

**George Massey Tunnel
Replacement Project**



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ABORIGINAL CONSULTATION REPORT 3

JANUARY 2017

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EXECUTIVE SUMMARY

The B.C. Ministry of Transportation and Infrastructure (Ministry) is proposing the George Massey Tunnel Replacement Project (Project) to address congestion, meet forecast population and employment growth, and ensure Highway 99 continues to serve regional, provincial, and national transportation needs.

The George Massey Tunnel (Tunnel) is an important link in the regional and provincial transportation system, serving an average of 80,000 vehicles each day and connecting to key gateways that fuel our national, provincial and regional economies. Since the Tunnel opened in 1959, Metro Vancouver's population has grown considerably and is forecast to keep growing by more than one million people over the next 30 years.

The Project involves replacing the Tunnel with a new bridge spanning the Fraser River South Arm and Deas Island, decommissioning the Tunnel, and improving Highway 99 from Bridgeport Road in the City of Richmond (Richmond) to Highway 91 in the Corporation of Delta (Delta). The general alignment of the Project will follow the existing Highway 99 corridor, including across the Fraser River.

The Ministry anticipates construction will begin in 2017, with the new bridge ready for use in 2022, after which time Tunnel decommissioning will commence.

The Ministry submitted its Application for an Environmental Assessment Certificate (Application) for the Project on July 27, 2016. The Certificate is required before any work can be undertaken on the proposed Project.

In accordance with the B.C. Environmental Assessment Office's (EAO) Section 11 Order and as outlined in the Project's Aboriginal Consultation Plan (Consultation Plan) and noted in both Aboriginal Consultation Report 1 and Aboriginal Consultation Report 2¹, the Ministry has prepared Aboriginal Consultation Report 3 (Consultation Report). This Consultation Report summarizes consultation activities undertaken during the review of the Application. This document is intended to provide detailed, Aboriginal Group-specific information regarding consultation activities, Aboriginal Interests², issues and concerns raised during this period, and the Ministry's related responses or action.

Aboriginal Consultation is ongoing. Over 150 meetings have been held with Aboriginal Groups since the start of consultation on the Project. These activities have been

¹ The Section 11 Order, Aboriginal Consultation Plan, Aboriginal Consultation Report 1, and Aboriginal Consultation Report 2 are available on EAO's website at http://a100.gov.bc.ca/appsdata/epid/html/dep/epic_project_home_430.html

² The Section 11 Order defines Aboriginal Interest as asserted or determined aboriginal rights, including title, and treaty rights

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undertaken in accordance with the Consultation Plan, approved by EAO, which outlined and guides Aboriginal consultation activities to be undertaken by the Ministry to satisfy Aboriginal consultation requirements identified in EAO's Section 11 Order. The Consultation Plan describes commitments to ensure that Aboriginal consultation throughout the EA process is undertaken in a manner that respects the individual needs of Aboriginal communities, meets the Crown's duty to consult, and meets the Crown's duty to accommodate where appropriate.

The Ministry is committed to a meaningful consultation and engagement process for the Project and recognizes the importance of Aboriginal Groups' involvement and input into Project planning, design and implementation.

ACRONYMNS AND ABBREVIATIONS

Term	Acronym/Abbreviation
Aboriginal Consultation Plan	Consultation Plan
Aboriginal Consultation Report 3	Consultation Report
Aboriginal Traditional Knowledge	ATK
Application Information Requirements	AIR
Application for an Environmental Assessment Certificate	Application
B.C. Ministry of Transportation and Infrastructure	Ministry
British Columbia	B.C.
British Columbia <i>Environmental Assessment Act</i>	EAA
City of Richmond	Richmond
Corporation of Delta	Delta
Cowichan Nation Alliance	CNA
Commercial, Recreational and Aboriginal	CRA
Draft Application Information Requirements	dAIR
Environmental Assessment	EA
Environmental Assessment Certificate	EAC
Environmental Assessment Office	EAO
George Massey Tunnel	Tunnel/GMT
George Massey Tunnel Replacement Project	Project
Health Impact Assessment	HIA
High-Occupancy Vehicle	HOV
Tsawwassen Final Agreement	TFA
Traditional Use Study	TUS

1. INTRODUCTION

1.1 Project Overview

The Ministry is proposing to undertake a Project to replace the Tunnel with a new 10-lane (8 lanes plus two dedicated transit/HOV lanes) bridge spanning the Fraser River South Arm, decommission the Tunnel, and improve Highway 99 from Bridgeport Road in Richmond to Highway 91 in Delta. Proposed improvements include replacing the Westminster Highway, Steveston Highway and Highway 17A interchanges, widening Highway 99 to accommodate dedicated HOV lanes, and providing multi-use pathways on the bridge for cyclists and pedestrians to connect with the existing cycling and pedestrian networks on either side. The Project will have the same general alignment as the existing Highway 99 corridor and crossing of the Fraser River South Arm, linking Richmond and Delta in southwestern B.C, as illustrated in **Figure 1**.

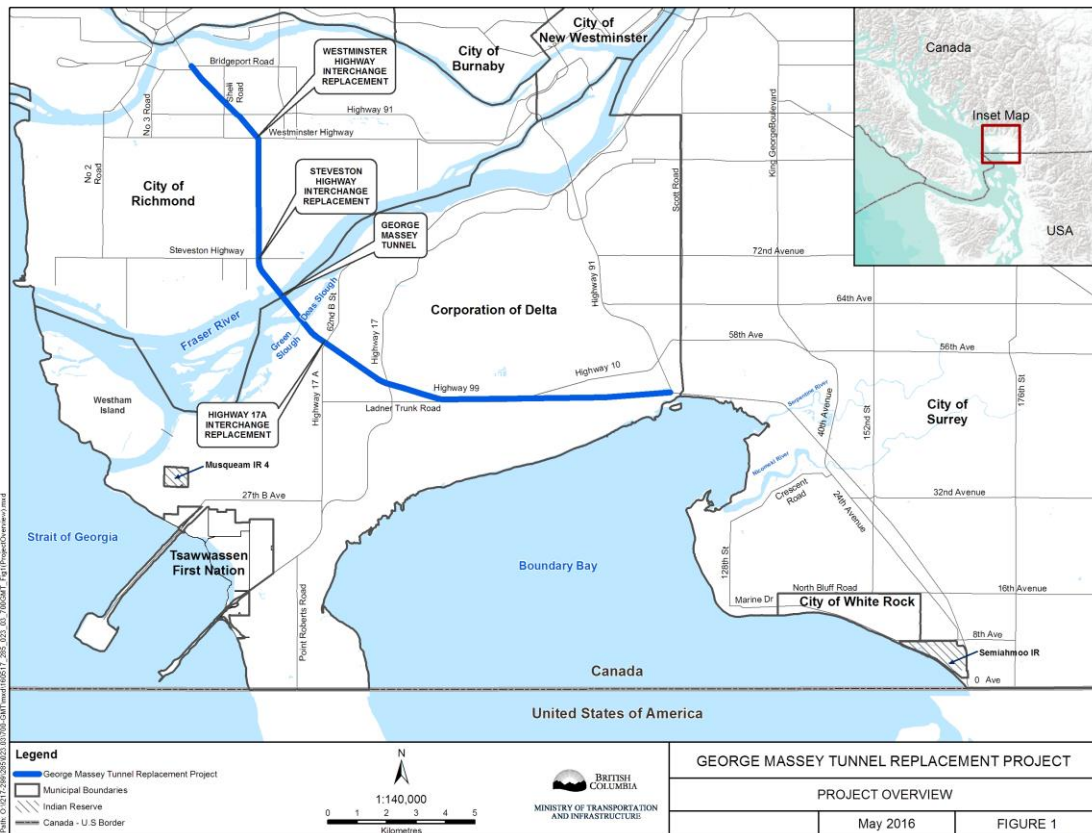


Figure 1 Project location

1.2 Proponent Overview

The Project proponent is the B.C. Ministry of Transportation and Infrastructure working on behalf of the Province of British Columbia. If approved, the Environmental Assessment Certificate (EAC) and operational permits for the Project will be held by the Ministry.

1.3 Purpose of the Document

Section 15.3 of the Section 11 Order issued by EAO on March 7, 2016, requires that the Ministry submit Consultation Reports at the following points in time:

- Prior to EAO issuing the final Application Information Requirements to the Proponent;
- With submission of the Application for evaluation;
- No later than 100 days from commencement of Application Review stage; and
- At any time specified by the Project Assessment Lead.

This Consultation Report summarizes consultation undertaken during the Application Review stage including:

- Efforts undertaken by the Ministry to consult with each Schedule B Aboriginal Group in relation to the Project;
- How the Ministry has complied with the Consultation Plan;
- Information and input received from each Schedule B Aboriginal Group during consultation undertaken during the Application Review stage;
- Input from each Schedule B Aboriginal Group regarding the potential adverse effects of the proposed Project on their Aboriginal Interests; and
- Plans in relation to ongoing consultation on the proposed Project and any next steps with specific Schedule B Aboriginal Groups.

Pursuant to the Section 11 Order, a draft version of this report was shared with Aboriginal Groups listed in Schedule B for their review and comment. The Ministry considered comments and, where appropriate, incorporated that feedback into this revised document.

As per the Section 11 Order, the Ministry submitted a draft of this Consultation Report no later than 100 days from the commencement of the Application Review stage.

2. ABORIGINAL CONSULTATION

2.1 Introduction

As outlined in Consultation Report 1 and 2, the Ministry is undertaking a four-phase consultation process:

- Initial Consultation; (2013/14 to the beginning of the EA process in December 2016);
- Pre-Application Consultation(December 2016 to July 2016);
- Application Review Consultation (July 2016- ongoing); and
- Post Environmental Application Certificate Consultation (future)

To date, more than 150 meetings have been held with Aboriginal Groups involved with the Project and consultation is ongoing.

Identification of Aboriginal Groups

On March 7, 2016, EAO issued an Order under Section 11 of the British Columbia *Environmental Assessment Act*.

The section below outlines the Aboriginal Groups that the Ministry has been directed to consult with as per EAO's Section 11 Order for the Project. In addition to the aspects undertaken by EAO, the Section 11 Order sets out Aboriginal consultation requirements, including activities and time frames and delegates to the Ministry, as the Project proponent, the procedural aspects of consultation. The specific requirements relating to EAO consultation with Schedule B and C groups are outlined in section 13 of Part G of the Section 11 Order. The Proponent consultation requirements for consultation with Schedule B and C groups are outlined in section 14 of Part G, along with related Proponent reporting requirements in section 15.

Aboriginal Groups

Schedule B Aboriginal Groups – *Consultation and Invitation to Participate in Technical Working Group:*

- Cowichan Tribes
- Halalt First Nation
- Katzie First Nation
- Kwantlen First Nation
- Lake Cowichan First Nation

- Lyackson First Nation
- Musqueam Indian Band
- Penelakut Tribe
 - Hwlitsum³
- Semiahmoo First Nation
- Squamish Nation
- Stz'uminus First Nation
- Tsawwassen First Nation
- Tsleil-Waututh Nation

Schedule C Aboriginal Groups – Notification:

- People of the River Referrals Office

While the Initial Consultation Phase commenced in advance of the issuance of the Section 11 Order and ended with the commencement of the Pre-Application Phase on December 16, 2015, the Ministry has planned and undertaken Aboriginal consultation in a manner consistent with the Section 11 Order.

2.2 Objectives & Principles for Aboriginal Consultation

The primary objective of the Project's Aboriginal consultation program is to maintain or enhance respectful, positive and productive relationships with Aboriginal Groups while meeting all applicable legal, policy and regulatory requirements related to the Project.

Additional objectives include providing substantive opportunities for Aboriginal Groups to provide meaningful input for consideration in the Project's EA and permitting processes, and undertaking an effective, meaningful consultation with Aboriginal Groups that may be affected by the Project.

Aboriginal consultation has been and will continue to be undertaken according to the principles and approach outlined below.

Timeliness:

- Provide all relevant Project-related information in a timely and effective manner that supports an understanding of the nature of the Project and its potential adverse effects on Aboriginal Interests.

³ This reference to the Hwlitsum is not intended to signify any change in the position that the Province may have taken in other contexts in relation to the duty to consult with this group.

