMP (Section 13.0 Management Plans) will include:  
  - Emergency Response and Spill Contingency Plan  
  - Waste Management Plan  
  - Health and Safety Plan | Resolved through the development and implementation of component plans to the CEMP and OEMP related to emergency response. |
| Halalt First Nation | Consultation Stage: Initial Engagement and Pre-Application Consultation | Effects on upstream GHG emissions. | Project-related activities have the potential to affect upstream GHG emissions. | Section 4.4.3 Upstream GHG Assessment: The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aids in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intense economies transitioning to natural gas. The Project also aligns with Canada’s economic goals and market conditions where Canada has an opportunity to become a major player in the global LNG trade due to Canada’s proximity to key Asian importers. Canada’s expanding market role may aid these states in accomplishing | Resolved. A GHG assessment was completed for the Application. The Project is anticipated to contribute to Canadian and global climate strategies. |

In consideration of the available information regarding Aboriginal Title of the Halalt First Nation and the CNA, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation measures, it is expected that the Project will result in Negligible impacts to Halalt First Nation’s Aboriginal Title.

Halalt First Nation Consultation Stage: Initial Engagement and Pre-Application Consultation

Information Source: Meetings, presentations, and discussions

Written comments provided to EAO on Project documents

Effects on upstream GHG emissions.

Project-related activities have the potential to affect upstream GHG emissions.

Resolved. A GHG assessment was completed for the Application. The Project is anticipated to contribute to Canadian and global climate strategies.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halalt First Nation</td>
<td>Consultation Stage: Pre-Application</td>
<td>Effects on property values.</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Resolved through a response provided through Working Group.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Source: Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Halalt First Nation</td>
<td>Consultation Stage: Pre-Application</td>
<td>Aggregation of Aboriginal peoples with larger regional</td>
<td>Aggregation with a larger population prevents an understanding of potential effects on Aboriginal peoples that is different than the larger population.</td>
<td>In Section 5.1 Economy, WesPac proposes measures to support maximization of employment opportunities specifically for Aboriginal communities.</td>
<td>Ongoing resolution through consultations.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Source: Written comments provided to EAO on Project documents</td>
<td>district in socio-economic assessments.</td>
<td></td>
<td>In Section 6.1 Socio-community, WesPac proposes the following measures to avoid or minimize potential effects on community health and wellbeing (social determinants of health):</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Communication plan developed with Aboriginal communities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Support to maximize of employment opportunities specifically for Aboriginal communities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>WesPac is 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 (see Section 12.1.3 Consultation Activities).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kwantlen First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Fishing</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Source:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Their national climate goals through the transition to LNG.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kwantlen</td>
<td>Meetings, presentations, and discussions</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td></td>
<td>Kwantlen, 2011; Jones and McLaren, 2016; VAFFC, 2011</td>
<td>Written comments provided to WesPac on Project documents.</td>
<td>Written comments provided to EAO on Project documents</td>
<td>With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td>With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td>address residual Project effects on Aboriginal fishing during construction, operations and decommissioning.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>In consideration of the available information regarding fishing in proximity to the Project site by Kwantlen First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Kwantlen First Nation’s fishing.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Kwantlen First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/Trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In consideration of the available information regarding hunting/trapping in proximity to the Project site by Kwantlen First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Kwantlen First Nation’s hunting/trapping.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kwantlen, 2011; Jones and McLaren, 2016; VAFFC, 2011</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Kwantlen First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Gathering</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>In consideration of the available information regarding gathering in proximity to the Project site by Kwantlen First Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Kwantlen First Nation’s gathering.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kwantlen, 2011; Jones and McLaren, 2016; VAFFC, 2011</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Aboriginal Consultation

### Kwantlen First Nation

#### Consultation Stage:
- Initial Engagement and Pre-Application Consultation

#### Information Source:
- Meetings, presentations, and discussions
- Jones and McLaren, 2016
- Written comments provided to WesPac on Project documents.
- Written comments provided to EAO on Project documents

#### Issue – Aboriginal Interest
- Effects on Other Cultural Interests

#### Analysis of Potential Effect
- Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site.
- Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project.
- Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.

#### Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects
- The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration).
- In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Kwantlen First Nation to specifically address concerns related to potential Project effects on cultural interests.
- In consideration of the available information regarding other traditional and cultural interests of the Kwantlen First Nation, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Kwantlen First Nation’s other traditional and cultural interests.

#### Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)
- Resolved as it is not anticipated that Project-related activities will interfere with Kwantlen First Nation’s Aboriginal Interest related to cultural and heritage sites near the Project site.

### Kwantlen First Nation

#### Consultation Stage:
- Initial Engagement and Pre-Application Consultation

#### Information Source:
- Effects on Aboriginal Title

#### Issue – Other Matter of Concern
- The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:
  - use and occupation
  - decision-making

#### Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects
- To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up

#### Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)
- Resolved as it is not anticipated that Project-related activities will interfere with Kwantlen First Nation’s Aboriginal Interest related to Aboriginal Title.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kwantlen First Nation</td>
<td>Meetings, presentations, and discussions</td>
<td>• economic benefits</td>
<td></td>
<td>It is WesPac's view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities.</td>
<td>strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases. To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations, WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group. To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefitting from the Project through training, employment, and contracting opportunities, as well as participation in environmental monitoring. In consideration of the available information regarding Aboriginal Title of Kwantlen First Nation, the already disturbed area of impact due to the Project, and WesPac's proposed mitigation measures, it is</td>
<td></td>
</tr>
<tr>
<td>Written comments provided to WesPac on Project documents</td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Kwantlen First Nation have expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Cowichan First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Fishing</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups' current use of lands and resources related to fishing.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>BC and PMV, 2012; MOTI, 2018; Thom and Feduk, 20018; VAFFC, 2011</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lake Cowichan First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/Trapping</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning. In consideration of the available information regarding hunting/trapping in proximity to the Project site by Lake Cowichan First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Lake Cowichan First Nation’s hunting/trapping.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>BC and PMV, 2012; MOTI, 2018; Thom and Feduk, 20018; VAFFC, 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/ Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lake Cowichan First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: Meetings, presentations, and discussions BC and PMV, 2012; MOTI, 2018; Thom and Feduk, 20018; VAFFC, 2011 Written comments provided to WesPac on Project documents Written comments provided to EAO on Project documents</td>
<td>Effects on Gathering</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Lake Cowichan First Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Lake Cowichan First Nation’s gathering.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/ Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------------</td>
<td>----------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lake Cowichan First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Other Cultural Interests</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Lake Cowichan First Nation to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Lake Cowichan First Nation, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Lake Cowichan First Nation’s other traditional and cultural interests.</td>
<td>Resolved as it not anticipated that Project-related activities will interfere with Lake Cowichan First Nation’s Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>MOTI 2018</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake Cowichan First Nation</td>
<td>Consultation Stage:  Initial Engagement and Pre-Application Consultation</td>
<td>Information Source:  Meetings, presentations, and discussions</td>
<td>MOTI 2018</td>
<td>Written comments provided to WesPac on Project documents</td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
|                           | Effects on Aboriginal Title | The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:  
  - use and occupation  
  - decision-making  
  - economic benefits | It is WesPac's view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. | Lake Cowichan First Nation has expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups. | To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases. | Resolved as it is not anticipated that Project-related activities will interfere with Lake Cowichan First Nation’s Aboriginal Interest related to Aboriginal Title. |
<p>| | | | | | |
|                           |                                                                              |                                                                 |                                      |                                                                 |                                                                 |</p>
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyackson First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: Meetings, presentations, and discussions EAO, 2017; LFN, 2015; PMV, 2014, 2015a, 2015b; WLNG, 2015 Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td>Effects on Fishing</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning. In consideration of the available information regarding fishing in proximity to the Project site by Lyackson First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Lyackson First Nation’s fishing.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lyackson First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/ Trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>As described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td>In consideration of the available information regarding hunting/trapping in proximity to the Project site by Lyackson First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Lyackson First Nation’s hunting/trapping.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>EAO, 2017; LFN, 2015; PMV, 2014, 2015a, 2015b; WLNG, 2015</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/ Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lyackson First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Gathering</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Lyackson First Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Lyackson First Nation’s gathering.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
</tr>
</tbody>
</table>

Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyackson First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Other Cultural Interests</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Lyackson First Nation to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Lyackson First Nation, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Lyackson First Nation’s other traditional and cultural interests.</td>
<td>Resolved as it not anticipated that Project-related activities will interfere with Lyackson First Nation’s Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
</tr>
</tbody>
</table>
Lyackson First Nation

Consultation Stage: Initial Engagement and Pre-Application Consultation

Information Source:
Meetings, presentations, and discussions
EAO, 2017; LFN, 2015; MOTI, 2018
Written comments provided to WesPac on Project documents.
Written comments provided to EAO on Project documents

Effects on Aboriginal Title

The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:
- use and occupation
- decision-making
- economic benefits

It is WesPac’s view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities.

