



# Indigenous Consultation Plan.

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## Vopak Pacific Canada

March 2019



Table of Contents

**1 INTRODUCTION ..... 3**

1.1 PROJECT OVERVIEW ..... 3

1.2 ABOUT VOPAK..... 3

1.3 PURPOSE OF THE CONSULTATION PLAN ..... 4

**2 ABOUT THE PROJECT..... 5**

**3 FRAMEWORK FOR INDIGENOUS CONSULTATION ..... 8**

3.1 VOPAK’S PRINCIPLES FOR INDIGENOUS ENGAGEMENT ..... 8

3.2 REGULATORY FRAMEWORK ..... 8

3.3 SCOPE OF CONSULTATION ..... 9

**4 PROPOSED INDIGENOUS CONSULTATION PLAN..... 10**

4.1 DEVELOPMENT OF THE CONSULTATION PLAN..... 10

4.2 CONSULTATION OBJECTIVES..... 10

4.3 PROPOSED STAGES OF CONSULTATION..... 11

4.3.1 *Initial Engagement*..... 11

4.3.2 *Project Description and Terms of Reference/Pre-Application Phase Consultation* ..... 12

4.3.3 *Draft EEE/Application Review Phase Consultation*..... 16

4.3.4 *Ongoing Engagement*..... 18

**5 DOCUMENTATION AND REPORTING ..... 20**

5.1 CONSULTATION DOCUMENTATION ..... 20

5.2 REPORTING AND TRACKING ISSUES AND CONCERNS ..... 20

5.3 INDIGENOUS CONSULTATION REPORTS ..... 21

**6 SUMMARY ..... 22**

# 1 Introduction

## 1.1 Project Overview

Vopak Development Canada Inc. (Vopak), a wholly-owned subsidiary of Royal Vopak, is investigating the opportunity to construct, own and operate a new bulk liquids tank storage facility in Prince Rupert, British Columbia (BC). This project is called Vopak Pacific Canada (the Project).

The Project is proposed to be located on Ridley Island within the lands and waters under the jurisdiction of the Prince Rupert Port Authority (PRPA). At full build-out the facility will have a capacity of 90,000 cubic metres (m<sup>3</sup>) of liquefied petroleum gas (LPG), 260,000 m<sup>3</sup> of diesel and/or gasoline and 220,000 m<sup>3</sup> of methanol. It will consist of the following major components:

- a bulk liquids tank storage facility;
- a jetty; and
- supporting infrastructure and facilities, including power supply and a wastewater treatment system.

The Project requires environmental effects determinations by federal authorities under Section 67 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), as well as an Environmental Assessment Certificate (EAC) under the *BC Environmental Assessment Act* (BCEAA). The Project will undergo a coordinated environmental assessment (EA) process between the British Columbia Environmental Assessment Office (EAO) and federal authorities. Vopak filed a Project Description with the provincial and federal government agencies on June 27, 2018.

## 1.2 About Vopak

Vopak is the world's leading independent tank storage provider. We operate a global network of terminals located at strategic locations along major trade routes. With a 400-year history and a strong focus on safety and sustainability, we ensure efficient, safe and clean storage and handling of bulk liquid products and gases for our customers. By doing so, we enable the delivery of products that are vital to our economy and daily lives.

Vopak is listed on the Euronext Amsterdam stock exchange and is headquartered in Rotterdam, the Netherlands. Including our joint ventures and associates, we employ an international workforce of over 5,500 people. Vopak operates 66 terminals in 25 countries with a combined storage capacity of 35.9 million m<sup>3</sup>. Vopak has a 30 percent interest in the Ridley Island Propane Export Terminal (RIPET), which is currently being constructed in Prince Rupert, BC. RIPET is the first propane export facility off the coast of Canada.

