



File: 30050-25/CGLP-18

Reference: 356061

February 19, 2020

SENT VIA EMAIL

Joel Forrest
Director, Environment, Land, Regulatory & Law
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Dear Joel Forrest:

I am writing with regard to the second Condition 1 Report 2 (COR2) that was submitted by Coastal GasLink (CGL) on November 25, 2019. The first Condition 1 Report was accepted by the Environmental Assessment Office (EAO) on February 27, 2016, and was primarily in relation to portions of the Morice River Technical Boundary Area, as defined in Condition 1, on the Coastal GasLink Project's Environmental Assessment Certificate (EAC) #E14-03. The COR2 is in relation to the remaining portion of the Morice River Technical Boundary Area.

Upon receipt of the COR2, the EAO posted it to the EAO's EPIC website for the CGL Project. The EAO also provided the COR2 to the relevant regulatory agencies¹ and potentially impacted Indigenous nations² to seek their feedback on the COR2's adequacy. The EAO conducted a review of the adequacy of COR2 and received feedback from the agencies and Indigenous nations in December 2019. The EAO received written feedback from Dark House, and met with representatives of the Dark House (or Unist'ot'en) on December 9th, 2019.

After consideration of the feedback received and on the basis of our own reviews, the EAO requested clarification and additional information from CGL in relation to a number
...2

¹ List of RRAs (as defined in the Table of Contents of the COR2): Department of Fisheries and Oceans, BC Oil and Gas Commission, Ministry of Forests, Lands and Natural Resource Operations

² List of Indigenous Nations: Nee Tahi Buhn Band, Office of the Wet'suwet'en, Skin Tyee Nation, Wet'suwet'en First Nation, Dark House, Witsset First Nation

of aspects of COR2, in particular: the selection of valued components; the consistency of the methodology used to assess particular valued components with the Application Information Requirements; the incorporation of Aboriginal Traditional Knowledge; and, how feedback from Indigenous nations had been responded to and addressed.

On January 28, 2020, CGL submitted additional information to the EAO in response to these requests, in particular a memo produced by Jacobs titled the *Assessment of Updated Traditional Land Use (TLU) Baseline Conditions in the Morice River Technical Boundary* (Jacobs Memo) and a memo produced by Stantec primarily regarding the biophysical valued components, titled *Coastal GasLink Pipeline Project Environmental Assessment Certificate (EAC #E14-03) Condition #1* (Stantec Memo).

After considering all of the information received during the review of COR2, the EAO has concluded that we are not able to approve COR2 at this time. The EAO has identified specific aspects of COR2 that will need to be updated or addressed in order to fulfil the requirements of Condition 1. The required revisions are identified and next steps are discussed below.

Required updates and revisions

The EAO is aware that Indigenous and non-Indigenous peoples are currently using the area overlapping and in proximity to the Morice River Technical Boundary Area, including undertaking activities organized from the Healing Centre. The EAO understands that these specific activities have increased since the time of approving CGL's EAC. The Jacobs memo provides an analysis using publicly available information, but CGL should also make efforts to gather and consider additional information in relation to these activities, including from Dark House and the Office of the Wet'suwet'en, and augment COR2 with the information received.

Specifically, as required by Condition 1, the updated report must either:

- Verify that the effects assessment conclusions are consistent with those reached in the Application, or;
- Provide updates to those effects assessment conclusions based on the updated information, including specifying any additional mitigation relevant to the Morice River Technical Boundary Area.

The EAO also requests that additional information be included on how Aboriginal Traditional Knowledge was gathered and incorporated into the COR2. The EAO acknowledges that this information may be confidentially held by Indigenous Nations and that each nation will need to decide whether to share that information. The EAO requests that the approach to gathering this information and the results be respectfully and appropriately presented when possible.

Where possible, additional information should be included regarding the opportunities CGL provided to Indigenous nations to be involved (e.g., who was involved, what role). Efforts made to respectfully and appropriately gather and present the information provided.

In addition to the above requirements, the report should only identify mitigation measures required by the conditions attached to EAC #E14-03, including any measures within the management plans required by those conditions, or other requirements of other permits or approvals issued by another regulatory authority rather than referencing mitigation measures proposed in CGL's Application for an EAC. CGL may include additional information or commitments regarding how existing (or new) mitigation measures would be applied in the Morice River Technical Boundary Area and, where appropriate, identify if these would potentially change existing conditions or management plans. CGL may also, as appropriate or beneficial, identify an additional level of detail to clarify how a specific mitigation measure may be applied in the Morice River Technical Boundary Area.

Finally, CGL should also make any necessary updates to COR2 in light of the information provided in the Stantec and Jacobs memos, to ensure consistency with the information provided in these memos and completeness of the COR2. The EAO has provided these memos to Dark House and has indicated that if they have any feedback or comments regarding these memos, that they should provide that feedback directly to CGL within 30 days. The EAO requests that any such feedback and discussion of that feedback be integrated into the updated COR2.

Required next steps

The EAO notes that the Department of Fisheries and Oceans, Witset First Nation, Nee Tahí Buhn Band and Skin Tyee Nation and the Office of the Wet'suwet'en did not respond or provide comments to the COR2. The BC Oil and Gas Commission and the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) identified no issues or no substantive outstanding issues respectively. The Stantec memo was shared with the FLNRORD to confirm if their identified issue was resolved in the memo.

In light of the substantive additional information provided in the Jacobs and Stantec memos in relation to issues raised by Dark House, as well as those identified by the EAO, the EAO has shared the two memos with Dark House, and requested that they provide CGL with feedback on the two memos, as well as any additional information that should be considered by CGL, within 30 days. The EAO has informed Dark House to discuss concerns or meet directly with CGL within this 30 day period should they decide to engage with CGL.

CGL must also make efforts to engage with Dark House and any applicable Indigenous nation to discuss the memos, and receive or discuss any additional information within this 30 day period. CGL must track all engagement efforts, any feedback received and how it was addressed, incorporated or otherwise considered. A summary of the engagement, including engagement opportunities must be provided to the EAO. Following this 30 day period, CGL may update and resubmit COR2 to the EAO for our approval. As necessary, the memos, technical data reports or any other materials appended to the COR2 may also be updated. At that time, the EAO will consider all the information available at the time, including the updated report, including all appendices, and CGL's engagement record and any additional information provided by Dark House or other Indigenous groups, and may proceed to decision shortly thereafter.

The EAO is committed to carry out our reviews in a thorough, timely, transparent and impartial way. Once the updated COR2 is submitted, the EAO will make a decision as soon as possible.

If you have any questions please contact Bernard Achampong, Executive Project Director at 250-419-8864 or Bernard.Achampong@gov.bc.ca or Nathan Braun, Executive Project Director at 778-698-9280 or Nathan.Braun@gov.bc.ca.

With best regards,



Bernard Achampong
Executive Project Director

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