- Provide opportunities for Aboriginal Groups to share views of the Project with the Ministry and EAO within reasonable, timeframes.

Inclusiveness, responsiveness & participation:

- Plan and implement mutually acceptable consultation activities that support effective participation of Aboriginal communities in the EA for the Project as well as related regulatory and permitting processes.
- Consult in accordance with the Section 11 Order requirements and the Project's Aboriginal Consultation Plan and continue to work with Aboriginal Groups to revise or update, where appropriate and necessary, components of the Consultation Plan that will support a meaningful, respectful and successful process.
- Establish and maintain dialogue throughout the EA as a means of providing opportunities to respond to outstanding concerns.
- Provide opportunities for Aboriginal Groups to identify potential adverse effects of the proposed Project on Aboriginal Interests, including cumulative effects and, to the extent appropriate, develop ways to mitigate or otherwise accommodate potential adverse effects.
- Involve Aboriginal groups, where possible, in relevant studies including, but not limited to, archaeological fieldwork.
- Incorporate Aboriginal Traditional Knowledge (ATK) in Project components, when it is shared by Aboriginal Groups and with appropriate permission for its use and inclusion.
- Provide capacity funding to support Aboriginal Groups for the purposes of reviewing, understanding and providing input to the Project's EA and permitting processes

Respect & relationships:

- Build and foster mutually respectful relationships with Aboriginal Groups
- Consult with Aboriginal Groups in a respectful and appropriate manner.
- Actively explore opportunities to provide benefits (economic and non-economic) to Aboriginal Groups. Opportunities include: employment, training, and contracting, as well as participation in environmental enhancement, and other components of the Project.
- In exploring opportunities to provide the above-listed benefits, work collaboratively with Schedule B Aboriginal Groups, and engage in open dialogue on this as early as possible.
- Respect processes and requirements related to the use of information shared by Aboriginal groups, including keeping confidential documents or specific information as requested by communities. The Ministry is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*, however, subject to the requirements of applicable laws, the Ministry will work with

Aboriginal Groups to develop appropriate terms to protect information that is shared by Aboriginal Groups during Project consultation.

3. ABORIGINAL CONSULTATION TO DATE

3.1 Consultation Phases

The Ministry is undertaking a four-phase consultation process with Aboriginal Groups that consists of initial Consultation, pre-Application Consultation, Application Review Consultation and Post-EAC Consultation. These phases are outlined in the table below.

Table 1: Phases of Consultation with Aboriginal Groups

	Consultation Phase	Overview	Duration/Status
1	Initial Consultation	Project conception and planning up to submission of Project Description and Key Areas of Study document on December 16, 2015. Includes collection of baseline information, sharing of draft EA-related documents (ie. Project Description and Areas of Study, dAIR).	2013/14 to December 16, 2015 COMPLETE
2	Pre-application Consultation	Period from the filing of the Project Description and Key Areas of Study to Application submission, including EAO's issuance of Section 11 Order, a 31 day public comment period on the Project description and Key Areas of Study document, development of the Application Information Requirements and collection of baseline information.	December 16 2015 – July 27, 2016 COMPLETE

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	Consultation Phase	Overview	Duration/Status
3	Application review Consultation	Acceptance of the Application by EAO to the end of the Application Review stage (up to 180 days). Application review included a public comment period in a similar format as what was undertaken during Pre-application consultation. This will be followed by the Minister's decision (up to 45 days), which could result in issuance of an Environmental Assessment Certificate (EAC).	July 27, 2016 - February 2017 ONGOING
4	Post Environmental Assessment Certificate (EAC) Consultation	Post-EAC issuance to the date when all permit applications have been adjudicated and permits issued; and any consultation requirements specified in the Table of Conditions are complete.	Tentatively February 2017 - 2022

Summaries of consultation activities undertaken during the Initial Consultation Phase and the Pre-Application Phase are detailed in Aboriginal Consultation Reports 1 and 2. Aboriginal Consultation is also described in Section 10 (and relevant appendices) of the Application for an Environmental Assessment Certificate.

3.2 Application Review Phase Overview

As outlined in the above table, the Project is currently in the Application Review Phase of the EA. The EAO accepted the Ministry's Application for Environmental Assessment Certificate (Application) on July 27, 2016, which marked the beginning of EAO's 180-day Application Review phase.

EAO's technical working group, who is identified to provide feedback throughout the EA process, was provided two opportunities to provide comment on the Application and the Ministry's responses to their comments.

The technical working group was engaged by EAO early in the Pre-Application Phase and will remain an important part of the process until the end of the Application Review Phase. Schedule B Aboriginal Groups participate on EAO's technical working group.

The first technical working group comment period during the Application Review Phase was held August 3, 2016 – August 26, 2016. It was followed by an alignment tour on

September 19, 2016 and technical working group meetings on September 20-21, 2016. A second technical working comment period was held September 27 to October 29, 2016. These are described in more detail in **Section 3.3**.

A summary of the consultation activities undertaken to date during this Phase is presented in **Section 3.3**.

3.3 Application Review Phase Consultation Phase - Summary of Consultation Activities to date

3.3.1 Consultation Activities with Schedule B Aboriginal Groups

This section provides general information regarding the consultation and engagement activities that the Ministry carried out during the Application Review Phase with all Schedule B Aboriginal Groups. **Section 3.4** provides specific information regarding consultation with each Schedule B Aboriginal Group.

The approach to consultation during this Phase was developed with input from Aboriginal Groups during the Initial Consultation Phase described above and EAO, and is outlined in the Consultation Plan. It is also informed by EAO's Section 11 Order, specifically Part G section 13 and 14, which outlines consultation requirements for the Ministry.

As it pertains to Schedule B Aboriginal Groups, during the Application Review phase, the Ministry undertook to:

- Provide capacity funding to Schedule B Aboriginal Groups to support continued involvement in Project consultation activities and the regulatory process.
- Provide all relevant Project-related information in a timely and effective manner that supports an understanding of the nature of the Project and its potential adverse effects on Aboriginal Interests.
- Identify and document questions, issues and interests raised by Aboriginal Groups.
- Identify potentially affected Aboriginal Interests, including all those raised by Aboriginal Groups consulted.
- Identify measures to avoid, mitigate, or otherwise address, potential adverse effects on Aboriginal Interests as appropriate.
- Discuss opportunities for Project-related benefits. Opportunities include: employment, training, contracting opportunities, and participation in environmental enhancement works and other components of the Project.

- Discuss non-economic benefits, such as environmental, social and cultural, to Aboriginal Groups and undertook to engage in further discussion through the Application Review Phase.
- Support Aboriginal Groups participation in EAO-led Technical Working Group

Furthermore, the Ministry remains committed to continuing to fulfil the requirements of the Section 11 Order, as they pertain to Schedule C Aboriginal Groups.

The table below outlines meeting dates with Aboriginal Groups conducted during the Application Review Phase to October 31, 2016. The Ministry notes that the Application Review Phase is still underway.

Table 2 Meetings with Schedule B Aboriginal Groups during Application Review

Date	Schedule B & C Aboriginal Groups
August 2016	<ul style="list-style-type: none"> • Tsawwassen First Nation • Musqueam Indian Band • Lyackson First Nation • Cowichan Nation Alliance (conference call meeting) <ul style="list-style-type: none"> • Cowichan Tribes • Stz'uminus First Nation • Penelakut Tribe • Halalt First Nation
September 2016	<ul style="list-style-type: none"> • Cowichan Nation Alliance <ul style="list-style-type: none"> • Cowichan Tribes • Stz'uminus First Nation • Penelakut Tribe • Halalt First Nation • Lake Cowichan First Nation • Lyackson First Nation • Musqueam Indian Band (community meeting) • Musqueam Indian Band (tunnel/boat tour)
October 2016	<ul style="list-style-type: none"> • Musqueam Indian Band • Katzie First Nation • Kwantlen First Nation • Semiahmoo First Nation • Squamish Nation

In addition to meetings with the technical working group, Chief and Council and/or staff and representatives, the Ministry undertook the following consultation activities with

Schedule B Aboriginal Groups:

Participation Funding Application Review Phase

The Ministry has provided Application Review Phase funding to each of the Aboriginal Groups listed in Schedule B of the Section 11 Order. When a provincial agency is a proponent of a project going through a provincial EA, that agency provides funding to Aboriginal Groups to support their involvement in Pre-Application and Application Review phases in place of EAO providing such funding. The funding provided during this Phase covered consultation and engagement for the Application Review Phase. The agreements were aimed at clearly identifying expectations and requirements of both parties with regards to consultation and the EA process and outlining specific consultation activities.

The Ministry has entered into Application Review Participation Funding Agreements with the following Aboriginal Groups:

- Cowichan Tribes
- Halalt First Nation
- Katzie First Nation
- Kwantlen First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Musqueam Indian Band
- Penelakut Tribe
- Hwlitsum
- Semiahmoo First Nation
- Squamish Nation
- Stz'uminus First Nation
- Tsawwassen First Nation
- Tsleil-Waututh Nation

Working Group-related Activities:

Schedule B Aboriginal Groups are members of the EAO-led Working Group for the Project and as such, were invited to participate in a Working Group Alignment and Tunnel Tour on September 19, 2016 and a two-day Working Group Meeting on September 20 and 21, 2016.

Alignment and Tunnel Tour:

The Ministry offered an alignment and Tunnel tour to all members of the EA Technical Working Group on September 19, 2016. Representatives from the following Aboriginal

Groups participated in that tour:

- Lyackson First Nation
- Tsleil-Waututh Nation
- Hwlitsum

EAO also participated in the tours. Key components included a driving tour of the Project alignment (along Highway 99) and a walking tour inside the Tunnel. The driving tour provided an orientation of the Project area and locations of specific Project works that are described in the Application. The Tunnel tour provided background information on the Tunnel including how it was constructed, details of the seismic retrofit, its usage and existing challenges. Project staff and technical experts leading the tours were available to respond to any questions from participants. Following the completion of the alignment and Tunnel tour, attendees were brought to the Project office to view the 3-D models of the bridge and the Steveston Highway and Highway 17A interchanges.

The Ministry also participated in a Musqueam Indian Band boat and Tunnel tour on September 16, 2016. This is described in **Section 3.4** in more detail.

Working Group Meeting Day 1:

On September 20, EAO hosted the first day of a two-day working group meeting. Representatives from the following Aboriginal Groups participated:

- Hwlitsum
- Katzie First Nation
- Kwantlen First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Musqueam Indian Band
- Tsawwassen First Nation
- Tsleil-Waututh Nation

EAO began the meeting with an overview of the process and schedule. The Ministry provided a short Project update before providing an overview of key comments and questions raised by the Working Group in relation to different sections of the Application, and the Ministry's responses. Day 1 of the working group meeting focused on River Hydraulics and Morphology, Sediment and Water Quality, Fish and Fish Habitat, Underwater Noise, Marine Mammals, At-risk Amphibians, Vegetation, Terrestrial Wildlife, Visual Quality, Land Use, Agricultural Use and Heritage. Technical experts were present to answer questions. Meeting notes were distributed by EAO following the meeting for review and comment in advance of being finalized.

Working Group Meeting Day 2:

On September 21, EAO hosted the second day of a two-day working group meeting. Representatives from the following Aboriginal Groups participated:

- Halalt First Nation
- Hwlitsum
- Katzie First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Musqueam Indian Band
- Tsawwassen First Nation
- Tsleil-Waututh Nation

The Ministry provided an overview of key comments and questions raised by the working group in relation to different sections of the Application, and the Ministry's responses. Day 2 of the working group meeting focused on Traffic, Air Quality, Noise, Marine Use, and Health. Technical experts were present to answer questions. Meeting notes were distributed by EAO following the meeting for review and comment in advance of being finalized.

Community Meetings

The Ministry participated in a Musqueam Indian Band community meeting on September 15, 2016. This is described in **Section 3.4** in more detail.

Materials provided to Aboriginal Groups during Application Review

To date, the following materials have been provided to Aboriginal Groups during the Application Review Phase:

- George Massey Tunnel Application for an Environmental Assessment Certificate;
- Health Impact Assessment;
- Proponent Response to Aboriginal Groups' Comments Submitted through the Working Group;
- Presentations on specific topics of interest to, and requested by, Aboriginal Groups;
- Working Group Meeting Presentations.