### **1.3 Purpose of the Consultation Plan**

In its Procedural Order under Section 11 of the BC EAA (Section 11 Order), the EAO has directed Vopak to consult with the following Indigenous groups<sup>1</sup>:

- Gitga'at First Nation
- Gitxaala Nation
- Kitselas First Nation
- Kitsumkalum First Nation
- Lax Kw'alaams Band
- Metlakatla First Nation

The primary purpose of this Indigenous Consultation Plan (the Consultation Plan) is to describe the approach, methods and activities Vopak is proposing to implement to:

- Share Project-related information;
- Seek input from Indigenous groups on the proposed Project, potential impacts of the Project to Indigenous interests and ways of avoiding mitigating, addressing or otherwise accommodating them, as appropriate; and
- Work together to address issues and concerns raised by Indigenous groups, in the hope that Vopak and Indigenous groups will reach consensus.

The Consultation Plan has been developed as part of Vopak's commitment to provide meaningful opportunities for Indigenous groups to participate in Project planning and design, and to raise concerns and issues. The Consultation Plan has been designed to meet the Indigenous consultation requirements set out in the Section 11 Order.

Vopak's consultation and engagement with Indigenous groups for the Project will be guided by this Consultation Plan, as well as by ongoing discussions with and guidance from Indigenous groups and applicable federal and provincial agencies.

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<sup>1</sup> For the purposes of this Consultation Plan, Indigenous groups refers to Indigenous groups Vopak is consulting with in respect of the Project, as directed by the EAO in the Section 11 Order.

## 2 About the Project

The Project is proposed to be located on Ridley Island within the lands and waters under the jurisdiction of PRPA. The Project will consist of the following major components:

- the bulk liquids tank storage facility;
- the jetty; and
- supporting infrastructure, including power supply and a wastewater treatment system.

The Project will store LPG, diesel and/or gasoline, and methanol on behalf of Vopak’s customers. Products will be transported to the Project via the existing Canadian National Railway line. Products will be received and unloaded into the Project storage facilities. The expected number of rail cars at full capacity is approximately 240 per day. From the storage facilities the products will be loaded via pipeline along the Project’s jetty to a berthed ship. The Project is expected to be constructed by 2022.

The bulk liquids tank storage facility will be located on approximately 30 hectares of land leased from PRPA. Figure 1 below shows a project area and components map. The marine terminal will be located within a water lot allocated by PRPA for this project. It is anticipated that vessel loading operations will occur approximately once every three days, which at full capacity results in approximately 150 vessels per year depending on customer demand. The operational lifespan of the Project is anticipated to be a minimum duration of 50 years. At the end of the Project’s operational life, the Project will be decommissioned according to an approved decommissioning plan as per applicable regulations at the time. The following table lists all Project components.

