

Project Name	Woodfibre LNG Project	Inspection Status	Final
EA Certificate #	E15-02	Inspection No.	IR2022-061
Project Status	Certified	Inspection Start	2022-11-07
Sector	Energy	UTM	10U 481915E 5501445N
Trigger	Incident	Inspection Type	Administrative
Project Description	Woodfibre LNG proposes to construct and operate a liquefied natural gas export facility with storage capacity of 250,000 cubic meters and would produce up to 2.1 million tonnes per year of liquefied natural gas.		
Location Description	The project is located on the previous Woodfibre Pulp and Paper Mill site located approximately 7 km west-southwest of the urban centre of Squamish, British Columbia.		
Inspection Summary	<p>Following a referral from the Impact Assessment Agency of Canada (IAAC) which identified the planned replacement of the passenger dock, EAO Compliance and Enforcement Branch (CEB) initiated a review of the planned dock replacement to determine if the planned activities constitute construction as defined by the Environmental Assessment certificate (EAC) (Appendix 1). Officer Fekete requested additional information related to the dock replacement on November 7, 2022.</p> <p>On November 21, 2022, Environmental Assessment Office, Senior Compliance and Enforcement Officer Warren Fekete (Officer Fekete) initiated an administrative inspection against the requirements of the EAC.</p> <p>On December 20, 2022, CEB provided the preliminary inspection record to the Certificate holder. Comments were received by CEB on January 6, 2023.</p> <p>Additional detail regarding these findings may be found in the sections below.</p> <p>The compliance determinations in this report reflect the findings from the response to information request. These determinations can change at any time upon information gathered through future inspections or if new information is obtained by Officer Fekete.</p>		
In Attendance	Not applicable, administrative inspection		
Certificate Holder	Woodfibre LNG General Partner Inc. (Holder)		
Mailing Address	900-1185 W.Georgia, Vancouver, BC, V6E 4E6		
Contact	Darren Cowan		
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INSPECTION DETAILS

Requirement 1:

Environmental Assessment Certificate #E15-02 (Appendix 1)

Compliance Reporting, section 2: The Holder must notify EAO Compliance and Enforcement staff, in writing, three months prior to commencing the construction, operations, and decommissioning phases of the Project.

EAC amendment #2 (Appendix 4) defines construction as the following;

The phase of the Project during which physical activities in connection with site preparation, building or installation of any component of the Project occurs. For purposes of this Schedule B, Construction does not include the following:

- i) *Any activities conducted solely for investigative purposes under a valid permit or authorization;*
- ii) *The demolition and removal or onsite remediation of existing terrestrial structures and facilities associated with the former Woodfibre Pulp Mill;*
- iii) *The closure of the existing pulp mill landfill; and*
- iv) *Ongoing maintenance or upgrades to the existing work or infrastructure to address safety, environment or regulatory compliance.*

Findings:

Prior to the November 7th request, Officer Fekete obtained a project update provided by the Holder on October 21, 2022 to EAO, IAAC and Indigenous groups. The presentation materials included a project construction schedule. The construction schedule included the construction of a new passenger dock and breakwater, scheduled to commence mid-November 2022.

On November 7, 2022 Officer Fekete requested additional information from the Holder related to the design of the new passenger dock and breakwater.

The Holder responded to the November 7 request, providing details relating to the new passenger dock and breakwater including drawings showing the proposed layout and general infrastructure (Appendix 5).

On November 21, 2022 Officer Fekete provided notification to the Holder of this administrative inspection and requested additional information for the purposes of this inspection, including a schedule of the proposed construction of the dock and breakwater. The Holder responded on November 24, 2022, providing the requested schedule (Appendix 6).

Officer Fekete has reviewed the materials provided and determined that the replacement of the passenger dock and installation of a breakwater does not constitute maintenance or upgrade of existing work or infrastructure.

The replacement dock requires the installation of new piles due to a different orientation of the dock when compared to the existing dock, the installation of piles in a different location does not constitute maintenance, nor is it considered upgrade of existing work or infrastructure.

The breakwater is a new piece of infrastructure, requiring seabed disturbance to install plate anchors. The breakwater does not constitute maintenance or upgrade of existing work or infrastructure.

EAO has not been notified by the Holder of the start of construction. The Holder confirmed with Officer Fekete that they consider the replacement of the passenger dock and breakwater an upgrade to existing infrastructure, necessary for safety.

The above finding show that the Holder is not compliant with the requirement to notify C&E staff in writing that construction has begun.

Compliance Determination: Out - Warning - Refer to Enforcement Summary

Requirement 2:


The following conditions contain within EAC #15-02 Schedule B: Table of Conditions for an Environmental Assessment Certificate specify requirements that must be met prior to construction, for complete text of the conditions, see Appendix 3. Additional condition may also have requirements related to construction.

- Condition 1: Environmental Monitor
- Condition 2: Consultation Regarding Management Plans
- Condition 3: Satisfaction of Agencies
- Condition 5: Instream Flow Requirements
- Condition 6: Marine Water Quality – Construction
- Condition 8: Marine Fish and Fish Habitat
- Condition 11: Wildlife Construction
- Condition 14: Community Services and Infrastructure
- Condition 15: Construction
- Condition 16: Marine Transportation – Construction
- Condition 19: Engagement with Forest Tenure Holders
- Condition 21: Environmental Management Plans

Findings:

Officer Fekete has no records to indicate that any of the requirements within the above conditions have been met prior to construction, indicating non-compliance with the listed conditions.

Compliance Determination: Out - Warning - Refer to Enforcement Summary

Actions Required by Certificate Holder & Additional Comments	
None.	
Enforcement Summary	
Warning Letter EN2022-039 (Appendix 7)	
Regulatory Considerations	
The IAAC has previously determined the project to be in construction as of October 11, 2022.	
Inspection Conducted by	
 Warren Fekete Senior Compliance & Enforcement Officer	Date Preliminary Record Sent to Certificate Holder 2022-12-20
	Date Finalized 2023-02-10
Appendices	

Appendix 1 – Environmental Assessment Certificate # E15-02
Appendix 2 – EAC #E15-02 – Certified Project Description
Appendix 3 – EAC #E15-02 – Table of Conditions
Appendix 4 – EAC #E15-02 – Amendment #2
Appendix 5 – Holder response to November 7 Information request
Appendix 6 – Holder response to November 21 Information request
Appendix 7 – Warning Letter EN2022-039

Environmental Assessment Office - Compliance & Enforcement Branch

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