3.3.2 Consultation Activities with Schedule C Aboriginal Groups

During the Initial Consultation Phase, the Ministry offered to meet with the Stō:Lò Nation and Stō:Lò Tribal Council and received a deferral from the People of the River Office (representing member communities of the Stō:Lò Nation and Tribal Council) in May

2014.

In January 2016, People of the River Referrals Office advised EAO of their interest in deeper consultation given the decommissioning of the Tunnel component of the Project including the removal of sections of the Tunnel. As a result, EAO added People of the River Referrals Office to Schedule C of the Section 11 Order in March 2016.

The Ministry has continued to engage People of the River Referrals Office during each consultation phase to date, sharing Project-related information with People of the River Referrals Office as outlined in Aboriginal Consultation Report 1 and 2.

During the Application Review Phase, People of the River Referrals Office was provided with a copy of the Application.

The Ministry met with representatives of People of the River Referrals Office on September 6, 2016 and, at the request of People of the River Referrals Office, focused the meeting on Fish and Fish Habitat and the Tunnel Decommissioning components of the Project.

The Ministry provided the following presentations:

- George Massey Tunnel Project Overview: outlining the key Project components, anticipated schedule, and other key aspects of the Project.
- Fish & Fish Habitat Presentation: presenting key studies, methodology and findings from the assessment.
- Tunnel Decommissioning: outlining proposed methodology for the decommissioning of the tunnel.

During the meeting, the Ministry responded to questions and comments raised by People of the River Referrals Office in relation to the Project. Topics of interest and key concerns related to the following:

- Assignment of People of the River Referrals Office to Schedule C rather than Schedule B of the Section 11 Order.
- Tunnel decommissioning methodology.
- Potential effects of underwater noise on fish during Project construction.
- Importance of fish habitat enhancement and benefits to fish and fish habitat.
- Protection of fish, specifically how sturgeon has been considered in the assessment.
- Protection of Aboriginal fishing locations & access.
- Opportunities for Aboriginal Groups during construction.

In follow up to the meeting and at the request of People of the River Referrals Office, the Ministry responded to a follow up question regarding current underwater noise from the Tunnel, and shared electronic copies of the stream classification mapping, presentations and a list of sections/topics from the Application to facilitate People of the River Referrals Office's identification of potential future discussion topics and questions.

The Ministry will continue to respond to questions raised by People of the River Referrals Office during the remainder of the Application Review Phase, will provide updates with respect to Project milestones and will share additional relevant Project-related information should it become available and at the request of People of the River Referrals Office and EAO.

3.4 Aboriginal Group-Specific Application Review Phase Consultation

The following section outlines Application Review Phase consultation activities undertaken with each Schedule B Aboriginal Group to date.

3.4.1 Cowichan Tribes

Cowichan Tribes is participating in the Application Review process independently and through the Cowichan Nation Alliance. The Cowichan Nation Alliance consists of Cowichan Tribes, Halalt First Nation, Penelakut Tribe and Stz'uminus First Nation.

Cowichan Tribes has been fully engaged in the Application Review Phase. To date, the Ministry has worked with Cowichan Tribes in relation to the following:

- Finalization of an Application Review Funding Agreement to support Cowichan Tribes' continued participation in Project-related consultation activities and Cowichan Tribes' review of the Application
- Responding Cowichan Tribes' comments and concerns regarding the proposed Project through:
 - Cowichan Tribes' participation in the Working Group process and submission of comments (submitted by the Cowichan Nation Alliance); and
 - Application Review Phase meetings/conference calls, including a GMT Cowichan Nation Alliance meeting on September 26, 2016 focused on the following priority topics for the Cowichan Nation Alliance:
 - Air quality
 - Noise
 - Health
 - Traffic
- Seeking Cowichan Tribes' input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Cowichan Tribes' GMT Consultation Plan.

In accordance with the Cowichan Tribes' GMT Consultation Plan, the Ministry has:

- Offered to undertake consultation activities as planned with Cowichan Tribes and described in the Consultation Plan.
- Supported Cowichan Tribes' participation in the Application Review Phase through provision of a Funding Agreement.
- Conducted meetings with Cowichan Nation Alliance and offered to meet with Cowichan Tribes at any time during the Application Review Phase.
- Arranged for technical experts to meet with Cowichan Tribes to address key topics of concern.
- Ensured that Cowichan Tribes was provided with the information from the September Working Group meetings that they could not attend by meeting with Cowichan Nation Alliance and EAO.
- Responded to Cowichan Tribes' and Cowichan Nation Alliance's comments and concerns on the Application raised during meetings, conference calls and through other Project-related communications.

Cowichan Tribes' comments during the Application Review Phase have included the following topics of interest/concern:

- Traffic: traffic modelling;
- Human Health (HIA): adequacy of the assessment and consideration of Aboriginal health;
- Air Quality: methodology and effects on members potentially residing at the Cowichan village site;
- Noise: methodology and effects on members potentially residing at the Cowichan village site.

Cowichan Tribes is actively participating in the Application Review process and has submitted comments during Round 1 and 2 through the Cowichan Nation Alliance. Responses to the comments received from Cowichan Tribes/Cowichan Nation Alliance have been provided to Cowichan Tribes and are captured in the Technical Working Group Tracking Table.

Through their ongoing involvement in the Application Review Process, the Ministry anticipates that Cowichan Tribes will raise additional comments that will be responded to prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Cowichan Tribes through the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Cowichan Tribes' input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Cowichan Tribes, for review and comment. To facilitate Cowichan Tribes' review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Aboriginal Consultation Reports 1&2 (i.e. Project overview, Proponent overview, etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Cowichan Tribes-specific text.

A review of this draft Consultation Report content was undertaken by the Cowichan Nation Alliance. The Ministry revised the Cowichan Tribes, Stz'uminus First Nation and Halalt First Nation sections of the Report to ensure the inclusion of content previously only provided in the Penelakut Tribe summary. Other than the request for revision of the draft to provide consistency of content for the four Cowichan Nation Alliance Aboriginal Groups, the Ministry received no comments or request for changes.

In a January 12, 2017 email to Cowichan Tribes, the Ministry outlined how Cowichan Tribes' input on this Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.2 Halalt First Nation

Halalt First Nation is participating in the Application Review process independently and through the Cowichan Nation Alliance. The Cowichan Nation Alliance consists of Halalt First Nation, Cowichan Tribes, Penelakut Tribe and Stz'uminus First Nation.

Halalt First Nation has been fully engaged in the Application Review Phase. To date, the Ministry has worked with Halalt First Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Halalt First Nation's continued participation in Project-related consultation activities and Halalt First Nation's review of the Application;
- Responding Halalt First Nation's comments and concerns regarding the proposed Project through:
 - Halalt First Nation's participation in the Working Group process and submission of comments (submitted by the Cowichan Nation Alliance); and
 - Application Review Phase meetings/conference calls, including a GMT Cowichan Nation Alliance meeting on September 26, 2016 focused on the following topics:
 - Air quality

- Noise
- Health
- Traffic
- Seeking Halalt First Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Halalt First Nation GMT Consultation Plan.

In accordance with the Halalt First Nation GMT Consultation Plan, the Ministry has:

- Offered to undertake consultation activities as planned with Halalt First Nation and described in the Consultation Plan.
- Supported Halalt First Nation's participation in the Application Review Phase through the provision of a Funding Agreement.
- Conducted meetings with Cowichan Nation Alliance and offered to meet with Halalt First Nation at any time during the Application Review Phase.
- Arranged for technical experts to meet with Halalt First Nation to address key topics of concern.
- Ensured that Halalt First Nation was provided with the information from the September Working Group meetings that they could not attend.
- Responded to Halalt First Nation's and Cowichan Nation Alliance's comments and concerns in relation to the Application raised during meetings, conference calls and through other Project-related communications.

Halalt First Nation's comments during the Application Review Phase have included the following topics of interest/concern:

- Traffic: traffic modelling.
- Human Health (HIA): adequacy of the assessment and consideration of Aboriginal health.
- Air Quality: methodology and effects on members potentially residing at the Cowichan village site.
- Noise: methodology and effects on members potentially residing at the Cowichan village site.

Halalt First Nation is actively participating in the Application Review process and submitted Round 1 and 2 comments on the Application through the Cowichan Nation Alliance. Responses to the comments received from Halalt First Nation /Cowichan Nation Alliance have been provided to Halalt First Nation and are captured in the Technical Working Group Tracking Table.

Through their ongoing involvement in the Application Review Phase, the Ministry anticipates that Halalt First Nation will have additional comments that will be responded

to prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Halalt First Nation through the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Halalt First Nation's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Halalt First Nation, for review and comment. To facilitate Halalt First Nation's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Halalt First Nation-specific text.

On behalf of Halalt First Nation, a review of the draft Consultation Report content was undertaken by the Cowichan Nation Alliance. The Ministry revised the Halalt First Nation, Stz'uminus First Nation and Cowichan Tribes sections of the Report to ensure the inclusion of content previously only provided in the Penelakut Tribe summary. Other than the request for revision of the draft to provide consistency of content for the four Cowichan Nation Alliance Aboriginal Groups, the Ministry received no comments or request for changes.

In a January 12, 2017 email to Halalt First Nation, the Ministry outlined how Halalt First Nation's input on Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.3 Katzie First Nation

Katzie First Nation was provided with the Application for review and comment. Katzie First Nation is currently engaged in the Application Review Phase. To date, the Ministry has worked with Katzie First Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Katzie First Nation's continued participation in Project-related consultation activities and review of the Application;
- Responding to Katzie First Nation's comments and concerns regarding the proposed Project through:
 - Katzie First Nation's participation at the Working Group meetings held September 20-21, 2016;

- Providing written responses to Katzie First Nation's comments on the Application.
- A meeting on October 18, 2016 focused on the following topics:
 - EAO process update.
 - Project update and overview of Project components.
 - Review of Ministry's responses to Katzie First Nation's comments on the Application and discussion of comments from Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation.
 - Discussion regarding the outstanding concern of Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation regarding the provincial approach to procurement and Aboriginal involvement in Projects.
- Seeking Katzie First Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Katzie First Nation GMT Consultation Plan.

In accordance with the Katzie First Nation GMT Consultation Plan, the Ministry has:

- Offered to conduct consultation activities as outlined in the Consultation Plan or in addition to those described within the Consultation Plan.
- Supported Katzie First Nation's participation in the Application Review Phase through provision of a Funding Agreement.
- Met with Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation on October 18, 2016 and offered to meet with Katzie First Nation at any time during the Application Review Phase.
- Supported Katzie First Nation's participation at the Application Review Phase EAO-led Working Group meetings (September 20-21, 2016)
- Responded to Katzie First Nation's comments and concerns in relation to the Application raised during the Working Group meetings and in a formal submission of Round 2 comments.

During the September 20-21 Working Group meetings, Katzie First Nation's comments related to the following topics and/or section of the Application:

- Outstanding concern of Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation regarding the provincial approach to procurement and Aboriginal involvement in Projects; and that the Application Review process had continued while this concern remains outstanding.
- Heritage
 - Katzie First Nation noted that signage is not a form of cultural management.

- Katzie First Nation commented that the new bridge will impact the culture of Aboriginal Groups and their experience of the area.

Comments outlined in a letter from Katzie First Nation on October 14, 2016 include:

- Requirement to protect fisheries or wildlife values identified by Fisheries and Oceans Canada and the Ministry of Environment;
- Riparian planting requirements must identify use of native species only;
- Importance of Katzie review input into specific proposed management plans, such as the Archaeological and Heritage Resource Management Plan;
- Appropriate archaeological assessment for all ground disturbance work, particularly new access roads, ramps and widening outside of the GMT disturbed area;
- Concern with the potential for underwater construction noise and vibration to impact the upstream migration of salmon past the site during critical times of the year; and
- Joint development of construction and demolition operations and mitigation plans to address this specific issue during the summer and fall fishing season.