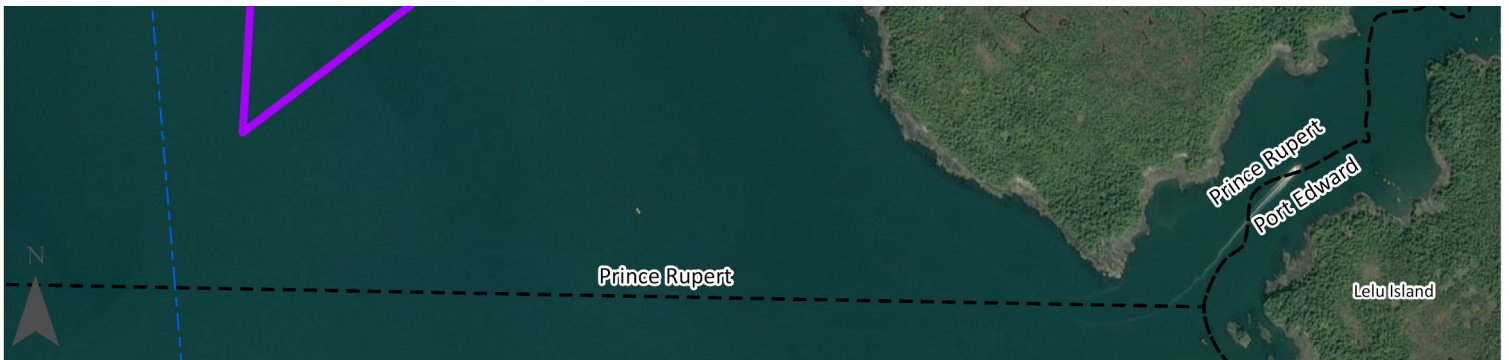
**Table 1: Project Components**

Component Category	Project Components
Bulk liquids tank storage facility	<ul style="list-style-type: none"> <li>• Up to 50 rail car unloading racks along the PRPA Road Railway Utility Corridor;</li> <li>• Gas generators capable of producing up to 2.7 megawatt of electrical power combined for LPG cooling;</li> <li>• LPG cooling equipment and de-ethanizer;</li> <li>• Emergency ground flare;</li> <li>• Six pressurized LPG bullets of 1,000 cubic meters (m3) each;</li> <li>• One full containment LPG storage tank of 90,000 m3;</li> <li>• Carbon steel storage tanks (diesel/gasoline: 2 tanks at 40,000 m3 and 6 tanks at 30,000 m3, Methanol: 4 tanks at 40,000m3 and 2 tanks at 30,000 m3); and</li> <li>• Process control and safety systems.</li> </ul>
Jetty	<ul style="list-style-type: none"> <li>• A 200 meter (m) long causeway;</li> <li>• A 800 m long trestle;</li> <li>• A pipe rack for the insulated pipelines for products and utilities;</li> <li>• Two berths for vessels up to 85,000 m3 capacity (80,000 dead weight tonnes);</li> <li>• Two loading platforms including all required equipment and systems; and</li> <li>• One auxiliary platform for the firewater pump house, spill boom shed and electrical building.</li> </ul>
Supporting Infrastructure	<ul style="list-style-type: none"> <li>• Roads and car parking;</li> <li>• Drainage and wastewater treatment system;</li> <li>• Nitrogen for safety and maintenance purposes;</li> <li>• Office including central control room, maintenance and utilities buildings;</li> <li>• Electrical substation and connection to the BC Hydro grid; and</li> <li>• Natural gas connection to Pacific Northern Gas for compressors, gas generators and heating of buildings.</li> </ul>

Associated off-site shipping and rail activities related to the proposed Project are identified in the Section 11 Order as the operation of vessels and other supporting marine traffic along the marine access route between the marine terminal and the pilot boarding location at or near Triple Island, and the operation of rail tracks used by the proposed Project within the Port of Prince Rupert.

As the Project is proposed on federal lands, environmental effects determinations by federal authorities are required under Section 67 of CEEA 2012. Environmental effects determinations are based on whether the Project is likely to cause potential significant adverse effects to the environment. PRPA will coordinate the Section 67 environmental effects evaluation (EEE) process on behalf of federal authorities. Federal authorities involved in regulating the Project will each be required to make an independent environmental effects determination. These federal authorities are expected to be PRPA, Transport Canada (TC), Environment and Climate Change Canada (ECCC) and Fisheries and Oceans Canada (DFO). The federal authorities will each make a determination prior to additional permits being issued. The Project is expected to require a *Navigation Protection Act* Approval from TC, a *Fisheries Act Authorization* from the DFO and a Disposal at Sea permit from ECCC.

The Project exceeds the energy storage threshold of 3 petajoules of stored energy. Therefore, it is subject to a provincial EA review under Part 8 of the *Reviewable Projects Regulation (BC Reg 370/02)* of the *BC Environmental Assessment Act* (BCEAA). The EAO issued a section 10 Order to the Proponent on July 26, 2018 confirming that the proposed Project requires an EAC, pursuant to Section 10(1)(c) of BCEAA. The Project will undergo a coordinated EA process between the EAO and federal authorities.



- - - PRPA Jurisdiction (Entire Map Extent)
- Major Streets
- - - Ferry/Water Routes
- +— Railway
- Road, Rail and Utility Corridor
- Project Components
- Land Lease and Water Lot Areas
- Local Government Boundaries

Project Location:  
Ridley Island, Prince Rupert, BC

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Client:  
Vopak Development Canada



### Project Area and Components

Created by: ECH	Checked by: MB/EM	Date: 2018/05/25
Coord. Sys.: NAD 1983 CSRS UTM Zone	Scale: 1:17,920	Reference No: 655902-PD-3





## 3 Framework for Indigenous Consultation

### 3.1 Vopak's Principles for Indigenous Engagement

Vopak recognizes the unique identity of Indigenous groups in terms of culture, history and legal setting. We believe that open dialogue is essential with Indigenous communities and that transparent and respectful engagement are key to building trust and goodwill.