Lyackson First Nation has expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations, WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group.

To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefitting from the Project through training, employment, and contracting opportunities, as well as participation in environmental monitoring.

Resolved as it is not anticipated that Project-related activities will interfere with Lyackson First Nation’s Aboriginal Interest related to Aboriginal Title.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyackson First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: Meetings, presentations, and discussions Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td>Spill response to LNG leaks.</td>
<td>Project-related activities have the potential to result in a leakage or spill of LNG.</td>
<td>Section 9.0 Accidents and Malfunctions: WesPac describes proposed measures to avoid or minimize potential effects from accidents and malfunctions in Section 9.0 Accidents and Malfunctions, specifically Project design considerations and spill contingency and emergency response measures in the CEMP and OEMP. The CEMP and OEMP (Section 13.0 Management Plans) will include: • Emergency Response and Spill Contingency Plan • Waste Management Plan • Health and Safety Plan</td>
<td>Resolved through the development and implementation of component plans to the CEMP and OEMP related to emergency response.</td>
<td></td>
</tr>
<tr>
<td>Lyackson First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: Meetings, presentations, and discussions Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td>Inclusion of a market analysis in the economic assessment</td>
<td>Project-related activities have the potential to affect the economies of Aboriginal groups</td>
<td>Section 5.1 Economy: The Application included baseline information economic conditions for Aboriginal groups. These are presented separately in Section 5.1.4 Description of Existing Conditions – Aboriginal Populations.</td>
<td>Resolved. Included in the Application.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------------------------</td>
<td>----------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Lyackson First Nation | **Consultation Stage:** Initial Engagement and Pre-Application Consultation  
**Information Source:** Meetings, presentations, and discussions  
Written comments provided to WesPac on Project documents.  
Written comments provided to EAO on Project documents | Aggregation of Aboriginal peoples with larger regional district in socio-economic assessments. | Aggregation with a larger population prevents an understanding of potential effects on Aboriginal peoples that is different than the larger population. | In **Section 5.1 Economy,** WesPac proposes measures to support maximization of employment opportunities specifically for Aboriginal communities.  
In **Section 6.1 Socio-community,** WesPac proposes the following measures to avoid or minimize potential effects on community health and wellbeing (social determinants of health):  
- Communication plan developed with Aboriginal communities.  
- Support to maximize of employment opportunities specifically for Aboriginal communities  
WesPac is 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 (see **Section 12.1.3 Consultation Activities**). | Ongoing resolution through consultations. |
| Musqueam Indian Band | **Consultation Stage:** Initial Engagement and Pre-Application Consultation  
**Information Source:** Meetings, presentations, and discussions  
EAO 2017; MIB, 1984, 2011; PMV, 2015a; Rozen, 1985; Suttles, 1984; Tam, J et al. 2016 and 2018 | Effects on Fishing | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.  
With implementation of mitigation measures described in **Part B Section 4.2 Fish and Fish Habitat** and **Part B Section 4.3 Marine Mammals,** construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward. | As described in **Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes,** mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in **Part B Section 6.2 Land and Marine Resource Use** are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning. Additional mitigation measures proposed for Musqueam include the establishment of a Marine Use and Fisheries Advisory Group as described in **Part B Section 6.2.**  
In consideration of the available information regarding fishing in proximity to the Project site by Musqueam | Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing. |
### Aboriginal Consultation

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Musqueam Indian Band</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/Trapping</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td>Written comments provided to WesPac on Project documents.</td>
<td>Written comments provided to EAO on Project documents.</td>
<td>Written comments provided to EAO on Project documents.</td>
<td>Written comments provided to EAO on Project documents.</td>
<td>Written comments provided to EAO on Project documents.</td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Musqueam Indian Band | **Consultation Stage:** Initial Engagement and Pre-Application Consultation  
**Information Source:** Meetings, presentations, and discussions  
EAO 2017; MIB, 1984, 2011; PMV, 2015a; Rozen, 1985; Sutles, 1984; Tam, J et al. 2016 and 2018  
Written comments provided to WesPac on Project documents.  
Written comments provided to EAO on Project documents | **Effects on Gathering** | | Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward. | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Musqueam Indian Band, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects Musqueam Indian Band's gathering. | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering. |
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Musqueam Indian Band</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Cultural Continuity (Other Traditional and Cultural Interests)</td>
<td></td>
<td>In accordance with Musqueam Indian Band’s approach, WesPac used Cultural Continuity and Sense of Place and identity as the indicators for the effects assessment on Other Traditional and Cultural Interests. As Musqueam Indian Band has not yet completed a TUS for the Project that provides information on specific locations and cultural activities that are pursued at those locations, the assessment relies solely on general conclusions.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests, including cultural continuity not addressed in Part B. WesPac has proposed additional mitigation measures to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Musqueam Indian Band to specifically address concerns related to potential Project effects on cultural continuity. In consideration of the available information regarding cultural continuity of Musqueam Indian Band, the proposed mitigation measures listed in Section 12.1.4.3, and WesPac’s analysis of residual and cumulative effects to heritage, visual quality, biophysical and access factors, noise, socio-community, economy and health, the Project is expected to result in Negligible effects on Musqueam Indian Band’s cultural continuity.</td>
<td>Ongoing resolution. Project-related activities may interfere with Musqueam Indian Band’s Aboriginal Interest related to cultural continuity near the Project site; however, the proposed mitigation should result in a not significant residual effect.</td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>------------------------------</td>
<td>-----------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Musqueam Indian Band</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Sense of Place and Spirituality (Other Traditional and Cultural Interests)</td>
<td>In accordance with Musqueam Indian Band’s approach, WesPac used Cultural Continuity and Sense of Place and Spirituality as the indicators for the effects assessment on Other Traditional and Cultural Interests. As Musqueam Indian Band has not yet completed a TUS for the Project that provides information on specific locations and cultural activities that are pursued at those locations, the assessment relies solely on general conclusions.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration).</td>
<td>Ongoing resolution. Project-related activities may interfere with Musqueam Indian Band’s Aboriginal Interest related to sense of place and identity near the Project site; however, the proposed mitigation should result in a not significant residual effect.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>EAO 2017; MIB, 1984, 2011; PMV, 2015a; Rozen, 1985; Suttles, 1984; Tam, J et al. 2016 and 2018</td>
<td></td>
<td>Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td></td>
<td>Construction, operation and decommissioning activities may affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Musqueam Indian Band

Consultation Stage: Effects on Aboriginal Title

The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected

Resolved as it is not anticipated that Project-related activities will interfere with Musqueam Indian Band’s
## Section 12.0: Aboriginal Consultation

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
|                  | Initial Engagement and Pre-Application Consultation |                             |                                | the following three components of asserted Aboriginal Title overlapping the Project area:  
- use and occupation  
- decision-making  
- economic benefits. | Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases. | Aboriginal Interest related to Aboriginal Title. |
|                  | Information Source:  
Meetings, presentations, and discussions |                             |                                | WesPac is aware that Musqueam Indian Band uses the following components in their assessment of effects on Aboriginal Title:  
- Protection of their rights to harvest within the Project area.  
- Impacts on access to traditional harvesting areas within and near the Project area during all phases of the Project.  
- Cumulative effects of industrial development and shipping impacts on the Fraser River on Musqueam Indian Band rights and interests.  