Topics/concerns raised by Katzie First Nation during the October 18, 2016 meeting included:

- Lack of response to letter from Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation to the Province regarding the approach to procurement and Aboriginal involvement.
- Cumulative effects of development on the Fraser River and potential further adverse effects on the ability for First Nations to fish in what is currently a highly impacted context. Too narrow a focus to look at the effects of construction only. Opportunity for cumulative effects of development of the Fraser River to be addressed through a Project-funded study.
- Lack of meaningful consultation.
- Suicide prevention on bridge.
- Impacts of construction activities, in particular pile driving, on fish and other species.
- Protection of eulachon and how DFO designation as “endangered” would be considered.

Katzie First Nation is participating in the Application Review process and submitted Round 2 comments. The Ministry prepared responses to Round 2 comments. The responses to the Round 2 comments were provided to Katzie First Nation and are captured in the Technical Working Group Tracking Table. Through Katzie First Nation’s continued participation in the Application Review process, the Ministry anticipates

responding to additional comments prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Katzie First Nation during the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Katzie's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Katzie First Nation, for review and comment. To facilitate Katzie First Nation's review, the following two versions of the draft were shared: a draft Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Katzie First Nation-specific text.

On November 21, 2016, Katzie First Nation responded to the Ministry's request for review of the draft Report, noting that Katzie First Nation had "reviewed the material and at this time they reflect the information Katzie First Nation has provided".

In a January 12, 2017 email to Katzie First Nation, the Ministry provided the revised and final version of this Consultation Report.

3.4.4 Kwantlen First Nation

Kwantlen First Nation was provided with a copy of the Application for review and comment. Kwantlen First Nation is currently engaged in the Application Review Phase. To date, the Ministry has worked with Kwantlen in relation to the following:

- Finalization of an Application Review Funding Agreement to support Kwantlen First Nation's continued participation in Project-related consultation activities and Kwantlen First Nation's review of the Application;
- Responding to Kwantlen First Nation's comments and concerns regarding the proposed Project through:
 - Kwantlen First Nation's participation at the Working Group meetings held September 20-21, 2016
 - A meeting on October 18, 2016 focused on the following topics:
 - EAO process update;
 - GMT general update and overview of Project components;
 - A discussion of comments from Kwantlen First Nation, Katzie First Nation and Semiahmoo First Nation on the Application. Review of Ministry's responses to Katzie First Nation's written comments received;

- Discussion regarding the outstanding concern of Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation regarding the provincial approach to procurement and Aboriginal involvement on projects.
- Seeking Kwantlen First Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Kwantlen First Nation GMT Consultation Plan.

In accordance with the Kwantlen First Nation GMT Consultation Plan, the Ministry has:

- Offered to conduct consultation activities as outlined in the Consultation Plan or as suggested and requested by Kwantlen First Nation;
- Supported Kwantlen First Nation's participation in the Application Review Phase through the provision of a funding agreement.
- Met with Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation (October 18, 2016) and offered to meet with Kwantlen First Nation at any time during the Application Review Phase.
- Supported Kwantlen First Nation's participation at the Application Review Phase EAO-led Working Group meetings (September 20-21, 2016).
- Responded to Kwantlen's comments and concerns in relation to the Application raised during the Working Group meetings.

During the September 20-21 Working Group meetings, Kwantlen First Nation's comments related to the following topics and/or section of the Application:

- Ongoing concern with the Province's approach to procurement, in particular as it relates to Aboriginal involvement and that the Project's review process had continued while Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation's concern remains outstanding.
- Heritage: Consultation with Aboriginal Groups on the Heritage Management Plan and Chance Find procedure.

Topics/concerns raised by Kwantlen First Nation during the October 18, 2016 meeting included:

- Lack of response to letter from Katzie First Nation, Kwantlen First Nation and Semiahmoo First Nation to the Province regarding the provincial approach to procurement and Aboriginal involvement on projects.
- Cumulative effects of development on the Fraser River and potential further adverse effects on the ability for First Nations to fish in what is currently a highly impacted context. Too narrow a focus to look at the effects of construction only.

Opportunity for cumulative effects of development of the Fraser River to be addressed through a Project-funded study.

- Lack of meaningful consultation, in particular, concern that Ministry's lack of response to Kwantlen First Nation's concerns regarding the Province's approach to procurement and Aboriginal participation, constitutes a breach of the Crown's Fiduciary Duty.

Kwantlen First Nation is participating in the Application Review process and submitted Round 2 comments. The Ministry prepared responses to the Round 2 comments. The responses to the Round 2 comments were provided to Kwantlen First Nation and are captured in the Technical Working Group Tracking Table. Through Kwantlen First Nation's continued participation in the Application Review process, the Ministry anticipates responding to additional comments prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Kwantlen First Nation the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Kwantlen First Nation's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Kwantlen First Nation, for review and comment. To facilitate Kwantlen First Nation's review, the following two versions of the draft were shared: a draft Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Kwantlen First Nation-specific text.

On November 29, 2016, Kwantlen First Nation responded to the request for review of the draft Report and provided the comments below.

Under Section 2.2 Respect and Relationships, "Kwantlen First Nation would like emphasis on working collaboratively to explore opportunities, and to open dialogue on this as early as possible". To capture Kwantlen First Nation's feedback, a bullet was added to Section 2.2 which reads as follows: in exploring opportunities to provide the above-listed benefits, work collaboratively with Schedule B Aboriginal Groups, and engage in open dialogue on this as early as possible.

Building on previous concerns articulated by Kwantlen First Nation during consultation activities and via letter regarding the Province's approach to procurement and Aboriginal participation, Kwantlen First Nation noted that "we are troubled that this process isn't

meaningful, and that the concerns we've mentioned to date won't be adequately addressed". Kwantlen First Nation added that they wish to emphasize that the Ministry's lack of response to Kwantlen First Nation regarding this concern constitutes a breach of the Crown's Fiduciary Duty. Kwantlen First Nation's comments on the draft Report are included in this section in the manner in which they were communicated to the Ministry, the previous section in the description of issues, as previously noted, in Section 2.2.

In a January 12, 2017 email to Kwantlen First Nation, the Ministry outlined how Kwantlen First Nation's input on Aboriginal Consultation Report 3 has been considered in the revised Report, and has identified where changes have and have not been made to the final document.

3.4.5 Lake Cowichan First Nation

Lake Cowichan First Nation was provided with a copy of the Application for review and comment. Lake Cowichan First Nation has been actively engaged in the Application Review Phase. To date, the Ministry has worked with Lake Cowichan First Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Lake Cowichan First Nation's continued participation in Project-related consultation activities and Lake Cowichan First Nation's review of the Application;
- Responding to Lake Cowichan First Nation's comments and concerns regarding the proposed Project through:
 - Lake Cowichan First Nation's participation at the Working Group meetings held September 20-21, 2016; and
 - A meeting on September 27 2016 focused on the following topics:
 - EAO process update;
 - GMT general update and overview of Project components.

In accordance with the Lake Cowichan First Nation GMT Consultation Plan, the Ministry has:

- Offered to conduct consultation activities as outlined in the Consultation Plan or as suggested and requested by Lake Cowichan First Nation;
- Supported Lake Cowichan First Nation's participation in the Application Review Phase through the provision of a funding agreement.
- Met with Lake Cowichan First Nation and offered to meet with Lake Cowichan First Nation during the Application Review Phase.
- Supported Lake Cowichan First Nation's participation at the Application Review Phase EAO-led Working Group meetings (September 20-21, 2016).
- Responded to Lake Cowichan First Nation's comments and concerns in relation to the Application raised during the Working Group meetings.

During the September 20-21 Working Group meetings, Lake Cowichan First Nation's comments related to the following topics and/or section of the Application:

- Traffic: socio-economic impacts and impact of tolls ;
- Agriculture: concern with reduction in salinity and any effects on salt marshes;
- Terrestrial wildlife: interest in whether the Ministry studied current light emissions within the area of the proposed bridge;
- Heritage: consideration of erosion and potential for artifacts in the river bed; comment on inadequacy of typical one-day training for construction crews on artifact discovery;
- Tunnel Decommissioning;
- Noise: potential effects of noise on bats;
- Health: Concern related to social health effects.

Lake Cowichan First Nation raised the following concerns at the meeting on September 27, 2016:

- Decline in fish stocks and current conditions for fish in the Fraser as well as the importance of providing areas for them to rest.
- Protection of Aboriginal fisheries on the Fraser River.
- Effects of municipal diking on fish and the importance of providing shading for fish.
- Importance of protecting wildlife and plants.
- Effects of noise on bats and other wildlife and the importance of having measures to address any effects on humans and wildlife.
- Timing of Tunnel removal and consideration of salmon runs in the planning
- Protection of archaeological and heritage resources.
- Seeking Lake Cowichan First Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Lake Cowichan First Nation GMT Consultation Plan.

In addition, Lake Cowichan First Nation has indicated their desire to re-invigorate their traditional practices related to the Fraser River and noted concerns with the challenges increased activity and development have on this aspiration.

Lake Cowichan First Nation is actively participating in the Application Review process and the Ministry anticipates responding to additional comments prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Lake Cowichan First Nation the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Lake Cowichan First Nation's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Lake Cowichan First Nation, for review and comment. To facilitate Lake Cowichan First Nation's review, the following two versions of the draft were shared: a draft of the Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Lake Cowichan-specific text.

The Ministry received Lake Cowichan First Nation's feedback on the draft Report on November 30, 2016. Lake Cowichan First Nation requested that the document specifically state their desire to re-invigorate their traditional practices related to the Fraser River, noting the challenges of doing so given the increasing activity on, around and to the area. Lake Cowichan First Nation also stated that "although, their focus has been in the Lake Cowichan area at this time as they try to rebuild and recoup their practices from the terrible societal interference in their practices, they will yet wish to expand to all their practices as resources, both human and financial permit". Lake Cowichan First Nation's feedback on the draft Report has been included, as it was communicated, in this section, and is summarized in the above section as well.

In a January 12, 2017 email to Lake Cowichan First Nation, the Ministry outlined how Lake Cowichan First Nation's input on Aboriginal Consultation Report 3 has been considered in the revised Report, and has identified where changes have and have not been made to the final document.

3.4.6 Lyackson First Nation

Lyackson First Nation was provided with a copy of the Application for review and comment. Lyackson First Nation has been actively engaged in the Application Review Phase to date, the Ministry has worked with Lyackson First Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Lyackson First Nation's continued participation in Project-related consultation activities and Lyackson First Nation's review of the Application;
- Responding to Lyackson First Nation's comments and concerns regarding the proposed Project through:
 - Lyackson First Nation's participation at the Working Group meetings held September 20-21, 2016; and
 - Meetings and engagement activities

- Concerns raised during these activities include:
 - Importance of obtaining Aboriginal Groups' and elders' input into planting plans.
 - Potential for contaminants to leak into the Fraser River during the decommissioning of the Tunnel.
 - Current condition of the Tunnel and effects of leakages on the river.
 - Consultation on mitigation measures and management plans.
 - Health impacts to fish from runoff and pollution – current conditions and future conditions post construction.
 - Impacts to fish from construction noise, in particular herring.
 - Impacts to Aboriginal fisheries within the Fraser River.
- Seeking Lyackson First Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Lyackson First Nation GMT Consultation Plan.

In accordance with the Lyackson First Nation GMT Consultation Plan, the Ministry has:

- Offered to conduct consultation activities as outlined in the Consultation Plan or as suggested and requested by Lyackson First Nation.
- Supported Lyackson First Nation's participation in the Application Review Phase through the provision of a funding agreement.
- Met with Lyackson First Nation and offered to meet with Lyackson First Nation at any time during the Application Review Phase.
- Supported Lyackson First Nation's participation at the Application Review Phase EAO-led Working Group meetings (September 20-21, 2016).
- Responded to Lyackson First Nation's comments and concerns in relation to the Application raised during the Working Group meetings.

During the September 20-21 Working Group meetings, Lyackson First Nation's comments related to the following topics and/or section of the Application:

- Air quality: consideration in the assessment of future improvements related to energy efficiency.
- Traffic: consideration of future rail in the traffic forecast.

Lyackson First Nation is actively participating in the Application Review process and submitted Round 2 comments. The Ministry prepared responses to the Round 2 comments. The responses to the Round 2 comments were provided to Lyackson First

Nation and are captured in the Technical Working Group Tracking Table. The Ministry anticipates that additional comments will be responded to prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Lyackson First Nation the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Lyackson First Nation's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Lyackson First Nation, for review and comment. To facilitate Lyackson First Nation's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Lyackson First Nation-specific text.