To build long-lasting relationships with Indigenous groups, Vopak has developed a Consultation Plan that is based on Vopak's values:

- **Care for safety, health & environment:** Vopak will aim to understand community values, including those that pertain to safety, health and the environment. Care for safety, health and environment is the guiding principle in all decisions we make and all activities we carry out.
- **Integrity:** Vopak respects the culture and values of Indigenous groups. As a company we strive to develop and maintain long-lasting relationships. We act with honesty, reliability and treat others with respect to build the foundation for these relationships.
- **Team spirit:** Vopak will seek and consider input from Indigenous groups with respect to the Project and the regulatory process, understanding that feedback we receive will improve the sustainability of our project.
- **Commitment:** Vopak is committed to undertaking early and ongoing engagement with Indigenous groups and to provide timely and accurate information about the Project. We seek to deliver what we promise and stick to the decisions made.
- **Agility:** Vopak will work to understand and respond to input from Indigenous groups, including providing feedback on how input has been considered in Project planning, including mitigation plans, and/or rationale for non-inclusion of Indigenous groups' feedback throughout the EA process. We continuously strive to improve the quality of our work and are open to feedback and alternative ideas.

### 3.2 Regulatory Framework

The Project is a "reviewable project" under the *Reviewable Projects Regulation* pursuant to BCEAA. It is not a "designated project" under the *Regulations Designating Physical Activities* of CEAA 2012. As the Project is proposed to be built on federal lands, however, it is subject to environmental effects determinations under Section 67 of CEAA 2012.

The Canadian Environmental Assessment Agency and ECCC Minister McKenna considered the Project for referral under Section 14 of CEAA 2012. In a letter dated November 8, 2018, Minister McKenna confirmed that she would not designate the project for an EA under Section 14 of CEAA 2012. In her decision, the Minister acknowledged the ongoing efforts to consult Indigenous communities in the Prince Rupert area being carried out by the PRPA, ECCC, DFO, and TC to fulfill their obligations under section 67 of CEAA 2012, as well as the provincial EA being carried out by the EAO. Therefore, the Project does not require an EA under Section 13 of CEAA 2012.



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The Government of British Columbia has issued policy guidance that sets out the general principles for consultation with Indigenous groups, such as the Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process (the Guide). The Consultation Plan has been developed to meet the requirements of the EAO as part of the environmental review of the Project. The EAO outlines its expectations of a proponent's role in consultation in the Guide as follows:

*“Although the legal duty to consult with First Nations lies with the Crown, EAO usually delegates some procedural aspects of consultation to Proponents through a Section 11 Order or other direction provided by the EAO.”*

According to the Environmental Assessment Office User Guide, procedural aspects include:

- *“Providing information about the proposed project to First Nations early in the planning process;*
- *Obtaining and discussing information with First Nations about specific Aboriginal interests that may be impacted;*
- *Considering modifications to plans in order to avoid or mitigate impacts to Aboriginal interests; and*
- *Documenting engagement including specific Aboriginal interests that may be impacted and any modifications to address concerns, and providing this record to EAO.”*

Vopak recognizes that Indigenous groups have rights protected under Section 35 of the *Constitution Act, 1982*. Vopak also understands that Indigenous Nations maintain their own traditional laws, governance structures and policies. In addition to the consultation requirements set out by the EAO, the federal government has indicated that it is a full supporter of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), including the principle of Free, Prior and Informed Consent, and is putting in place measures to implement UNDRIP. The government of British Columbia has indicated its commitment to embrace and implement UNDRIP.

### **3.3 Scope of Consultation**

Vopak will consult with Indigenous groups identified in the Section 11 Order throughout the course of the regulatory process. Vopak aims to understand how the proposed Project may potentially impact Aboriginal interests and how measures can be incorporated into the Project to avoid, mitigate or otherwise address those potential impacts. Vopak will work with Indigenous groups to address issues raised throughout the process. Additional guidance and input with respect to the scope of consultation may be provided by Indigenous groups, the EAO and the federal agencies involved in the environmental review process of the proposed Project.