The components it used in the analysis are inclusive of the components used by Musqueam Indian Band. | To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group. | |
|                  | EAO 2017; Tam, J et al. 2016 and 2018 |                             |                                | The Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. | To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefitting from the Project through training, employment, and | |
|                  | Written comments provided to WesPac on Project documents. |                             |                                | Musqueam Indian Band has expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide. | | |
|                  | Written comments provided to EAO on Project documents |                             |                                | | | |

Musqueam Indian Band
### Aboriginal Consultation

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| **Musqueam Indian Band** | Consultation Stage: Initial Engagement and Pre-Application Consultation | Spill response to LNG leaks. | Project-related activities have the potential to result in a leakage or spill of LNG. | contracting opportunities, as well as participation in environmental monitoring. | **Section 9.0 Accidents and Malfunctions:** WesPac describes proposed measures to avoid or minimize potential effects from accidents and malfunctions in **Section 9.0 Accidents and Malfunctions**, specifically Project design considerations and spill contingency and emergency response measures in the CEMP and OEMP. The CEMP and OEMP (Section 13.0 Management Plans) will include:  
- Emergency Response and Spill Contingency Plan  
- Waste Management Plan  
- Health and Safety Plan | Resolved through the development and implementation of component plans to the CEMP and OEMP related to emergency response. |
<p>| <strong>Musqueam Indian Band</strong> | Consultation Stage: Initial Engagement and Pre-Application Consultation | Effects on upstream GHG emissions. | Project-related activities have the potential to affect upstream GHG emissions. | <strong>Section 4.4.3 Upstream GHG Assessment:</strong> The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aids in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intense economies transitioning to natural gas. The Project also aligns | Resolved. A GHG assessment was completed for the Application. The Project is anticipated to contribute to Canadian and global climate strategies. |</p>
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Musqueam Indian Band</td>
<td>Consultation Stage: Pre-Application Consultation, Information Source: Meetings, presentations, and discussions</td>
<td>Aggregation of Aboriginal peoples with larger regional district in socio-economic assessments.</td>
<td>Aggregation with a larger population prevents an understanding of potential effects on Aboriginal peoples that is different than the larger population.</td>
<td>In Section 5.1 Economy, WesPac proposes measures to support maximization of employment opportunities specifically for Aboriginal communities. In Section 6.1 Socio-community, WesPac proposes the following measures to avoid or minimize potential effects on community health and wellbeing (social determinants of health): - Communication plan developed with Aboriginal communities. - Support to maximize of employment opportunities specifically for Aboriginal communities WesPac is 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 (see Section 12.1.3 Consultation Activities).</td>
<td>Ongoing resolution through consultations</td>
<td></td>
</tr>
<tr>
<td>Penelakut Tribe</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation, Information Source: Meetings, presentations, and discussions</td>
<td>Effects on Fishing</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Aboriginal Group: Penelakut Tribe

<table>
<thead>
<tr>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a</td>
<td>Written comments provided to WesPac on Project documents.</td>
<td>Written comments provided to EAO on Project documents</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>In consideration of the available information regarding fishing in proximity to the Project site by Penelakut Tribe, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Penelakut Tribe’s fishing.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
</tbody>
</table>

#### Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 4.6). These effects are considered negligible and not carried forward.

| Penelakut Tribe | Consultation Stage: Initial Engagement and Pre-Application Consultation | Information Source: Meetings, presentations, and discussions | Effects on Hunting/Trapping | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning. | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping. |

#### Construction and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.

#### With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward.

#### In consideration of the available information regarding fishing in proximity to the Project site by Penelakut Tribe, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Penelakut Tribe’s fishing. | In consideration of the available information regarding fishing in proximity to the Project site by Penelakut Tribe, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Penelakut Tribe’s fishing. | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping. |

As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| Penelakut Tribe  | Consultation Stage: Initial Engagement and Pre-Application Consultation  
Information Source: Meetings, presentations, and discussions  
Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a  
Written comments provided to EAO on Project documents | Effects on Gathering | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. | With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward. | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering. |

270
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penelakut Tribe</td>
<td>Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td>Effects on Other Cultural Interests</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identifiable tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Penelakut Tribe to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Penelakut Resolved as it not anticipated that Project-related activities will interfere with Penelakut Tribe’s Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: Meetings, presentations, and discussions Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a</td>
<td></td>
<td></td>
<td>preferred resources for gathering. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Aboriginal Group

| Penelakut Tribe |

#### Consultation Stage:
Initial Engagement and Pre-Application Consultation

#### Information Source:
Meetings, presentations, and discussions

#### Effects on Aboriginal Title

The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

WesPac’s view is that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities.

Penelakut Tribes have expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

#### Analysis of Potential Effect

#### Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects

To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations, WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group.

To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO

#### Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)

Resolved as it is not anticipated that Project-related activities will interfere with Penelakut Tribe’s Aboriginal Interest related to Aboriginal Title.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| Penelakut Tribe  | Consultation Stage:  
Initial Engagement and Pre-Application Consultation  
Information Source:  
Meetings, presentations, and discussions  
Written comments provided to EAO on Project documents | Spill response to LNG leaks. | Project-related activities have the potential to result in a leakage or spill of LNG. | Section 9.0 Accidents and Malfunctions:  
WesPac describes proposed measures to avoid or minimize potential effects from accidents and malfunctions in Section 9.0 Accidents and Malfunctions, specifically Project design considerations and spill contingency and emergency response measures in the CEMP and OEMP. The CEMP and OEMP (Section 13.0 Management Plans) will include:  
- Emergency Response and Spill Contingency Plan  
- Waste Management Plan  
- Health and Safety Plan | Resolved through the development and implementation of component plans to the CEMP and OEMP related to emergency response. |
| Penelakut Tribe  | Consultation Stage:  
Pre-Application  
Information Source:  
Written comments provided to EAO on Project documents | Effects on upstream GHG emissions. | Project-related activities have the potential to affect upstream GHG emissions. | Section 4.4.3 Upstream GHG Assessment:  
The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aides in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intense economies transitioning to natural gas. The Project also aligns with Canada’s economic goals and market conditions | Resolved. A GHG assessment was completed for the Application. The Project is anticipated to contribute to Canadian and global climate strategies. |
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penelakut Tribe</td>
<td>Consultation Stage: Pre-Application</td>
<td>Effects on property values.</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Resolved through a response provided through Working Group.</td>
<td>where Canada has an opportunity to become a major player in the global LNG trade due to Canada’s proximity to key Asian importers. Canada’s expanding market role may aid these states in accomplishing their national climate goals through the transition to LNG.</td>
</tr>
</tbody>
</table>
| Penelakut Tribe  | Consultation Stage: Initial Engagement and Pre-Application Consultation | Aggregation of Aboriginal peoples with larger regional district in socio-economic assessments. | Aggregation with a larger population prevents an understanding of potential effects on Aboriginal peoples that is different than the larger population. | In Section 5.1 Economy, WesPac proposes measures to support maximization of employment opportunities specifically for Aboriginal communities. In Section 6.1 Socio-community, WesPac proposes the following measures to avoid or minimize potential effects on community health and wellbeing (social determinants of health):  
  - Communication plan developed with Aboriginal communities.  
  - Support to maximize of employment opportunities specifically for Aboriginal communities. | Ongoing resolution through consultations. | WesPac is committed to continued consultation and engagement with Aboriginal groups throughout the EA process to identify and understand their concerns. |

Penelakut Tribe Consultation Stage: Pre-Application

Information Source:
Written comments provided to EAO on Project documents.