Lyackson First Nation submitted comments on November 18, 2016 and they are presented below along with the Ministry's response/action.

- Questions and comments raised by First Nations at the site visit and September Working Group meetings were not addressed by EAO or the Proponent.

The Ministry is not aware of any comments or concerns that were not addressed during or in follow up to the site visit and September Working Group meetings and has requested that Lyackson First Nation identify what is considered outstanding. In addition to addressing comments raised during the Working Group meetings, the Ministry responded to comments through the Working Group Tracking Table and EAO has sought comments on EAO's draft referral materials.

- Lyackson First Nation stated that they were not provided adequate financial support to allow Lyackson First Nation to complete a comprehensive and adequate third party review of the Application.

Lyackson First Nation was provided with funding for the Application Review Phase and had the opportunity to identify concerns and needs related to funding during related engagement with the Ministry and during their review of the draft funding agreement. Unfortunately, this concern was not raised at a time when the Ministry could have reasonably considered it.

- Lyackson First Nations comments and concerns raised at Working Group and one-on-one meetings remain outstanding and unaddressed;

The Ministry is not aware of any comments or concerns that were not addressed during or in follow up to the site visit and September Working Group meetings and has requested that Lyackson First Nation identify what is considered outstanding. In addition to addressing comments raised during the Working Group meetings and one-on-one meetings with Lyackson First Nation, the Ministry responded to comments through the Working Group Tracking Table and EAO has sought comments on EAO's draft referral materials.

- The list on page 9 of the document is not a comprehensive list of concerns;

The list represents concerns raised during Application Review meetings and is not intended to be a comprehensive list of all comments/concerns raised in relation to the Project.

- Lyackson First Nation is of the view that neither the Proponent nor the EAO has engaged in any meaningful discussions with Lyackson First Nation regarding mitigation and accommodation measures;

Consultation with Lyackson First Nation is ongoing and the Ministry has made requests to Lyackson First Nation to provide input on planned consultation, including discussions in relation to mitigation and accommodation. The Ministry welcomes further discussion with Lyackson First Nation regarding plans as outlined in documents such as ACRs 1 & 2, Lyackson First Nation's GMT Consultation Plan, and Section 5 of this document.

- The list of concerns on page 10 is not a comprehensive list of Lyackson First Nation's concerns with respect to the Project;

The list is specifically identifying concerns raised during the September Working Group meetings. It is not intended to be a comprehensive list of Lyackson First Nation's concerns.

- Lyackson First Nation reiterated that it does not consider efforts made to mitigate or address concerns to have been meaningful.

The Ministry requested Lyackson First Nation explain this statement with examples and specific detail that may enhance the approach and plans for

continued consultation, in particular as it is outlined in Section 5 of this document and the Lyackson First Nation GMT Consultation Plan.

In a January 12, 2017 email to Lyackson First Nation, the Ministry outlined how Lyackson First Nation's input on Aboriginal Consultation Report 3 has been considered in the revised Report, and has identified where changes have and have not been made to the final document.

3.4.7 Musqueam Indian Band

Since the commencement of the Application Review Phase, the Ministry has been working with Musqueam Indian Band in relation to the following:

- Negotiation of a Memorandum of Agreement– replaced at the request of Musqueam Indian Band by a negotiated Project Funding Agreement allocating resources towards:
 - Musqueam Indian Band's review of the Application and participation in Project-related consultation activities;
 - Musqueam Traditional Use Study – submitted to the Ministry on November 17, 2016.
- Addressing Musqueam Indian Band's concerns in relation to the Project
- Ongoing response to Musqueam Indian Band comments on the Application

Engagement between Musqueam Indian Band and the Ministry in relation to a MoA/ Project agreement.

In a shared effort to ensure effective consultation and Musqueam Indian Band participation during the Application Review Phase, the Ministry and Musqueam Indian Band worked towards developing and finalizing a Memorandum of Agreement (MoA), inclusive of Application Review funding for engagement and Application Review, as well as a Musqueam Indian Band Traditional Use Study. At the request of Musqueam Indian Band, the MoA was replaced with a Project agreement that ensures support for Musqueam Indian Band's continued involvement in the Application Review Process and consultation activities

In accordance with the engagement plan outlined in the Musqueam Indian Band/Project agreement, the following activities have occurred:

Musqueam boat and Tunnel tour

On September 16, the Ministry participated in a boat tour of the Project area with Musqueam Indian Band and EAO. The main focus of the boat tour was on Musqueam Indian Band's fishing areas in the vicinity of the Tunnel, Deas Slough and Green Slough. The boat tour provided an opportunity for Musqueam Indian Band to share traditional knowledge, obtain information from the Project, identify concerns and explain areas currently used by Musqueam Indian Band for the exercise of rights. Following the boat tour, the Ministry provided a Tunnel tour consistent with the Tunnel tour provided to the Working Group on September 19 described in **Section 3.3.1**.

Among the information shared with the Project, were concerns related to: current constraints on the exercise of Musqueam Indian Band's right to fish (i.e. existing volume and speed of vessel traffic, safety considerations, poor fish returns and limited opportunities under DFO regime); access for Musqueam Indian Band fishers during bridge construction and Tunnel decommissioning; impacts to the quality of experience and transfer of Musqueam Indian Band knowledge; and effects of Tunnel removal on fish and fish behaviour.

During Musqueam Indian Band's review of the draft Consultation Report, it was noted that the following additional information was shared:

- Current industrialization issues in the Fraser River, such as vessel traffic, size, and concerns about future industrialization of the Fraser River.
- Cultural continuity, such as current challenges regarding the future transfer of knowledge, and anticipated future challenges (not necessarily specific to the Project), language continuity, sense of place and space, cultural and ceremonial safety.
- Sedimentary and dredging concerns regarding the Fraser River.
- Musqueam history and cultural adaptations.
- Harvesting of plants and animals, beyond marine animals.

Subsequent to sharing draft the Consultation Report with Musqueam Indian Band in October 2016, the Ministry received follow up information from Musqueam Indian Band in relation to the concerns and knowledge shared during the September 2016 boat tour. At the time of sharing the Consultation Report with Musqueam Indian Band, the Ministry had not yet received the Musqueam Indian Band Traditional Use Study. The document was shared with the Ministry on November 17, 2016. The Ministry has responded to Musqueam Indian Band directly via letter and consideration document with regards to the information shared in the Study.

Musqueam Indian Band community meeting

On September 15, 2016, the Ministry attended a Musqueam Indian Band GMT Project community meeting. Project representatives and EAO were available to respond to Project-related questions and to share information with attendees. Project and EA Application-related information boards were used. EAO utilized materials that outlined the Environmental Assessment Process. The community meeting was a Musqueam Indian Band -led activity and written comments shared by attendees were gathered by Musqueam Indian Band representatives. Musqueam Indian Band advised the Ministry that written comments would be reviewed by Musqueam Indian Band staff prior to sharing with the Project team. While comments from this activity were not directly distributed to the Ministry, input received from Musqueam Indian Band following their review of the draft Consultation Report clarified that any comments Musqueam Indian Band staff received during the community meeting was incorporated into comments and issues that Musqueam Indian Band has addressed with the Ministry in subsequent correspondence and meetings.

Meetings with the Ministry, EAO and Musqueam Indian Band

The Ministry met with Musqueam Indian Band and EAO on October 11, 2016. The focus of the meeting was to discuss Musqueam Indian Band's Application Review comments and questions pertaining to Tunnel decommissioning, fisheries and Section 10 (Aboriginal Consultation).

Materials used during this meeting included:

- Presentation related to the Tunnel decommissioning (hard copies): The Ministry provided a technical walk through of the proposed process for Tunnel decommissioning that is presented in Section 1.0 Overview of the Application. This included details on the steps that would be undertaken including preparation works, such as removing utilities and asphalt, and in-water works. The Ministry answered questions on rationale for Tunnel decommissioning and proposed mechanisms for minimizing potential effects.
- Table of least risk fisheries windows: in response to a request by Musqueam Indian Band during a Working Group meeting, this graphic has been prepared to provide a consolidated representation of life history timing for Commercial Recreational and Aboriginal (CRA) fish that transit through the Project Area, and how this timing compares to the established least-risk timing window. Information on up-river spawning migration of adult Pacific salmon is also summarized in this same graphic for information purposes and to facilitate further discussions.
- Hard copies of the Musqueam Indian Band Application Review comments table.

Key topics/concerns raised by Musqueam Indian Band during the meeting included:

- Rationale for the Tunnel decommissioning and request for sharing of rationale & alternatives document/analysis.
- Tunnel decommissioning: proposed methodology & timing.
- Potential interference with and impacts to Musqueam's ability to fish during construction and decommissioning.
- Concern with safety of members as a result of current conditions and construction vessels (i.e. barges).
- Potential effects of Tunnel removal on fish from; and
- Importance of Musqueam Indian Band involvement in planning and development of mitigation measures, including but not limited to the Marine Access Management Plan.

Musqueam Indian Band participation in EAO-led Working Group meetings

Musqueam Indian Band representative/s attended Working Group meetings held on September 20-21, 2016. Musqueam Indian Band's comments during the meetings related to the following topics/ sections of the Application:

- Tunnel decommissioning;
- River Hydraulics;
- Fish & Fish Habitat;
- Heritage;
- Noise;
- Marine Use.

Musqueam Indian Band review of the Application and submission of comments

Musqueam Indian Band is participating in the Application Review process and submitted Round 1 and 2 comments on the Application on September 9, 2016. Round 1 and 2 comments and responses are presented in the Technical Working Group tracking table which were provided to Musqueam Indian Band. .

Musqueam Indian Band is actively participating in the Application Review process and the Ministry anticipates that additional comments and concerns will be raised, and responded to, prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Musqueam Indian Band during the Application Review Phase and with respect to key Project-related components such as proposed mitigation and the development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Musqueam Indian Band's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Musqueam Indian Band, for review and comment. To facilitate Musqueam Indian Band's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Musqueam Indian Band-specific text.

Musqueam Indian Band provided comments in a November 23, 2016 letter and accompanying table. Musqueam Indian Band requested that feedback on the Consultation Report be included in the document. Where appropriate, revisions to the Consultation Report have been made as a result of Musqueam Indian Band's input.

The Ministry acknowledges that Musqueam Indian Band has a different perspective on the effectiveness and meaningfulness of consultation undertaken to date and summarized in this report. It is also acknowledged that during review of Consultation Reports 1 and 3, Musqueam Indian Band requested that a Musqueam Indian Band-specific report be prepared. While a separate Musqueam Indian Band Consultation Report has not been completed, the Ministry has presented Musqueam Indian Band-specific content and that of each of the other Aboriginal Groups in separate sections of the Report.

Also included in Musqueam Indian Band's comments on the Consultation Report is their perspective that consultation undertaken during the Initial Consultation Phase "was considered solely for the purposes of information sharing, and not consultation". While the Ministry does not share this perspective, Musqueam's view is noted.

Musqueam Indian Band also commented that in Section 3.3.1 it was unclear when the Initial Consultation Phase occurred. The Ministry has included additional text to provide clarification regarding when this phase took place and notes that initial consultation with Musqueam occurred in 2013 as described in Consultation Reports 1 & 2, shared in draft with Musqueam for review. Musqueam has also commented that in this section of the Consultation Report, the bullet reading "provide all relevant information in a timely and effective manner...", does not represent Musqueam's experience participating in the EA for this Project. Musqueam is of the view that the EA process was "truncated", "eliminated the opportunity to provide input into the Valued Component Selection document", and that there was "insufficient time or opportunity to present views on key EA scoping documents". Musqueam also noted that revisions/comments remains outstanding and that "questions, issues and interests [still] need to be meaningfully answered and addressed". While acknowledging Musqueam's perspective, the Ministry notes that it endeavored to undertake substantial early engagement and consultation with Musqueam in advance of beginning the EA on December 16, 2015. This included

meeting with Musqueam to discuss the Project Description and Key Areas of Study document and the dAIR, and the Ministry sharing drafts of these documents with Musqueam for review and comment. The Ministry understands that EAO has previously responded to Musqueam's concerns related to the EA schedule in written correspondence, in one-on-one meetings and through the Working Group. With respect to Musqueam's perspective that there was a lack of opportunity to present its views of documents during the Pre-Application Phase, the Ministry wishes to note the changes made to the dAIR as a result of Musqueam comments, related meetings and calls between Musqueam and EAO, as well as the Ministry's offers to meet on this matter as examples of effort to gain a better understanding of Musqueam's concerns and views. While the Ministry is unaware of any revisions, comments, questions or interests during this phase that have not been responded to, consultation with Musqueam is ongoing and the Ministry welcomes further information from Musqueam with respect to which concerns, questions, issues or comments remain outstanding.