## 4 Proposed Indigenous Consultation Plan

### 4.1 Development of the Consultation Plan

Vopak has developed this Consultation Plan based on input received from Indigenous groups on two draft Consultation Plans. Vopak has provided to each Indigenous group a table of their input on the first draft with Vopak's responses, including where comments have resulted in changes in the Consultation Plan and an explanation when comments did not result in requested changes. Vopak received input from two Indigenous groups on the second draft Consultation Plan and provided to each of the two Indigenous groups a table of their input on the second draft with Vopak's responses, including where comments have resulted in changes in the Consultation Plan and an explanation when comments did not result in requested changes.

### 4.2 Consultation Objectives

The objectives of Vopak's proposed consultation process are to:

- include Indigenous groups in the EA, such as scoping through input in the development of the Terms of Reference/Application Information Requirements (TOR/AIR) and execution through input on the Environmental Effect Evaluation Document/Application (EEE/Application) and other means outlined below;
- through ongoing engagement understand how Indigenous groups wish to be consulted, including timelines for review of documents and provision of input;
- provide timely and reasonable levels of capacity resources to Indigenous groups to ensure they have the opportunity to adequately participate in Project consultation and understand potential impacts of the Project;
- share timely and relevant Project information and seek input from Indigenous groups on interests and concerns related to the Project and work together to address them;
- understand Indigenous groups' community values, interests and priorities;
- understand what practices, traditions or customs Indigenous groups have been, or are currently engaged in, or are likely to be engaged in in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs, in the vicinity of the proposed Project or in relation to the proposed Project;
- determine how these practices, traditions or customs may potentially be impacted by the proposed Project components and activities described in Section 2 About the Project;
- explore in a collaborative manner appropriate measures to avoid, mitigate or otherwise address or accommodate potential Project impacts on Aboriginal interests;
- ensure that issues raised are considered in the development and implementation of the Project and that such issues are addressed, resolved or otherwise accommodated, as appropriate;
- establish transparent communication, including on how input was incorporated and rationale for non-inclusion of input; and
- develop positive long-term relationships with Indigenous groups.

Vopak will endeavour to work with Indigenous groups to provide opportunities for employment and/or contracting throughout the EA process.

### 4.3 Proposed Stages of Consultation

Vopak is proposing the following staged approach to consultation with Indigenous groups to share Project information, seek input on an ongoing basis, as more information becomes available about the Project, work to resolve issues and concerns raised by Indigenous groups, and work with each Indigenous group to review the accuracy with which their interests and issues have been captured and addressed. The following stages are proposed based on Project development stages and the regulatory process:

- **Initial Engagement:** this stage covers the time period from the Project inception to the filing of the Project Description;
- **Project Description and Terms of Reference/Pre-Application Phase Consultation:** this stage covers the time period from the filing of the Project Description, the issuance of the Section 11 Order, the development of the TOR/AIR, the collection of baseline information and the filing of a draft EEE/Application for an EAC and any supporting permitting applications that may be submitted concurrently;
- **Draft EEE/Application Review Phase Consultation:** this stage covers the time period from the acceptance of the draft EEE by Federal Authorities/Application for an EAC by the EAO and including any supporting permitting applications that may be submitted concurrently, to the receipt of the EAO decision on the Application for the EAC and federal determination on the EEE; and
- **Ongoing Engagement:** this stage covers the time period from the receipt of the EAO decision on the Application for the EAC and federal determination on the EEE, as well as any continuing synchronous permitting applications or any subsequent permitting applications, through construction, operations and decommissioning of the proposed Project.

#### 4.3.1 Initial Engagement

Initial engagement with Indigenous groups regarding the proposed Project focused on relationship building and sharing preliminary Project information. Introductory communications with each of the six Indigenous groups listed in this Consultation Plan were initiated by January 2018. A preliminary Project Description Summary was sent to the Indigenous groups in March 2018, as well as a Project area map. Content from an environmental desktop study was also shared, summarizing existing environmental conditions of the proposed Project location based on a literature review of previous studies and EAs that were completed in the past in the area.