Penelakut Tribe Consultation Stage: Initial Engagement and Pre-Application Consultation

Information Source:
Meetings, presentations, and discussions
Bouchard and Kennedy 2015; Charlie 2015; Cowichan Tribes 2014a and 2014b; Marshall 2017
Written comments provided to WesPac on Project documents.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semiahmoo First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Fishing</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning. In consideration of the available information regarding fishing in proximity to the Project site by Semiahmoo First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Semiahmoo First Nation’s fishing.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
</tr>
</tbody>
</table>

Semiahmoo First Nation | Consultation Stage: Initial Engagement and Pre-Application Consultation | Effects on Hunting/ Trapping | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping. |
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Meetings, presentations, and discussions</td>
<td>Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
<td>address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning. In consideration of the available information regarding hunting/trapping in proximity to the Project site by Semiahmoo First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Semiahmoo First Nation's hunting/trapping.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>BC and PMV, 2012; PMV, 2015a, 2015b; TMEP, 2014a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semiahmoo First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: Meetings, presentations, and discussions</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of</td>
<td></td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Semiahmoo First Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td>preferred resources for gathering. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>expected to result in <strong>Negligible</strong> effects on Semiahmoo First Nation’s gathering.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/ Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Semiahmoo First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Other Cultural Interests</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect an Aboriginal group's access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups' other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Semiahmoo First Nation to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Semiahmoo First Nation, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Semiahmoo First Nation's other traditional and cultural interests.</td>
<td>Resolved as it not anticipated that Project-related activities will interfere with Semiahmoo First Nation's Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
</tr>
</tbody>
</table>
| Semiahmoo First Nation | Consultation Stage: | Effects on Aboriginal Title | To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.

Semiahmoo First Nation has expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups. To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations, WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group. To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefitting from the Project through training, employment, and contracting opportunities, as well as participation in environmental monitoring.

Resolved as it is not anticipated that Project-related activities will interfere with Semiahmoo First Nation’s Aboriginal Interest related to Aboriginal Title. |

| Information Source: | Written comments provided to WesPac on Project documents.

Written comments provided to EAO on Project documents | The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

It is WesPac’s view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities.

Semiahmoo First Nation has expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups. |
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| Squamish Nation  | Consultation Stage:  
Initial Engagement and Pre-Application Consultation  
Information Source:  
Meetings, presentations, and discussions  
Written comments provided to WesPac on Project documents.  
Written comments provided to EAO on Project documents | Effects on Fishing | | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.  
With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.  
With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward.  
Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward. | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Access and Transportation Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning.  
In consideration of the available information regarding fishing in proximity to the Project site by Squamish Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Squamish Nation’s fishing. | Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing. |
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Squamish Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/Trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td></td>
<td>Information Source: Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td>In consideration of the available information regarding hunting/trapping in proximity to the Project site by Squamish Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Squamish Nation’s hunting/trapping.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents.</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents.</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Squamish Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Gathering</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Squamish Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Squamish Nation’s gathering.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/ Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Squamish Nation</td>
<td><strong>Consultation Stage:</strong> Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Other Cultural Interests</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 6.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Squamish Nation to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Squamish Nation, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Squamish Nation’s other traditional and cultural interests.</td>
<td>Resolved as it not anticipated that Project-related activities will interfere with Squamish Nation’s Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
</tr>
</tbody>
</table>
**Squamish Nation**

**Consultation Stage:**
Initial Engagement and Pre-Application Consultation

**Information Source:**
Meetings, presentations, and discussions


Written comments provided to WesPac on Project documents.

Written comments provided to EAO on Project documents

---

**Effects on Aboriginal Title**

The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area:

- use and occupation
- decision-making
- economic benefits

It is WesPac’s view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities.

Squamish Nation has expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.

**To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.**

To avoid, mitigate, or otherwise manage potential effects on decision-making, WesPac proposes ongoing consultation with potentially affected Schedule B Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow up programs intended to avoid, reduce, or otherwise manage potential effects of the Project on locations and resources that are of importance to Aboriginal groups in the exercise of their Aboriginal Interests. Through ongoing consultations, WesPac will continue to provide opportunities for Aboriginal groups to contribute to decision making over the area impacted by the Project, recognizing that the Project may not be consistent with the land use objectives of every potentially-affected Aboriginal group.

To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefitting from the Project through training, employment, and contracting opportunities, as well as participation in environmental monitoring.

**Resolved as it is not anticipated that Project-related activities will interfere with Squamish Nation’s Aboriginal Interest related to Aboriginal Title.**
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stz’uminus First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Fishing</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning. In consideration of the available information regarding fishing in proximity to the Project site by Stz’uminus First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Stz’uminus First Nation’s fishing.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/ Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Stz’uminus First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/Trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning. In consideration of the available information regarding hunting/trapping in proximity to the Project site by Stz’uminus First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Kwantlen First Nation’s hunting/trapping.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td>Stz’uminus First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Gathering</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
</tr>
</tbody>
</table>

Effects on Hunting/Trapping

Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups.

With implementation of mitigation measures described in Part B Section 4.7 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward.

With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward.

Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.

As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.

In consideration of the available information regarding hunting/trapping in proximity to the Project site by Stz’uminus First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VC assessments are expected to result in Negligible effects on Kwantlen First Nation’s hunting/trapping.

Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Stz’uminus First Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Stz’uminus First Nation’s gathering.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bouchard and Kennedy, 2015; Charlie, 2015; Cowichan Tribes, 2014a and 2014b; Marshall 2017; TMEP, 2014a</td>
<td></td>
<td></td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Stz’uminus First Nation</td>
<td><strong>Consultation Stage:</strong> Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Other Cultural Interests</td>
<td></td>
<td>Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Stz’uminus First Nation to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of Stz’uminus First Nation, the proposed mitigation measures analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Stz’uminus First Nations’ other traditional and cultural interests.</td>
<td>Resolved as it is not anticipated that Project-related activities will interfere with Stz’uminus First Nations’ Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
</tr>
<tr>
<td>Stz’uminus First Nation</td>
<td><strong>Consultation Stage:</strong> Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Aboriginal Title</td>
<td></td>
<td>The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of</td>
<td>To avoid, mitigate, or otherwise manage potential effects on use and occupancy. WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the</td>
<td>Resolved as it is not anticipated that Project-related activities will interfere with Stz’uminus First Nation’s</td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/ Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>the following three components of asserted Aboriginal Title overlapping the Project area: use and occupation decision-making economic benefits</td>
<td>CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.</td>
<td>Aboriginal Interest related to Aboriginal Title.</td>
</tr>
<tr>
<td>Information Source:</td>
<td>Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td>It is WesPac’s view that the Project would not restrict or prevent access or other uses that are not already precluded for the life of the Project. It is anticipated, however, that Project-related activities may affect the timing of access and quality of experience while accessing areas of use and occupancy, including pursuing economic activities. Stz’uminus First Nation has expressed interest in Project-related economic opportunities. WesPac has been exploring opportunities to provide benefits, both economic and non-economic, to Aboriginal groups.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In consideration of the available information regarding Aboriginal Title of the Stz’uminus First Nation and the CNA, the already disturbed area of impact due to the Project, and WesPac’s proposed mitigation...
### Aboriginal Consultation

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| Stz'uminus First Nation  | **Consultation Stage:** Initial Engagement and Pre-Application Consultation                              | Spill response to LNG leaks. | Project-related activities have the potential to result in a leakage or spill of LNG. | Section 9.0 Accidents and Malfunctions: WesPac describes proposed measures to avoid or minimize potential effects from accidents and malfunctions in **Section 9.0 Accidents and Malfunctions**, specifically Project design considerations and spill contingency and emergency response measures in the CEMP and OEMP. The CEMP and OEMP (Section 13.0 Management Plans) will include:  
  - Emergency Response and Spill Contingency Plan  
  - Waste Management Plan  
  - Health and Safety Plan                                                                 | Resolved. A GHG assessment was completed for the Application. The Project is anticipated to contribute to Canadian and global climate strategies. |
|                          | **Information Source:** Meetings, presentations, and discussions                                       |                             |                                 |                             |                                                                |                                                                              |
|                          | Written comments provided to EAO on Project documents                                                  |                             |                                 |                             |                                                                |                                                                              |

### Stz'uminus First Nation

- **Consultation Stage:** Initial Engagement and Pre-Application Consultation
- **Information Source:** Meetings, presentations, and discussions
- Written comments provided to EAO on Project documents

**Analysis of Potential Effect:** Project-related activities have the potential to affect upstream GHG emissions.

**Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects:**

- **Section 4.4.3 Upstream GHG Assessment:** The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aids in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intense economies transitioning to natural gas. The Project also aligns with Canada's economic goals and market conditions where Canada has an opportunity to become a major player in the global LNG trade due to Canada's proximity to key Asian importers. Canada's expanding market role may aid these states in accomplishing their national climate goals through the transition to LNG.

**Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.):** Resolved through the development and implementation of component plans to the CEMP and OEMP related to emergency response.

**Notes:**

- Measures, it is expected that the Project will result in **Negligible** impacts to Stz'uminus First Nation's Aboriginal Title.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stz’uminus First Nation</td>
<td>Consultation Stage: Pre-Application</td>
<td>Effects on property values.</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Not considered in the Application as Project-related effects on property values are expected to be non-existent or not measurable.</td>
<td>Resolved through a response provided through Working Group.</td>
<td></td>
</tr>
<tr>
<td>Stz’uminus First Nation</td>
<td>Consultation Stage: Pre-Application</td>
<td>Aggregation of Aboriginal peoples with larger regional district in socio-economic assessments.</td>
<td>Aggregation with a larger population prevents an understanding of potential effects on Aboriginal peoples that is different than the larger population.</td>
<td>In Section 5.1 Economy, WesPac proposes measures to support maximization of employment opportunities specifically for Aboriginal communities. In Section 6.1 Socio-community, WesPac proposes the following measures to avoid or minimize potential effects on community health and wellbeing (social determinants of health): • Communication plan developed with Aboriginal communities. • Support to maximize of employment opportunities specifically for Aboriginal communities. WesPac is 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 (see Section 12.1.3 Consultation Activities).</td>
<td>Ongoing resolution through consultations.</td>
<td></td>
</tr>
<tr>
<td>Tsawwassen First Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Tsawwassen First Nation Fishing Rights</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Tsawwassen First Nation | **Consultation Stage:** Initial Engagement and Pre-Application Consultation  
**Information Source:** Meetings, presentations, and discussions  
Blakeley et al., 2014; PMV, 2015a; TFN et al., 2010; TFN, 2014  
Written comments provided to WesPac on Project documents  
Written comments provided to EAO on Project documents | Effects on Tsawwassen First Nation Right to Harvest Wildlife and Migratory Birds |  | With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward. | With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward.  
Construction and decommissioning activities may have a temporary, minor effect on experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward. | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.  
In consideration of the available information regarding hunting/trapping in proximity to the Project site by Tsawwassen First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments |
**Aboriginal Group** | **Consultation Stage/Information Source** | **Issue – Aboriginal Interest** | **Issue – Other Matter of Concern** | **Analysis of Potential Effect** | **Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects** | **Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)**
---|---|---|---|---|---|---
Tsawwassen First Nation | Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents | Effects on Tsawwassen First Nation Right to Gather Plants | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Tsawwassen First Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Tsawwassen First Nation’s gathering. |
### Tsawwassen First Nation

#### Consultation Stage:
- Initial Engagement and Pre-Application Consultation

#### Information Source:
- Meetings, presentations, and discussions
- TFN et al., 2010; EAO, 2017

#### Written comments provided to WesPac on Project documents.

#### Written comments provided to EAO on Project documents.

<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tsawwassen First Nation</td>
<td>Effects on Tsawwassen First Nation Right to Practice Tsawwassen First Nation Culture</td>
<td>The Project has the potential to affect Tsawwassen First Nation’s rights to practice their culture in all Project phases. Construction, operation and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site, including those listed in the TFNFA. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect Tsawwassen First Nation’s access to, and experience at, specific locations when undertaking cultural activities, including those listed in the TFNFA.</td>
<td>The assessment of potential Project-related effects on Tsawwassen First Nation’s right to practice their culture was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to Tsawwassen’s right to practice their culture. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Tsawwassen to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding the Tsawwassen First Nation’s right to practice their culture, the proposed mitigation measures listed in Section 12.1.4.3 and WesPac’s analysis of residual and cumulative effects to heritage resources, visual quality, navigation and access factors, noise, socio-community, economy and human health, the Project is expected to result in Negligible effects to</td>
<td>Resolved as it not anticipated that Project-related activities will interfere with Tsawwassen First Nation Right to Practice Tsawwassen First Nation Culture.</td>
<td></td>
</tr>
</tbody>
</table>

### Written comments provided to EAO on Project documents due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tsawwassen First Nation</td>
<td>Consultation Stage: Pre-Application Consultation Information Source: Meetings, presentations, and discussions Written comments provided to WesPac on Project documents. Written comments provided to EAO on Project documents</td>
<td>Effects from a vessel sinking</td>
<td>Effects from a release of LNG on the environment.</td>
<td>Section 9.0 Accidents and Malfunctions: WesPac describes proposed measures to avoid or minimize potential effects from accidents and malfunctions in Section 9.0 Accidents and Malfunctions, specifically Project design considerations and spill contingency and emergency response measures in the CEMP and OEMP. The CEMP and OEMP (Section 13.0 Management Plans) will include: - Emergency Response and Spill Contingency Plan - Waste Management Plan - Health and Safety Plan</td>
<td>Resolved through the development and implementation of component plans to the CEMP and OEMP related to emergency response.</td>
<td></td>
</tr>
<tr>
<td>Tsawwassen First Nation</td>
<td>Consultation Stage: Initial Engagement Information Source: Meetings, presentations, and discussions</td>
<td>Effects on upstream GHG emissions.</td>
<td>Project-related activities have the potential to affect upstream GHG emissions.</td>
<td>Section 4.4.3 Upstream GHG Assessment: The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aids in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intense economies transitioning to natural gas. The Project also aligns with Canada’s economic goals and market conditions where Canada has an opportunity to become a major player in the global LNG trade due to Canada’s proximity to key Asian importers. Canada’s expanding market role may aid these states in accomplishing their national climate goals through the transition to LNG.</td>
<td>Resolved. A GHG assessment was completed for the Application. The Project is anticipated to contribute to Canadian and global climate strategies.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tsleil-Waututh Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Fishing</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning. In consideration of the available information regarding fishing in proximity to the Project site by Tsleil-Waututh Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Tsleil-Waututh Nation’s fishing.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
</tr>
<tr>
<td>Tsleil-Waututh Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Hunting/Trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>BC and PMV, 2012; Morin, 2016; PMV, 2015a; TWN, 2008, 2009; WLNG, 2015</td>
<td>Written comments provided to WesPac on Project documents.</td>
<td>Hunting/trapping. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td>In consideration of the available information regarding hunting/trapping in proximity to the Project site by Tsleil-Waututh Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Tsleil-Waututh Nation’s hunting/trapping.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tsleil-Waututh Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Gathering</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Tsleil-Waututh Nation, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Tsleil-Waututh Nation’s gathering.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
<td>------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tsleil-Waututh Nation</td>
<td>Written comments provided to EAO on Project documents</td>
<td>Effects on Other Cultural Interests</td>
<td>Construction and decommissioning activities are not expected to have a direct effect on identified tangible and intangible cultural heritage sites in the land-based area immediately surrounding the Project site. Construction and operation activities may affect cultural values related to the Fraser River due to changes in visual quality as a result of the Project. Construction, operation and decommissioning activities can affect an Aboriginal group’s access to, and experience at, specific locations when undertaking cultural activities.</td>
<td>The assessment of potential Project-related effects on Aboriginal groups’ other traditional or cultural interests was informed by the analysis of assessment conclusions for relevant Part B PC and VC assessments, specifically Section 4.1 River Processes (PC), Section 6.1 Socio-community, Section 6.2 Land and Marine Resource Use, Section 6.3 Current Use of Lands and Resources for Traditional Purposes, Section 6.4 Visual Quality (including lighting, shading), Section 7.1 Heritage Resources, and Section 8.1 Physical Determinants of Human Health (air quality, noise, vibration). In Part B, WesPac has proposed mitigation measures intended to avoid or reduce Project-related effects on Part B VCs related to other cultural interests not addressed in Part B. WesPac has proposed additional mitigation to avoid or reduce potential Project-related effects on traditional and cultural interests in the Project area, including the development of management plans and monitoring and follow-up programs, as well as ongoing consultation with Tsleil-Waututh Nation to specifically address concerns related to potential Project effects on cultural interests. In consideration of the available information regarding other traditional and cultural interests of the Tsleil-Waututh Nation, the proposed mitigation measures analysis of residual and cumulative effects for</td>
<td>Resolved as it not anticipated that Project-related activities will interfere with Tsleil-Waututh Nation’s Aboriginal Interest related to cultural and heritage sites near the Project site.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Group</td>
<td>Consultation Stage/Information Source</td>
<td>Issue – Aboriginal Interest</td>
<td>Issue – Other Matter of Concern</td>
<td>Analysis of Potential Effect</td>
<td>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tsleil-Waututh Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Effects on Aboriginal Title</td>
<td></td>
<td>The Project has the potential to affect asserted Aboriginal Title in all Project phases. WesPac considered how the Project may impact each of the following three components of asserted Aboriginal Title overlapping the Project area: use and occupation decision-making economic benefits</td>
<td>To avoid, mitigate, or otherwise manage potential effects on use and occupancy, WesPac proposes ongoing consultation with potentially-affected Schedule B Aboriginal groups on the design of infrastructure for the Project, the development of the CEMP and OEMP and associated management plans, the development of monitoring and follow-up strategies for VCs and PCs with identified residual or cumulative effects, reporting related to the implementation of monitoring and follow-up strategies, and participation in monitoring activities during all Project phases.</td>
<td>Resolved as it is not anticipated that Project-related activities will interfere with Tsleil-Waututh Nation’s Aboriginal Interest related to Aboriginal Title.</td>
</tr>
</tbody>
</table>