Additional Musqueam comments on the draft Consultation Report present the view that the Ministry has not shared its understanding of "what specific Aboriginal Interests will be affected" by the Project and that the "onus has been placed on Musqueam to identify what interests and rights will be affected", noting "it is the job of the proponent to identify potential Project effects taking into account all relevant information...". Musqueam further comments that mitigation measures presented in the EA Application are "on a general scale" and as such there are "no specific mitigation measures to address Musqueam-specific effects, including impacts/infringements to [Musqueam's] Sparrow fishing rights".

In response to these comments, the Ministry refers Musqueam to the EA Application, which identifies what specific Aboriginal Interests were considered in the effects assessment, as indicated in the Nation-specific subsections to Section 10.1.3.2 Existing Conditions. For each Aboriginal Group, these subsections relate to fishing, hunting/trapping, gathering, and related interests, such as language and culture, cultural sites, and cultural landscapes. The Aboriginal Interests of Musqueam in the area of the Project, as known to the Ministry at the time of Application submission, are described between pp.10.1-114 and 10.1-123. Potential effects on these Aboriginal Interests are considered in Section 10.1.3.3 and mitigation measures to address potential effects are described in Section 10.1.3.4. The Ministry has been consulting with Musqueam to identify Aboriginal Interests in relation to the Project since 2013 and efforts to obtain information regarding Musqueam's asserted and determined rights are described in Consultation Report 1, dated May 2016, and Consultation Report 2, dated July 2016. Efforts have included the provision of funding for Musqueam to produce reports that specifically detail their Aboriginal Interests. Musqueam was also provided with the opportunity to comment on Part C of the Application, including the Ministry's conclusions on impacts to Musqueam's Aboriginal Interests.

Musqueam also commented on Table 1 (Meetings with Schedule B Aboriginal Groups during Application Review) stating that “it is not enough to just meet with First Nations – there needs to be meaningful engagement on the issues, sufficient information to assess the Aboriginal Interests that could be affected and potential impacts to those Interests, and appropriate mitigation”. Musqueam is of the view that, to date, this has not occurred. The Ministry notes that meetings are one of the activities undertaken by the proponent, as well as one of the activities listed in the signed Musqueam/Ministry funding agreement. Activities outlined in the funding agreement for the Application Review Phase were either proposed and/or agreed to by Musqueam. The Ministry has been of the understanding that Musqueam considered these appropriate and effective consultation activities to support meaningful engagement.

Commenting on the Musqueam-specific section of this document, Musqueam noted that comments submitted to the Ministry and EAO were not meaningfully answered and that an analysis document showing options regarding the tunnel decommissioning, responses to 2nd round Working Group comments (provided to the Ministry on October 21, 2016) and documents requested in those Working Group comments remain outstanding. EAO received responses to 2nd round Working Group comments on November 22, 2016 and it is the Ministry’s understanding that these were shared with members of the Working Group, including Musqueam. The Ministry has communicated that rationale for the removal of the tunnel on several occasions and has been preparing a memo that summarizes the information that is being shared with Musqueam. The Ministry remains committed to ongoing consultation with Musqueam and welcomes further engagement to address any outstanding concerns. With respect to actions that have been proposed in response to Musqueam concerns, the Ministry refers Musqueam to the draft fisheries access condition and the commitment to work with Musqueam in relation to their continued ability to exercise fishing rights within the Project area during Project construction.

Musqueam Indian Band also noted concern with the lack of reference in this Consultation Report to “the legal requirement for the Crown to justify any infringements upon Musqueam Indian Band’s proven *Sparrow* rights”. While the Consultation Report does not provide detail with respect to Musqueam Indian Band’s rights, this information is contained in Part C of the Application.

In addition to the above-listed comments, this Consultation Report has been revised to include other feedback from Musqueam. Revised content includes additional information shared by Musqueam on the boat and tunnel tour, removal of specific EAO/Musqueam-related text, updated details regarding the Musqueam TUS, and clarification language in relation to comments from the Musqueam Community Meeting “being incorporated into comments and issues that Musqueam has addressed with the Proponent in subsequent correspondence and meetings”.

In a January 12, 2017 email to Musqueam Indian Band, the Ministry outlined how Musqueam Indian Band's input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.8 Penelakut Tribe

Penelakut Tribe is participating in the Application Review process independently and through the Cowichan Nation Alliance. The Cowichan Nation Alliance consists of Penelakut Tribe, Halalt First Nation, Cowichan Tribes, and Stz'uminus First Nation.

Penelakut Tribe has been fully engaged in the Application Review Phase. To date, the Ministry has worked with Penelakut Tribe in relation to the following:

- Finalization of an Application Review Funding Agreement to support Penelakut Tribe's continued participation in Project-related consultation activities and Penelakut Tribe's review of the Application;
- Responding to Penelakut Tribe's comments and concerns regarding the proposed Project through:
 - Penelakut Tribe's participation in the Working Group process; and
 - Application Review Phase meetings/conference calls, including a GMT Cowichan Nation Alliance meeting on September 26, 2016 focused on the following topics:
 - Air quality
 - Noise
 - Health
 - Traffic
- Seeking Penelakut Tribe's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Penelakut Tribe's GMT Consultation Plan.

In accordance with the Penelakut Tribe GMT Consultation Plan, the Ministry has:

- Offered to undertake consultation activities as planned with Penelakut Tribe and described in the Consultation Plan.
- Supported Penelakut Tribe's participation in the Application Review Phase through the provision of a Funding Agreement.
- Conducted meetings with Cowichan Nation Alliance and offered to meet with Penelakut Tribe at any time during the Application Review Phase.
- Arranged for technical experts to meet with Penelakut Tribe to address key topics of concern.

- Ensured that Penelakut Tribe was provided with the information from the September Working Group meetings that they could not attend.
- Responded to Penelakut Tribe's and Cowichan Nation Alliance's comments and concerns in relation to the Application raised during meetings, conference calls and through other Project-related communications.

Penelakut Tribe's comments during the Application Review Phase have included the following topics of interest/concern:

- Traffic: traffic modelling
- Human Health (HIA): adequacy of the assessment and consideration of Aboriginal health;
- Air Quality: methodology and effects on members potentially residing at the Cowichan village site;
- Noise: methodology and effects on members potentially residing at the Cowichan village site.

Penelakut Tribe is actively participating in the Application Review process and submitted comments on Round 1 and 2 through the Cowichan Nation Alliance and separately as Penelakut Tribe submissions. Responses to the comments received from Penelakut Tribe and Cowichan Nation Alliance were provided to Penelakut Tribe and are captured in the Technical Working Group Tracking Table.

Through their ongoing involvement in the Application Review Phase, the Ministry anticipates that Penelakut Tribe will have additional comments that will be responded to prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Penelakut Tribe through the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Penelakut Tribe's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Penelakut Tribe, for review and comment. To facilitate Penelakut Tribe's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Penelakut Tribe-specific text.

On behalf of Penelakut Tribe, a review of the draft Consultation Report content was undertaken by the Cowichan Nation Alliance. The Ministry revised the Halalt First Nation, Stz'uminus First Nation and Cowichan Tribe sections of the Report to ensure the inclusion of content previously only provided in the Penelakut Tribe summary. Other than the request for revision of the draft to provide consistency of content for the four Cowichan Nation Alliance Aboriginal Groups, the Ministry received no comments or request for changes.

In a January 12, 2017 email to Penelakut Tribe, the Ministry outlined how Penelakut Tribe's input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.9 Hwlitsum

Hwlitsum was provided with a copy of the Application for review and comment. Hwlitsum has been engaged in the Application Review Phase and has participated as a member of the EAO-led Working Group. Hwlitsum attended the September Alignment and Tunnel tour.

To date, the Ministry has worked with Hwlitsum in relation to the following:

- Finalization of an Application Review Funding Agreement to support Hwlitsum's continued participation in Project-related consultation activities and Hwlitsum's review of the Application;
- Providing opportunities to respond to Hwlitsum's comments and concerns regarding the proposed Project through:
 - Hwlitsum's participation at the Working Group meetings held September 20-21, 2016; and
 - Ongoing offers to meet and to present at a Hwlitsum community meeting (scheduled during summer 2016 but postponed at the request of Hwlitsum).
- Seeking Hwlitsum's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Hwlitsum GMT Consultation Plan.

In accordance with the Hwlitsum GMT Consultation Plan, the Ministry has:

- Offered to conduct consultation activities as outlined in the Consultation Plan or as suggested and requested by Hwlitsum;
- Supported Hwlitsum's participation in the Application Review Phase through the provision of a funding agreement.
- Supported Hwlitsum's participation at the Application Review Phase EAO-led Working Group meetings (September 20-21, 2016)

- Responded to Hwlitsum's comments and concerns in relation to the Application either submitted during the Round 1 comment submission process or raised during the Working Group meetings.

Round 1 comments submitted by Hwlitsum related to the following topics and/or section of the Application:

- Overview: incorporation of Hwlitsum comments, input and perspectives, in particular as it relates to preservation and improvement of fish and fish habitat and ongoing monitoring/management activities.
- Management Plans and Monitoring and follow up: Aboriginal involvement in mitigation and other Project-related opportunities
- Cumulative Effects: request for a residual/cumulative effects management plan.
- Assessment Methodology
- Fish and Fish Habitat: Hwlitsum opposes any Project-related decline in the health of fishing stock, in particular eulachon, on which it relies for ceremonial purposes; opportunities for net improvement and clarification of timelines and preconditions.
- Aboriginal consultation: Rationale for four indicators for potential effects on Aboriginal Interests, request for involvement in monitoring body;
- Hwlitsum noted that Hwlitsum is represented by a Chief and Councilors.

Hwlitsum is participating in the Application Review phase. Responses to Hwlitsum's Round 1 comments were provided to Hwlitsum and are available in the Technical Working Group Comment Tracker. The Ministry anticipates that additional comments will be responded to prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Hwlitsum through the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans. The Ministry notes the importance of Green Slough to Hwlitsum and their concern for its protection prior to, during and post Project Construction and will continue discussion with Hwlitsum in relation to plans for Green Slough.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Hwlitsum's input into Aboriginal Consultation Report 3

On November 2, 2016, the Ministry shared this Consultation Report in draft with Hwlitsum, for review and comment. To facilitate Hwlitsum's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview

etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Hwlitsum-specific text.

On November 29, 2016, Hwlitsum provided comments on the draft Consultation Report, noting their continued interest in participating in Project consultation and emphasizing the importance, to Hwlitsum of protecting Green Slough prior to, during and post Project construction activities. This comment has been acknowledged here and included in the above section.

In a January 12, 2017 email to Hwlitsum, the Ministry outlined how Hwlitsum's input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.10 Semiahmoo First Nation

Semiahmoo First Nation was provided with a copy of the Application for review and comment. Semiahmoo First Nation is currently engaged in the Application Review Phase.

To date, the Ministry has worked with Semiahmoo First Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Semiahmoo First Nation's continued participation in Project-related consultation activities and Semiahmoo's review of the Application.
- Providing opportunities to respond to Semiahmoo's comments and concerns regarding the proposed Project through:
 - Semiahmoo First Nation's involvement in the Working Group; and
 - A meeting with Semiahmoo First Nation, Katzie First Nation and Kwantlen First Nation on October 18, 2016 focused on the following topics:
 - EAO process update;
 - GMT general update and overview of Project components;
 - A discussion of comments from Semiahmoo First Nation, Katzie First Nation and Kwantlen First Nation on the Application. Review of Ministry's responses to Katzie First Nation's written comments received;
 - Discussion regarding the outstanding concern of the Semiahmoo First Nation, Kwantlen First Nation and Katzie First Nation regarding the provincial approach to procurement and Aboriginal involvement on projects.
- Seeking Semiahmoo First Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Semiahmoo First Nation GMT Consultation Plan.

