

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2018, c.51
(ACT)
AND
NON-COMPLIANCES
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE E14-03
ORDER UNDER SECTION 53(1)**

WHEREAS:

- A. The Coastal GasLink Pipeline Project (Project) is a reviewable project under the *Environmental Assessment Act* (the Act).
- B. Environmental Assessment Certificate E14-03 (the Certificate) was issued to Coastal GasLink Pipeline Ltd. (Certificate Holder) for the Project on October 23, 2014.
- C. Condition 6 of the Table of Conditions (Schedule B of the Certificate) requires the development and implementation of a Wetlands Management Plan which must include a wetland monitoring program.
- D. The undersigned conducted an inspection of the Project between February 20 and June 16, 2020 (inspection record IR2020-007), and has concluded that the Certificate Holder was not compliant with Condition 6 with respect to undertaking construction activities in advance of the completion of pre-construction wetland surveys.
- E. Section 53(1)(b) of the Act specifies that the Chief Executive Assessment Officer (CEAO) may order the Certificate Holder to take any measure that the CEAO considers necessary in order to comply with the Certificate to mitigate the effects of non-compliance.
- F. The undersigned has received written delegation of the CEAO's powers under Section 53(1) of the Act.

DEFINITIONS:

In this Order,

- (a) **Qualified Professional** means a person who has training, experience and expertise in a discipline relevant to the field of practice set out in the Order, who is registered with the appropriate professional organization in British Columbia, and is acting under that organization's code of ethics and is subject to disciplinary action by that organization.
- (b) **Construction Preparation Survey** means a pre-construction wetland survey employing the methodology specified in the Wetlands Management Plan required by Condition 6 of the Certificate.

- (c) **Ecologically and Socio-Economically Important Wetland** refers to wetlands designated as ecologically-important to a region according to Environment and Climate Change Canada and wetlands identified as being of interest to Indigenous groups that may be affected by the Project.
- (d) **Unsurveyed Wetland** refers to the 42 Ecologically and Socio-Economically Important Wetlands at which clearing or some form of construction has occurred in advance of a Construction Preparation Survey. A list of the Unsurveyed Wetlands is included in this Order as Appendix 1.
- (e) **Wetland Monitoring Program** refers to the Construction Preparation Surveys and post-construction wetland surveys of Ecologically and Socio-Economically Important Wetlands used to determine any loss of wetland area and function, as specified in the Wetlands Management Plan required by Condition 6 of the Certificate.

NOW THEREFORE:

Pursuant to Sections 53(1)(b) of the Act, and in addition to the requirements of Order EN2020-005 issued on June 16, 2020, I order that the Certificate Holder:

1. Cause a Qualified Professional to prepare a report documenting any loss of wetland area, habitat function, biogeochemical function, or hydrological function at each Unsurveyed Wetland as a result of the construction activities that have occurred in advance of a Construction Preparation Survey.
2. Submit the report to EAO Compliance and Enforcement upon completion, by September 15, 2020.
3. Incorporate the findings of the report into the Wetland Monitoring Program and compensate for any confirmed loss of wetland area, habitat function, biogeochemical function, or hydrological function at each Unsurveyed Wetland in accordance with Condition 6 of the Certificate.
4. Complete the measures identified in clauses 1 through 3 to the satisfaction of EAO Compliance and Enforcement.



Christie Lombardi
Compliance and Enforcement Specialist
Environmental Assessment Office

Dated June 22, 2020
Order Ref: EN2020-006

APPENDIX 1
List of Unsurveyed Wetlands

Wetland ID	KP Start	KP End
WL-11763	000+782	000+961
WL-11762	000+997	001+042
WL-9227	035+864	035+912
WL-2064	082+396	082+436
WL-11765	129+755	129+916
WL-11609	186+225	186+516
WL-11792	249+530	249+648
WL-11516	256+444	256+622
WL-2021	265+324	265+416
WL-2023	272+981	273+068
WL-2051	278+275	278+444
WL-2050	279+136	279+328
WL-8106	283+277	283+409
WL-8105	283+396	283+524
WL-0546	288+218	288+282
WL-2327	292+057	292+108
WL-2573	294+994	295+059
WL-11791	296+777	296+798
WL-11442	296+851	296+921
WL-8109	297+422	297+442
WL-8113	298+816	298+860
WL-11295	314+267	315+968
WL-11248	329+282	329+568
WL-11363	356+570	356+622
WL-11359	356+764	356+781
WL-11253	362+771	362+811
WL-0681	377+283	377+416
WL-0684	383+341	383+496
WL-2608	397+083	397+126
WL-11016	397+217	397+812
WL-0702	398+158	398+252
WL-0844	442+263	442+270
WL-1928	436+663	436+682
WL-0903	444+194	444+226
WET-025	445+045	445+091
WL-0895	450+558	n/a
WL-11128	462+170	462+223
WL-20108	S_002+969	S_002+980
WET-022	S_016+646	S_016+687
WL-20041	S_020+736	S_020+758
WET-057	S_029+097	S_029+160
WL-9168	521+205	521+511