Note: The table provides a summary of the consultation process and potential effects on Tsleil-Waututh Nation’s interests, including the need for ongoing consultation and proposed measures to manage potential effects on Aboriginal Title and decision-making. The effects on Aboriginal Title include the potential for use and occupation, decision-making, and economic benefits. The proposed measures involve ongoing consultation with affected Aboriginal groups to finalize the development of mitigation measures, management plans, and monitoring and follow-up programs. The status of the issue is resolved, indicating that the project will not interfere with the nation’s Aboriginal interests related to Aboriginal Title.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tsleil-Waututh Nation</td>
<td>Consultation Stage:</td>
<td></td>
<td></td>
<td></td>
<td>To avoid, mitigate, or otherwise manage potential effects on economic benefits, WesPac proposes development of an Aboriginal communications plan; avoidance of Project-related disturbances during DFO licence openings, where possible; and noise management measures. WesPac is also proposing measures to assist Aboriginal groups in benefitting from the Project through training, employment, and contracting opportunities, as well as participation in environmental monitoring. In consideration of the available information regarding Aboriginal Title of Tsleil-Waututh Nation, the already disturbed area of impact due to the Project, and WesPac's proposed mitigation measures, it is expected that the Project will result in Negligible impacts to Tsleil-Waututh Nation’s Aboriginal Title.</td>
<td>Section 4.4.3 Upstream GHG Assessment: The development of LNG facilities and their associated production aligns with the goals of Canadian and global climate strategies as natural gas provides a lower emission intensity alternative to coal and other fossil fuels. The Project aids in accomplishing these goals by providing a facility for exporting LNG to fossil fuel intense economies transitioning to natural gas. The Project also aligns with Canada’s economic goals and market conditions where Canada has an opportunity to become a major player in the global LNG trade due to Canada’s proximity to key Asian importers. Canada’s expanding market role may aid these states in accomplishing their national climate goals through the transition to LNG.</td>
</tr>
<tr>
<td></td>
<td>Information Source:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meetings, presentations, and discussions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to WesPac on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written comments provided to EAO on Project documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Section 12.0: Aboriginal Consultation

#### Aboriginal Group: Tsleil-Waututh Nation

**Consultation Stage/Information Source**
- Tsleil-Waututh Nation Consultation Stage: Initial Engagement and Pre-Application Consultation
- Information Source: Meetings, presentations, and discussions

**Analysis of Potential Effect**
- Aggregation of Aboriginal peoples with larger regional district in socio-economic assessments.
- Aggregation with a larger population prevents an understanding of potential effects on Aboriginal peoples that is different than the larger population.

**Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects**
- In **Section 5.1 Economy**, WesPac proposes measures to support maximization of employment opportunities specifically for Aboriginal communities.
- In **Section 6.1 Socio-community**, WesPac proposes the following measures to avoid or minimize potential effects on community health and wellbeing (social determinants of health):
  - Communication plan developed with Aboriginal communities.
  - Support to maximize of employment opportunities specifically for Aboriginal communities.
- WesPac is 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 (see Section 12.1.3 Consultation Activities).

**Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)**
- Ongoing resolution through consultations.

### Schedule C Aboriginal Groups

#### Katzie First Nation

**Consultation Stage/Information Source**
- Katzie First Nation Consultation Stage: Initial Engagement and Pre-Application Consultation
- Information Source: NEB 2014b; Miller 2015; Pierre 2014

**Analysis of Potential Effect**
- Effects on fishing
- Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups.
- With implementation of mitigation measures described in **Part B Section 4.2 Fish and Fish Habitat** and **Part B Section 4.3 Marine Mammals**, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.
- With implementation of mitigation measures described in **Part B Section 4.2 Fish and Fish Habitat** and **Part B Section 4.3 Marine Mammals**, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.

**Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects**
- As described in **Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes**, mitigation measures, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in **Part B Section 6.2 Land and Marine Resource Use** are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning.
- In consideration of the available information regarding fishing in proximity to the Project site by Katzie First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant **Part B PC and VCs assessments** are expected to result in **Negligible** effects on Katzie First Nation’s fishing.

**Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)**
- Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.
Aboriginal Group | Consultation Stage/Information Source | Issue – Aboriginal Interest | Issue – Other Matter of Concern | Analysis of Potential Effect | Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects | Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)
---|---|---|---|---|---|---
Katzie First Nation | Consultation Stage: Initial Engagement and Pre-Application Consultation | Effects on hunting/trapping | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning. In consideration of the available information regarding hunting/trapping in proximity to the Project site by Katzie First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in negligible effects on Katzie First Nation’s hunting/trapping. | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.