In accordance with the Semiahmoo First Nation GMT Consultation Plan, the Ministry has:

- Offered to conduct consultation activities as outlined in the Consultation Plan or as suggested and requested by Semiahmoo First Nation.
- Supported Semiahmoo First Nation's participation in the Application Review Phase through the provision of a funding agreement.
- Met with Semiahmoo First Nation, Kwantlen First Nation and Katzie First Nation (October 18, 2016) and offered to meet with Semiahmoo First Nation in relation to the Project at any time during the Application Review Phase.
- Supported Semiahmoo First Nation's participation at the Application Review Phase EAO-led Working Group process.
- Provided opportunities for Semiahmoo First Nation to provide comments and concerns in relation to the Application either through the submission of comments or participation in the Working Group.

Semiahmoo First Nation raised the following concerns and comments at the meeting on October 18:

- Lack of response to the letter from Semiahmoo First Nation, Kwantlen First Nation and Katzie First Nation to the Province regarding the provincial approach to procurement and Aboriginal involvement on projects.
- Current issue/significant concerns at the Semiahmoo First Nation reserve related to increased traffic volumes access and traffic and concern with any Project-related increases in traffic volumes, specifically regarding Highway 99 where the only access to Semiahmoo First Nation's reserve lands is located. This access at Beach Road and Highway 99 is frequently blocked by traffic, with wait times of 30 minutes to 1.5 hours to access the reserve due to traffic buildup. During times of high traffic there is no access to the Semiahmoo Indian reserve for Semiahmoo First Nation members or emergency services. Any project that improves or increases traffic flow south bound on Highway 99 must address the access issues created by the province. Semiahmoo First Nation requires an additional access route to their reserve lands (text provided by Semiahmoo First Nation as a result of their review).
- Cumulative effects of development on the Fraser River and potential further adverse effects on the ability for First Nations to fish in what is currently a highly impacted context. Semiahmoo First Nation opposes any development on the Fraser River until fish stocks are back up to amounts required by First Nations.
- Lack of meaningful consultation to date on the Project.

The Ministry has responded to the aforementioned letters and through Semiahmoo First Nation's continued participation in the Application Review process, the Ministry will

respond to any additional comments raised by Semiahmoo First Nation prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Semiahmoo First Nation with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Semiahmoo's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared the Consultation Report in draft with Semiahmoo First Nation, for review and comment. To facilitate Semiahmoo First Nation's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of the Consultation Report with repetitive content removed, inclusive of new content, and containing new Semiahmoo First Nation-specific text.

Semiahmoo First Nation submitted comments on the draft Consultation Report on December 14, 2016 including the following:

- In correspondence dated May 17, 2016 and June 25, 2016, Semiahmoo First Nation outlined concerns in relation to the provincial approach to procurement and Aboriginal involvement, as well as a request that the environmental assessment process for the Project be delayed until these concerns were addressed. Semiahmoo commented on the draft Consultation Report stating that “the Province has continued with the EAO process despite a request that the Project be delayed until the issues in the Letters are discussed and has continued to force a consultation process that is not meaningful. Semiahmoo wishes to participate in a meaningful process and engage in the Application Review Phase. Semiahmoo First Nation maintains their position that by failing to respond to the letters, the province is forcing them to engage in a meaningless process”.
 - The Ministry responded to the letters outlining broader concerns and requests in relation to the Provincial procurement approach and Aboriginal participation. These concerns are outside the scope of the Project and are being addressed by the appropriate provincial representatives as requested by Semiahmoo First Nation.
- Semiahmoo First Nation shared their view that the Ministry failed to work with Aboriginal Groups to address and resolve issues and concerns as they arose.

- The Ministry does not share this perspective. While Semiahmoo First Nation's comment is referencing the Ministry's efforts with Aboriginal Groups in general, the Ministry is of the view that those Aboriginal Groups have been able to comment on a draft of this Consultation Report as well as previous Consultation Reports, and share their own perspectives with respect to how issues and concerns have been addressed/resolved.

In a January 12, 2017 email to Semiahmoo First Nation, the Ministry outlined how Semiahmoo First Nation's input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.11 Squamish Nation

Squamish Nation was provided with a copy of the Application for review and comment. Squamish is currently engaged in the Application Review Phase.

To date, the Ministry has worked with Squamish Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Squamish Nation's continued participation in Project-related consultation activities and Squamish Nation's review of the Application.
- Providing opportunities to respond to Squamish Nation's comments and concerns regarding the proposed Project through:
 - Squamish Nation's involvement in the Working Group; and
 - A meeting with Squamish Nation on October 20, 2016 focused on the following topics:
 - General Project update
 - Tunnel decommissioning
 - Review of Squamish Nation's Project-related concerns
- Seeking Squamish Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Squamish Nation GMT Consultation Plan.

In accordance with the Squamish Nation GMT Consultation Plan, the Ministry has:

- Offered to conduct consultation activities as outlined in the Consultation Plan or as suggested and requested by Squamish Nation.
- Supported Squamish Nation's participation in the Application Review Phase through the provision of a funding agreement.
- Met with Squamish Nation (October 20, 2016) and offered to meet with Squamish Nation at any time during the Application Review Phase.

- Supported Squamish Nation's participation in the Application Review Phase EAO-led Working Group process.
- Provided opportunities for Squamish Nation to provide comments in relation to the Application either through the submission of comments or participation in the Working Group.

Squamish Nation raised the following concerns and comments at the meeting on October 20, 2016:

- Impacts to the food fishery: secondary impacts to Squamish Nation from effects to other Aboriginal fishers who fish on behalf of Squamish Nation;
- Interest in opportunities for Squamish businesses and membership during construction of the Project;
- Involvement of Aboriginal Groups in monitoring programs;
- Protection of eulachon from effects of decommissioning ;
- Effects of decommissioning on flow, erosion and habitat;
- Concern with disposal at sea;
- Interest in reuse of Tunnel materials for flood protection, safety and diking measures within Squamish territory, in particular at Squamish Nation's priority sites;
- Concern that the Project will result in increased dredging;
- Committing to provide Squamish Nation with a Decommissioning Memo responding to concerns and questions raised during an October 20, 2016 meeting.

The Ministry prepared responses to the concerns raised by Squamish Nation and were provided to Squamish Nation and are included in the Technical Working Group Tracking Table. Through Squamish Nation's continued participation in the Application Review process, the Ministry anticipates responding to additional comments prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Squamish Nation the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Squamish Nation's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared the Consultation Report in draft with Squamish Nation, for review and comment. To facilitate Squamish Nation's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Aboriginal Consultation Reports 1 & 2 (i.e. Project overview, Proponent

overview etc.) and a partial draft of the Consultation Report with repetitive content removed, inclusive of new content, and containing new Squamish-specific text.

Prior to sharing the draft, the Ministry met with Squamish Nation on October 20, 2016 to review content and obtain input into Draft Consultation Report. Squamish Nation's input is reflected in the above summary of issues and concerns that were raised during that meeting. On November 16, 2016, Squamish Nation confirmed that they had no comments or concerns arising from their review of the Consultation Report.

In a January 12, 2017 email to Squamish Nation, the Ministry outlined how Squamish Nation's input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.12 Stz'uminus First Nation

Stz'uminus First Nation is participating in the Application Review process independently and through the Cowichan Nation Alliance. The Cowichan Nation Alliance consists of Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, and Penelakut Tribe.

Stz'uminus First Nation is actively engaged in the Application Review Phase. To date, the Ministry has worked with Stz'uminus First Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Stz'uminus First Nation's continued participation in Project-related consultation activities and Stz'uminus First Nation's review of the Application;
- Responding to Stz'uminus First Nation's comments and concerns regarding the proposed Project through:
 - Stz'uminus First Nation's participation in the Working Group process and submission of comments (submitted by the Cowichan Nation Alliance); and;
 - Application Review Phase meetings/conference calls, including a GMT Cowichan Nation Alliance meeting on September 26, 2016 focused on the following priority topics for the Cowichan Nation Alliance:
 - Air quality
 - Noise
 - Health
 - Traffic
- Seeking Stz'uminus First Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Stz'uminus First Nation GMT Consultation Plan.

In accordance with the Stz'uminus First Nation GMT Consultation Plan, the Ministry has:

- Offered to undertake consultation activities as planned with Stz'uminus First Nation and described in the Consultation Plan.
- Supported Stz'uminus First Nation's participation in the Application Review Phase through provision of a Funding Agreement.
- Conducted meetings with Cowichan Nation Alliance and offered to meet with Stz'uminus First Nation at any time during the Application Review Phase.
- Arranged for technical experts to meet with Cowichan Nation Alliance to address key topics of concern.
- Ensured that Stz'uminus First Nation was provided with information from the September Working Group meetings that they could not attend by meeting with Cowichan Nation Alliance and EAO.
- Responded to Stz'uminus First Nation's and Cowichan Nation Alliance's comments and concerns in relation to the Application raised during meetings, conference calls and through other Project-related communications.

Stz'uminus First Nation's comments during the Application Review Phase have included the following topics of interest/concern:

- Traffic: traffic modelling;
- Human Health (HIA): adequacy of the assessment and consideration of Aboriginal health;
- Air Quality: methodology and effects on members potentially residing at the Cowichan village site;
- Noise: methodology and effects on members potentially residing at the Cowichan village site.

Stz'uminus First Nation is participating in the Application Review process and has submitted Round 1 and 2 comments through the Cowichan Nation Alliance. Responses to the comments received from Stz'uminus First Nation /Cowichan Nation Alliance have been provided to Stz'uminus First Nation and are captured in the Technical Working Group Tracking Table.

Through their ongoing involvement in the Application Review Phase, the Ministry anticipates that Stz'uminus First Nation will raise additional comments that will be responded to prior to the issuance of the Environmental Assessment Certificate. The Ministry will continue to consult Stz'uminus First Nation through the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Stz'uminus First Nation input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared the Consultation Report in draft with Stz'uminus First Nation, for review and comment. To facilitate Stz'uminus First Nation's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Stz'uminus First Nation-specific text.

On behalf of Stz'uminus First Nation, review of the draft Consultation Report content was undertaken by the Cowichan Nation Alliance. The Ministry revised the Stz'uminus First Nation, Halalt First Nation and Cowichan Tribes sections of the Report to ensure the inclusion of content previously only provided in the Penelakut Tribe summary. Other than the request for revision of the draft to provide consistency of content for the four Cowichan Nation Alliance Aboriginal Groups, the Ministry received no additional comments or request for changes.

In a January 12, 2017 email to Stz'uminus First Nation, the Ministry outlined how Stz'uminus First Nation' input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.13 Tsawwassen First Nation

Tsawwassen First Nation has been fully engaged in the Application Review Phase. Since the commencement of the Application Review Phase, the Ministry has been working with Tsawwassen First Nation in relation to the following:

- Finalization of a Tsawwassen First Nation Application Review Funding Agreement to support Tsawwassen First Nation's continued participation in Project-related consultation activities and Tsawwassen First Nation's review of the Application;
- Responding to Tsawwassen First Nation's comments and concerns regarding the proposed Project through:
 - Tsawwassen First Nation's participation at the Working Group meetings held September 20-21, 2016; and
 - A GMT/Tsawwassen First Nation meeting on August 18, 2016 focused on the following Tsawwassen First Nation priority topics:
 - Migratory birds;
 - Fish & Fish Habitat;

- Marine Use; and
- Tsawwassen First Nation Treaty Rights
- Addressing Tsawwassen First Nation's request for the Ministry to clearly demonstrate how the TFN Final Agreement and Tsawwassen First Nation input to date has been considered by the Project, the Ministry has undertaken to provide Tsawwassen First Nation with a document specifically responding to the Tsawwassen First Nation GMT Project Impact Study, that was submitted to the Ministry during the Initial Consultation Phase and was used in the preparation of the Application.
- Seeking Tsawwassen First Nation input on key consultation topics such as, proposed mitigation in relation to maintaining Tsawwassen First Nation fishers access during Project construction and in relation to planning for the proposed consultation activities outlined in the Tsawwassen First Nation GMT Consultation Plan.