Vopak provided notification to all Indigenous groups identified in this Consultation Plan of Vopak's intent to file the Project Description in June 2018. A draft Project Description was provided to the Indigenous groups for review to identify any gaps in information that needed to be addressed to ensure potential Project impacts could be adequately identified once the Project Description was filed. The Project Description was revised, based on feedback received.

During initial engagement, Vopak sought feedback on preferred engagement processes and initiated discussions regarding capacity funding to participate in the environmental review and regulatory processes of the proposed Project. Vopak continues to advance discussions with Indigenous groups

identified in this Consultation Plan around developing a process for consultation and engagement through the regulatory review, as well as supporting their involvement in the proposed Project.

Based on early discussions that took place prior to the filing of the Project Description, the following preliminary interests and/or concerns were identified by Indigenous groups. Vopak notes that these preliminary interests and/or concerns are not comprehensive, but rather a summary of a number of interests and concerns identified by Indigenous groups during the initial engagement phase.

**Table 2: Summary of Preliminary Interests and Issues**

Category	Identification of Interest and Potential Issues
Facility – includes potential impacts related to the proposed facility and marine terminal	Cumulative effects of industry growth
	Potential impacts of Disposal at Sea
	Potential impacts on country foods due to potential for marine sediment contamination
	Potential impacts of light and noise
	Potential impacts on wildlife
	Potential socio-economic effects, including those related to work camp and human well-being
	Potential impacts to visual and air quality
	Potential impacts on the marine environment
	Potential impacts to archaeology
	Employment and training opportunities
	Impacts from potential accidents and malfunctions
Associated Activities	Cumulative effects of increased rail traffic and shipping
	Impacts from potential accidents and malfunctions from rail and shipping

Vopak acknowledges that the above noted interests have been identified by Indigenous groups based on preliminary Project information and that these interests may be revised and/or refined through the regulatory process, as more detailed Project information becomes available. Vopak is committed to working with Indigenous groups to identify Aboriginal interests and potential adverse effects to those interests, and develop strategies to avoid, mitigate, address or otherwise accommodate adverse effects to those interests, where appropriate, throughout subsequent stages of consultation.

**4.3.2 Project Description and Terms of Reference/Pre-Application Phase Consultation**

During this stage of consultation, Vopak proposes to engage with and seek input from Indigenous groups on the Consultation Plan and activities contained herein, as well as the development of the draft TOR/AIR as set out in the Section 11 order (including the selection of Valued Components). Vopak also proposes to meet regularly with Indigenous groups, both individually and through regulatory activities, such as the regulatory Working Group meetings.

The specific objectives for this stage of consultation are to:

- Develop and seek input from Indigenous groups on the Consultation Plan;

**Indigenous Consultation Plan**

- Enable ongoing two-way communication and information sharing about the proposed Project and EA review;
- Seek input to assist in the development of the draft TOR/AIR, including on the selection of Valued Components;
- Incorporate relevant feedback into the draft TOR/AIR and provide details on how the feedback was considered in finalizing the TOR/AIR;
- Work with Indigenous groups to identify and access traditional use information and traditional knowledge and, where available, integrate traditional use and knowledge information into the EA;
- Document and report on additional concerns and comments through the consultation process regarding the proposed Project and how these have been considered and incorporated into proposed Project planning; where they have not been incorporated, provide rationale for non-inclusion; and
- Work with Indigenous groups to establish capacity funding agreements for the consultation process.

An overview of the proposed consultation activities to be undertaken in advance of filing the draft EEE/Application for an EAC is provided in Table 3 below.