Katzie First Nation | Consultation Stage: Initial Engagement and Pre-Application Consultation | Effects on hunting/trapping | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for hunting/trapping. As such the potential effect is not carried forward. Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). | As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on Aboriginal hunting/trapping during construction, operations and decommissioning. In consideration of the available information regarding hunting/trapping in proximity to the Project site by Katzie First Nation, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in negligible effects on Katzie First Nation’s hunting/trapping. | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
</table>
| Katzie First Nation | **Consultation Stage:** Initial Engagement and Pre-Application Consultation  
**Information Source:** NEB 2014b; Miller 2015; Pierre 2014 | Effects on gathering | | These effects are considered negligible and not carried forward. | As described in [Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan](#), proposed in [Part B Section 6.2 Land and Marine Resource use](#), Project-related activities are not anticipated to have a measurable effect on Katzie First Nation’s gathering. | Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering. |
| Métis Nation of British Columbia | **Consultation Stage:** Initial Engagement and Pre-Application Consultation  
**Information Source:** Written submission to WesPac | Effects on fishing | | Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.  
With implementation of mitigation measures described in [Part B Section 4.7 Vegetation](#), construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward.  
Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise ([Part B Section 4.5](#)). Project infrastructure may have a minor effect on visual quality ([Part B Section 6.4](#)). These effects are considered negligible and not carried forward. | As described in [Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan](#), proposed in [Part B Section 6.2 Land and Marine Resource use](#), Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing. | Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing. |
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Métis Nation of British Columbia</td>
<td>PMV, 2015a, 2015b; WLNG, 2015</td>
<td>Effects on hunting/trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.6 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping. As such the potential effect is not carried forward. With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the quality of</td>
<td>In consideration of the available information regarding fishing in proximity to the Project site by Métis Nation of British Columbia, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in negligible effects on Métis Nation of British Columbia’s fishing.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to hunting/trapping.</td>
</tr>
</tbody>
</table>

Activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.

With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for fishing. As such the potential effect is not carried forward.

Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for fishing due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.

In consideration of the available information regarding fishing in proximity to the Project site by Métis Nation of British Columbia, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in negligible effects on Métis Nation of British Columbia’s fishing.
### Aboriginal Group: Métis Nation of British Columbia

#### Consultation Stage:
- Initial Engagement and Pre-Application Consultation

#### Information Source:
- Written submission to WesPac PMV, 2015a, 2015b; WLNG, 2015

<table>
<thead>
<tr>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gathering</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning. In consideration of the available information regarding gathering in proximity to the Project site by Métis Nation of British Columbia, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Métis Nation of British Columbia’s gathering.</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to gathering.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Preferred resources for hunting/trapping. As such the potential effect is not carried forward.

Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for hunting/trapping due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.

These effects are considered negligible and not carried forward.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>People of the River Referrals Office</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: PMV, 2015a; TMEP, 2014a, 2014b; STN, 2016</td>
<td>Effects on fishing</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to instream locations for fishing by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.2 Fish and Fish Habitat and Part B Section 4.3 Marine Mammals, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for fishing. As such the potential effect is not carried forward.</td>
<td>As described in Part B 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation measures, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address residual Project effects on Aboriginal fishing during construction, operations and decommissioning. In consideration of the available information regarding fishing in proximity to the Project site by Stó:lō peoples, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Stó:lō peoples’ fishing.</td>
<td>Resolved. With implementation of proposed mitigation measures, Project-related activities are not anticipated to have a measurable effect on Aboriginal groups’ current use of lands and resources related to fishing.</td>
</tr>
<tr>
<td>Stó:lō Tribal Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stó:lō Nation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>People of the River Referrals Office</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation Information Source: PMV, 2015a; TMEP, 2014a, 2014b; STN, 2016</td>
<td>Effects on hunting/trapping</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for hunting/trapping by Aboriginal groups. With implementation of mitigation measures described in Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to</td>
<td>As described in Part B 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource Use are expected to address potential residual Project effects on</td>
<td>Resolved. With implementation of mitigation, Project-related activities are not anticipated to have a measurable effect on lands and resources related to hunting/trapping.</td>
</tr>
<tr>
<td>Stó:lō Tribal Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stó:lō Nation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

306
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stó:lo Nation</td>
<td>Consultation Stage: Initial Engagement and Pre-Application Consultation</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation and Part B Section 4.8 Wildlife and Wildlife Habitat, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for hunting/trapping.</td>
<td>Aboriginal hunting/trapping during construction, operations and decommissioning.</td>
</tr>
<tr>
<td></td>
<td>Information Source: PMV, 2015a; TMEP, 2014a, 2014b; STN, 2016</td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td></td>
<td>Construction and operation activities related to the installation of in-water works and maintenance of the security zone may have temporary effects on access to locations for gathering by Aboriginal groups.</td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the availability of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>In consideration of the available information regarding hunting/trapping in proximity to the Project site by Stó:lo peoples, the proposed mitigation measures, and analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Stó:lo peoples’ hunting/trapping.</td>
</tr>
<tr>
<td>People of the River Referrals Office</td>
<td>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.) Resolved.</td>
<td>As described in Part B Section 6.3 Current Use of Lands and Resources for Traditional Purposes, mitigation, specifically the development of a Marine Transportation and Access Management Plan, a Marine Communication Plan and an Aboriginal Communication Plan, proposed in Part B Section 6.2 Land and Marine Resource use are expected to address residual Project effects on Aboriginal gathering during construction, operations and decommissioning.</td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>With implementation of mitigation measures described in Part B Section 4.7 Vegetation, construction, operation and decommissioning activities are not anticipated to affect the quality of preferred resources for gathering. As such the potential effect is not carried forward.</td>
<td>In consideration of the available information regarding gathering in proximity to the Project site by Stó:lo peoples, the proposed mitigation measures, analysis of residual and cumulative effects for relevant Part B PC and VCs assessments are expected to result in Negligible effects on Stó:lo peoples’ gathering.</td>
<td></td>
</tr>
<tr>
<td>Stó:lo Tribal Council</td>
<td></td>
<td>Effects on gathering</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stó:lo Nation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
- Negligible: Effects not expected to have a significant impact.
- Resolved: All issues have been resolved through mitigation measures.
<table>
<thead>
<tr>
<th>Aboriginal Group</th>
<th>Consultation Stage/ Information Source</th>
<th>Issue – Aboriginal Interest</th>
<th>Issue – Other Matter of Concern</th>
<th>Analysis of Potential Effect</th>
<th>Proposed Measures to Avoid, Mitigate or Otherwise Manage Effects</th>
<th>Status of Issue (e.g., resolved, ongoing resolution, referred to agency, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Construction and decommissioning activities may have a temporary, minor effect on quality of experience when accessing areas for gathering due to noise (Part B Section 4.5). Project infrastructure may have a minor effect on visual quality (Part B Section 6.4). These effects are considered negligible and not carried forward.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
12.4 REFERENCES


Section 12.0: Aboriginal Consultation


1. HUL'QUMI'NUM TREATY GROUP TRADITIONAL TERRITORIES AND INDIAN RESERVES obtained from B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
2. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
3. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

LEGEND
- PROJECT LOCATION
- ABORIGINAL COMMUNITY
- PROJECT BOUNDARY
- HUL'QUMI'NUM TREATY GROUP TRADITIONAL TERRITORY (CORE)
- HUL'QUMI'NUM TREATY GROUP TRADITIONAL TERRITORY (MARINE)
- INDIAN RESERVE
- TSAWWASSEN LANDS
- RESIDENTIAL AREA
- PARK / FOREST AREA
- BURNS BOG ECLOGICAL CONSERVATION AREA
- WETLAND
- WATER
- FERRY ROUTE
- CANADA - U.S.A BORDER

NOTE
1. IN THE INSET MAP, THE HUL'QUMI'NUM TREATY GROUP (CORE) BOUNDARY WAS SHIFTED SOUTH APPROXIMATELY 300 METRES TO ENCOMPASS THE FRASER RIVER.

HUL'QUMI'NUM STATEMENT OF INTENT

WESPAC MIDSTREAM-VANCOUVER LLC.

TILBURY MARINE JETTY

CONSULTANT

WESPAC MIDSTREAM-VANCOUVER LLC.