In accordance with the Tsawwassen First Nation GMT Consultation Plan, the Ministry has:

- Offered to conduct a Tsawwassen First Nation community meeting/Open House, and/or a presentation to Executive Council or Natural Resources Committee. The Ministry anticipates undertaking one or more of these activities in November and is working with Tsawwassen First Nation with respect to the planning for Application Review Phase consultation activities.
- Supported Tsawwassen First Nation's participation in the Application Review Phase through provision of a funding agreement.
- Met with Tsawwassen First Nation (August 18, 2016) and offered to meet with Tsawwassen First Nation throughout the Application Review Phase.
- Supported Tsawwassen First Nation's participation at the Application Review Phase EAO-led Working Group meetings (September 20-21, 2016)
- Responded to Tsawwassen First Nation's comments and concerns in relation to Application during the Working Group and during an August 18, 2016 meeting. Concerns raised and addressed during the August meeting include:
 - The EA process and the importance of Tsawwassen First Nation having a response to Tsawwassen First Nation's concerns raised in the Impact Study and an understanding of how the Tsawwassen First Nation Final Agreement has been considered by the Proponent in advance of a Ministerial decision.
 - Importance of ensuring access to Tsawwassen First Nation fishers is maintained during construction and that the Project team understands Tsawwassen First Nation's unique right to harvest.

- The VC selection methodology may result in exclusion of species of importance to Tsawwassen First Nation and importance of sound reasoning for exclusion.
- Importance of Tsawwassen First Nation input being considered in the final decision phase.
- Inadequate duration of monitoring periods and potential failure of mitigation measures.
- Part C requirements and the way information is presented in typical EA Applications results in Tsawwassen First Nation's Aboriginal Interests being presented alongside those of other Aboriginal Groups with vastly different interests. What distinguishes Tsawwassen First Nation from other Groups is not adequately captured. Aboriginal Groups without clearly defined Interests are "comingled" with TFN's.
- The current EA process a) understates Tsawwassen First Nation's Interests and b) overstates those of certain Aboriginal Groups.

Tsawwassen First Nation is actively participating in the Application Review process and the Ministry anticipates that Tsawwassen First Nation will submit Round 2 comments on the Application. While Tsawwassen First Nation did not submit Round 1 comments on the Application, Tsawwassen First Nation comments raised during the Working Group meetings related to the following topics/sections of the Application:

- Heritage: Importance of understanding heritage beyond physical effects to physical sites and consideration of more meaningful expressions of heritage within the review process. Request that engagement on the heritage management plan will allow for a broader discussion of heritage and will include traditional use.
- Fish & Fish Habitat: implications of listing eulachon under Species At Risk Act
- Traffic: importance of considering the way that ideas and findings are presented within environmental assessment processes. Importance of including context and opposing perspectives regarding tolling and users' willingness to pay.

Health: Consideration of different measures to assess effects on Aboriginal people. Changes in certain VC's have a more profound effect on Aboriginal Groups.

- Marine Mammals: request for results of River Otter Survey to be shared with the Working Group.
- Vegetation: input into Environmental Management Plans and how plans relate to the Project approval process
- Visual Quality: Concern that areas of the Application are dealt with as silos and importance of considering how effects can cross over certain VCs i.e. the effects of shading on other components in and around the water.

In addition to the comments raised to date by Tsawwassen First Nation, a key concern relates to the procedural aspects of the Project review process. Tsawwassen First Nation is concerned that the EA process, as it currently is set out, scopes in Aboriginal Groups in a flawed manner that allows for assertions to be documented formally without a process for Aboriginal Groups to refute inaccuracies. Tsawwassen First Nation is concerned that the “review of this proposed Project may become distracted by larger questions around unproven aboriginal rights and title, which eclipse the *Environmental Assessment Act*; despite the goals set out in Section 3.3.1, it is not in the scope of the review to substantiate such claims”.

As the Application Review process proceeds, the Ministry anticipates that additional comments will be raised by Tsawwassen First Nation, and these will be responded to, prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Tsawwassen First Nation during the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans. The Ministry will work with Tsawwassen First Nation to begin to identify specific Project-related benefits of interest to Tsawwassen First Nation, in particular, contract opportunities related to construction.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Tsawwassen First Nation’s input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared this Consultation Report in draft with Tsawwassen First Nation, for review and comment. To facilitate Tsawwassen First Nation’s review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of this Consultation Report with repetitive content removed, inclusive of new content, and containing new Tsawwassen First Nation-specific text.

On November 16, 2016, Tsawwassen First Nation provided feedback on the draft report. Feedback consisted of wording related to Tsawwassen First Nation’s concern that the review of the Project may become distracted by larger questions around unproven Aboriginal rights and title. The Ministry revised the wording in the section above to include verbatim text provided by Tsawwassen First Nation. In addition to this change in wording, Tsawwassen First Nation requested that the document include a specific reference to discussions of contract opportunities related to construction, noting that Tsawwassen First Nation would like to begin to identify specific opportunities. The revised Report includes the following specific reference: the Ministry will work with Tsawwassen First Nation to begin to identify specific Project-related benefits of interest to Tsawwassen First Nation, in particular, contract opportunities related to construction.

In addition to these two requested changes, Tsawwassen First Nation commented that the Report fairly represents Tsawwassen First Nation's interests and concerns.

In a January 12, 2017 email to Tsawwassen First Nation, the Ministry outlined how Tsawwassen First Nation's input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.4.14 Tsleil-Waututh Nation

Tsleil-Waututh Nation is actively participating in the GMT Project Review process. To date, the Ministry has worked with Tsleil-Waututh Nation in relation to the following:

- Finalization of an Application Review Funding Agreement to support Tsleil-Waututh Nation's continued participation in Project-related consultation activities and TWN's review of the Application
- Responding to Tsleil-Waututh Nation's comments submitted through the Working Group process.
- Seeking Tsleil-Waututh Nation's input on key consultation topics such as, proposed mitigation in relation to maintaining access during Project construction and in relation to planning for the proposed consultation activities outlined in the Tsleil-Waututh Nation's GMT Consultation Plan.

In accordance with the Tsleil-Waututh Nation GMT Consultation Plan, the Ministry has:

- Offered to undertake consultation activities as planned with Tsleil-Waututh Nation and described in the Consultation Plan.
- Supported Tsleil-Waututh Nation's participation in the Application Review Phase through the provision of a funding agreement.
- Offered to meet with Tsleil-Waututh Nation at any time during the Application Review Phase.
- Offered to make available technical experts to meet with Tsleil-Waututh Nation to address key topics of concern.
- Supported Tsleil-Waututh Nation's participation in the Application Review Phase EAO-led Working Group and the Working Group Tunnel tour.

During the September 20-21 Working Group meetings, Tsleil-Waututh Nation's comments related to the following topics and/or section of the Application:

- Agriculture: comparison of soil lost within the ALR to what will be gained;
- Marine Use: dimension regulations for ships;
- Heritage: Heritage in Part B is tangible vs Part C heritage being intangible. Questioned if the deliverables in Part C were required;
- Health: request for Aboriginal-specific HIA.

Through their active participation in the Working Group, Tsleil-Waututh Nation has submitted Round 1 and 2 comments on the Application. Responses to Tsleil-Waututh Nation's Round 1 and 2 comments were provided to Tsleil-Waututh Nation and are captured in the Technical Working Group Tracking Table.

The Ministry anticipates further engagement and dialogue with Tsleil-Waututh Nation and expects that Tsleil-Waututh Nation will provide additional comments that will be responded to prior to the issuance of an Environmental Assessment Certificate. The Ministry will continue to consult Tsleil-Waututh Nation through the Application Review Process and with respect to key Project-related components such as proposed mitigation and development of management plans.

Comments and concerns in relation to the Application were responded to in EA Technical Working Group meetings and in the EA Technical Working Group Tracking Table.

Tsleil-Waututh Nation's input into Aboriginal Consultation Report 3

On October 28, 2016, the Ministry shared the Consultation Report in draft with Tsleil-Waututh Nation, for review and comment. To facilitate Tsleil-Waututh Nation's review, the following two versions of the draft were shared: a draft of this Consultation Report inclusive of content from Consultation Reports 1 & 2 (i.e. Project overview, Proponent overview etc.) and a partial draft of the Consultation Report with repetitive content removed, inclusive of new content, and containing new Tsleil-Waututh Nation-specific text.

On November 18, 2016, Tsleil-Waututh Nation provided comments on the draft Report. Tsleil-Waututh Nation has reviewed the Project's Consultation Report from the perspective of Tsleil-Waututh Nation's Stewardship Policy. Feedback consisted of a request to revise wording in the bullet related to non-economic benefits, specifically for the addition of "cultural" to the example. This report contains the following modified bullet, as requested by Tsleil-Waututh Nation, in section 3.3.1: "such as environmental, social and cultural".

Tsleil-Waututh Nation also commented on the organization of the Consultation Reports, noting that they "continue to find them cumbersome and time consuming to read". This feedback can be considered by EAO and proponents in the development of future Consultation Reports.

In addition to comments on the Consultation Report, Tsleil-Waututh Nation noted that an earlier change to Consultation Report 2 did not sufficiently respond to a comment raised by Tsleil-Waututh Nation during their review of that draft report. While the Ministry will not be revising Consultation Report 2 at this time, Tsleil-Waututh Nation's comment is

presented in here to ensure Tsleil-Waututh Nation's perspective is captured. Tsleil-Waututh Nation notes that the revised sentence in Consultation Report 2 states that Tsleil-Waututh Nation was "unable to coordinate a qualified representative to participate in the fieldwork in the timeframe provided". Tsleil-Waututh Nation would like to see the sentence edited to read: "Not enough time (two working days) was provided to Tsleil-Waututh Nation prior to the study in order to support meaningful participation."

In a January 12, 2017 email to Tsleil-Waututh Nation, the Ministry outlined how Tsleil-Waututh Nation's input on the Consultation Report has been considered in the revised Report, and has identified where changes have and have not been made to the document.

3.5 Continued Application Review Phase Consultation

At the time of submission of this Report, Application Review Consultation remains underway, therefore the Ministry will continue consultation activities in accordance with the Aboriginal Consultation Plan, Section 11 Order and as described within Aboriginal Consultation Report 1 and 2 and this Report. With respect to ongoing consultation, the Ministry will continue to consult and engage with Aboriginal Groups in accordance with the consultation activities described in Section 3.3.1 of this Report leading up to EAO's referral to Ministers.

4. SUMMARY OF ISSUES, CONCERNS AND INTERESTS

The above sections describe efforts made by the Ministry to consult with Schedule B and C Aboriginal Groups during the Application Review Phase to date. The Ministry tracked all issues, concerns and interests raised by Aboriginal Groups and where possible, worked with Aboriginal Groups to address and resolve issues and concerns as they arose.

5. FUTURE CONSULTATION AND ENGAGEMENT

If an EAC is issued, during the Post-EAC Consultation Phase, the Ministry will:

- Notify Schedule B Aboriginal Groups of the outcome of the Application Review, including requirements of the EAC and related commitments and assurances.
- Continue to consult with Schedule B Aboriginal Groups to fulfill obligations outlined in the environmental certificate, including but not limited to, review of construction-related plans and designs, and involvement in Project components of interest such as environmental enhancement and mitigation.

- Continue to ensure the fulfillment of commitments related to the Project that are made between the Ministry and specific Schedule B Aboriginal Groups.
- Continue to engage Schedule B Aboriginal Groups with respect to Project-related employment, contracting and other opportunities.
- Maintain ongoing communication and engagement with Schedule B Aboriginal groups, including providing regular updates in relation to construction and Project milestones.

6. NEXT STEPS

This report summarizes the Ministry's consultation with Aboriginal Groups undertaken to date during the Application Review Phase. Comments received on this draft were considered and where appropriate, incorporated into the final Report. Schedule B Aboriginal Groups will be provided with the final Report along with an explanation of how their input was considered by the Ministry.

The Ministry acknowledges the importance of appropriately and effectively engaging with Aboriginal Groups with Aboriginal Interests within the Project alignment. The Ministry is committed to continuing to build and maintain positive working relationships with these Aboriginal groups. The Ministry has approached consultation and engagement in a manner consistent with this commitment and will continue to work with Aboriginal Groups in this way throughout this Project.