13-1422-0049

17000 1
1. KWANTLEN FIRST NATION TRADITIONAL TERRITORY DIGITIZED FROM KWANTLEN FIRST NATION INFORMATION REQUEST NO. 1 TO TRANS MOUNTAIN PIPELINE ULC, 2013-03-02.
2. INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

REFERENCE:

LEGEND

- ABORIGINAL COMMUNITY
- PROJECT LOCATION
- KWANTLEN FIRST NATION TRADITIONAL TERRITORY
- REGIONAL AND LOCAL ASSESSMENT AREA
- INDIAN RESERVE
- TSAWASSEN LANDS
- RESIDENTIAL AREA
- PARK / FOREST AREA
- BURNS BOS ECOLOGICAL CONSERVATION AREA
- WETLAND
- WATER
- WATERCOURSE
- FERRY ROUTE
- ROAD
- CANADA - U.S. BORDER

STRAIT OF GEORGIA
BOUNDARY BAY
BURRARD INLET
FRASER RIVER
(Kwantlen First Nation (Fort Langley)
WHONNOCK 1
LANGLEY 2
LANGLEY 4
LANGLEY 5
MCMILLAN ISLAND 6
PEKW'XE:YLES (PECKQUAYLIS)
INDIAN RESERVE
PROJECT LOCATION

TILBURY MARINE JETTY

13-1422-0049
2019-02-14
JP/MH

12.1-2
1. MUSQUEAM INDIAN BAND TRADITIONAL TERRITORY AND INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.

2. MUSQUEAM INDIAN BAND CARA BOUNDARY OBTAINED FROM THE "MUSQUEAM SOI BOUNDARY AND MUSQUEAM CONSULTATION, ACCOMMODATION, AND RESOURCE ACCESS (CARA) BOUNDARY" MAP PRODUCED BY THE MUSQUEAM FIRST NATION, GIS SECTION. DATED 01 05 2017.

3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.

4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

WESPAC MIDSTREAM-VANCOUVER LLC.

PROJECT: TILBURY MARINE JETTY

TITLE: MUSQUEAM TRADITIONAL TERRITORY

REFERENCE:
1. MUSQUEAM INDIAN BAND TRADITIONAL TERRITORY AND INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
2. MUSQUEAM INDIAN BAND CARA BOUNDARY OBTAINED FROM THE "MUSQUEAM SOI BOUNDARY AND MUSQUEAM CONSULTATION, ACCOMMODATION, AND RESOURCE ACCESS (CARA) BOUNDARY" MAP PRODUCED BY THE MUSQUEAM FIRST NATION, GIS SECTION. DATED 01 05 2017.
3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

WESPAC MIDSTREAM-VANCOUVER LLC.
1. SEMIAHMOO FIRST NATION TRADITIONAL TERRITORY DIGITIZED FROM PORT METRO VANCOUVER.
2. INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

REFERENCE:
WESPAC MIDSTREAM-VANCOUVER LLC.
STRAIT OF GEORGIA
BOUNDARY BAY
BURRARD INLET
FRASER RIVER
(SOUTH ARM)

Tsawwassen First Nation
PROJECT LOCATION

ABORIGINAL COMMUNITY
PROJECT LOCATION
TSAWWASSEN TERRITORY
INDIAN RESERVE
TREATY LAND
TSAWWASSEN LANDS
RESIDENTIAL AREA
PARK / FOREST AREA
BURNS BOG ECOLOGICAL CONSERVATION AREA
WETLAND
WATER
WATERCOURSE
FERRY ROUTE
ROAD
CANADA - U.S. BORDER

TSAWWASSEN TERRITORY
1. TSAWWASSEN TERRITORY DIGITIZED FROM TSAWWASSEN FIRST NATION FINAL AGREEMENT.
2. INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

REFERENCE
WESPAC MIDSTREAM-VANCOUVER LLC.

PROJECT
TILBURY MARINE JETTY

TSAWWASSEN TERRITORY

CONSULTANT
Goldier Associates

DATE
2019-02-14

PREPARED
JP/MH

SCALE 1:400,000 KILOMETRES

12 0 12 0

R1

1:120,000

0

0

KILOMETRES

SCALE 1:400,000

REFERENCE
1. TSAWWASSEN TERRITORY DIGITIZED FROM TSAWWASSEN FIRST NATION FINAL AGREEMENT.
2. INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

CONSULTANT
WESPAC MIDSTREAM-VANCOUVER LLC.

PROJECT
TILBURY MARINE JETTY

TSAWWASSEN TERRITORY

DATE
2019-02-14

PREPARED
JP/MH

SCALE 1:400,000 KILOMETRES

12 0 12 0

R1

0

0

KILOMETRES

SCALE 1:400,000

REFERENCE
1. TSAWWASSEN TERRITORY DIGITIZED FROM TSAWWASSEN FIRST NATION FINAL AGREEMENT.
2. INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

CONSULTANT
WESPAC MIDSTREAM-VANCOUVER LLC.

PROJECT
TILBURY MARINE JETTY

TSAWWASSEN TERRITORY
STRAIT OF GEORGIA
BOUNDARY BAY
BURRARD INLET
FRASER RIVER
(TSLEIL-WAUTUTH)

TSLEIL-WAUTUTH CONSULTATION AREA DIGITIZED FROM TSLEIL-WAUTUTH NATION.
2. INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
3. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

TSLEIL-WAUTUTH TRADITIONAL TERRITORY

REFERENCE

CONSULTANT
WESPAC MIDSTREAM-VANCOUVER LLC.

PROJECT
TILBURY MARINE JETTY

TITLE
TSLEIL-WAUTUTH TRADITIONAL TERRITORY

SHEET:
12.1-7

PATH:
Y:\burnaby\CAD-GIS\Client\WesPac_Midstream_LLC\Tilbury\99_PROJECTS\1314220049_MarineJetty\02_PRODUCTION\17000\MXD\Report\FN_Consultation\FN_Consultation_12_1-07_Tsleil_Wautuh_Territory.mxd

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET HAS BEEN MODIFIED FROM: ANSI B
STRAIT OF GEORGIA
BOUNDARY BAY
BURRARD INLET
FRASER RIVER (SOUTH ARM)

LEGEND
PROJECT LOCATION
ABORIGINAL COMMUNITY
KATZIE FIRST NATION TRADITIONAL TERRITORY
INDIAN RESERVE
TSAWWASSEN LANDS
RESIDENTIAL AREA
PARK / FOREST AREA
BURRS BOG ECOLOGICAL CONSERVATION AREA
WETLAND
WATER
WATERCOURSE
FERRY ROUTE
ROAD
CANADA - U.S.A BORDER

PROJECT LOCATION

KATZIE FIRST NATION TRADITIONAL TERRITORY AND INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

REFERENCE

WESPAC MIDSTREAM-VANCOUVER LLC.

PROJECT
TILBURY MARINE JETTY

TITLE
KATZIE FIRST NATION TRADITIONAL TERRITORY

CONSULTANT
Golder Associates

PROJECT NO.
CONTROL
Rev.
FIGURE

25mm
0
12.1-8
1:400,000
KILOMETRES
SCALE 1:400,000

YEAR/MONTH/DATE
PREPARED
DESIGN
REVIEW
APPROVED
1. STO:LO TRADITIONAL TERRITORY AND INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.

2. RAILWAY, WATER, FOREST, PARKS, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.

3. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

SCALE 1:700,000 KILOMETRES
TL'UQTNUS VILLAGE SITE

1. TSLEIL-WAUTUTH NATION CONSULTATION AREA DIGITIZED FROM TSLEIL-WAUTUTH NATION.
2. INDIAN RESERVES OBTAINED FROM B.C. MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS.
3. PARKS, WATER, FOREST, WATERCOURSE, WATERBODY AND RESIDENTIAL AREA DATA OBTAINED FROM CANVEC © DEPARTMENT OF NATURAL RESOURCES CANADA. ALL RIGHTS RESERVED.
4. IMAGERY OBTAINED FROM TOPO BASEMAP © ESRI AND ITS LICENSORS. ALL RIGHTS RESERVED.

PROJECTION: UTM ZONE 10; DATUM: NAD 83

REFERENCE: WESPAC MIDSTREAM-VANCOUVER LLC.