**Table 3: Initial Engagement and Proposed Pre-Application Consultation Activities**

Proposed Activity	Description	Anticipated Timing
Develop Communications Tools and Materials	Vopak will develop and maintain communications tools and materials to share project related information that Indigenous groups can access publicly, including: <ul style="list-style-type: none"> <li>• Project website</li> <li>• Project fact sheets</li> </ul>	Ongoing
Provide advance copy of Project Description	Vopak will provide an advance copy of the Project Description to Indigenous groups. Vopak will revise the Project Description based on input received from Indigenous groups, prior to submitting the Project Description to the EAO.	Completed
Develop and Review Proposed Consultation Plan	Vopak will provide a draft of the proposed Consultation Plan to Indigenous groups to seek input on the proposed consultation activities to be undertaken. Vopak will revise the Consultation Plan based on feedback from Indigenous groups, and will provide a second draft to Indigenous groups for another round of comments. Vopak will then finalize the Consultation Plan for submission to the EAO.	Completed
Review of draft Terms of Reference/ Application Information Requirements	Vopak will participate in the federal authorities and the EAO's Indigenous consultation, as required by regulatory authorities (for example by attending Working Group meetings) and consult with Indigenous	Q1 2019

	<p>groups in the review of the draft TOR/AIR.</p> <p>Vopak will seek input from Indigenous groups on the draft TOR/AIR, including in regards to proposed Valued Components, the proposed methodology, timing, locations and nature of information collected to form the basis of the EA. Vopak will review and address comments received and seek input from Indigenous groups on a second draft TOR/AIR that is revised based on the initial input received by Indigenous groups. Vopak will then finalize the TOR/AIR for submission to regulatory authorities.</p> <p>Vopak will provide draft field study work plans to Indigenous groups that include the timing, scope and methodology for each field study and seek input from the Indigenous groups on these work plans.</p> <p>Vopak will also participate and provide materials to the EAO led open houses as required for the review of the draft TOR/AIR.</p>	
EA Working Group Meetings	Vopak will attend working group meetings as directed by the regulatory authorities, as set out in the Section 11 Order.	At the direction of the EAO/federal authorities.
Ongoing Consultation Meetings	Vopak will participate in meetings with Indigenous communities and/or leadership, as well as with technical staff of Indigenous groups, as needed.	As agreed to with Indigenous groups.
Indigenous Consultation Report Review	<p>Vopak will prepare Consultation Reports as required by the regulatory authorities and outlined in the Section 11 Order. The reports will for each Indigenous group:</p> <ul style="list-style-type: none"> <li>• summarize the consultation process;</li> <li>• identify the feedback and information received during consultation;</li> <li>• identify the potential adverse impacts of the proposed Project on Aboriginal interests;</li> <li>• identify how the potential adverse impacts of the proposed Project on Aboriginal interests will be avoided, mitigated or otherwise addressed or accommodated, as appropriate; and</li> <li>• outline next steps or future consultation activities, other than those outlined in the approved Indigenous Consultation Plan.</li> </ul> <p>As identified in the Section 11 order, the Consultation Reports summarizing this stage of consultation will be provided to the EAO at the following timelines:</p>	2019

	<ul style="list-style-type: none"> <li>• 60 days after the issuance of the TOR/AIR; and</li> <li>• At the time of submission of the Application.</li> </ul> <p>Vopak will provide draft copies of the Consultation Reports for review and input by the respective Indigenous groups prior to submission of the reports to the EAO.</p>	
<p>Preparation for Submission of the draft EEE/Application for an EAC</p>	<p>Vopak will work with Indigenous groups to identify opportunities for Indigenous participation in field studies.</p> <p>Vopak will work with Indigenous groups to develop the impact assessment methodology, potential impacts of the proposed Project on Aboriginal interests and appropriate mitigation measures with Indigenous groups to develop the draft EEE/Application.</p> <p>As required to address key issues, Vopak may discuss and/or provide relevant sections of the draft EEE/draft Application to Indigenous groups for review and comment prior to submission of the draft EEE/Application for screening by regulatory authorities.</p>	<p>2019</p>

*4.3.2.1 Traditional Use and Knowledge Information*

Vopak will meet with Indigenous groups to discuss the collection of new, or the use of existing, traditional use information with respect to their practices, customs and traditions in the vicinity of, or in relation to the proposed Project, in order to assess potential Project impacts to the exercise of their Aboriginal rights and related interests. Measures may include undertaking a Traditional Use Study (TUS) or supplementing existing information through additional research. A key point of discussion will be around identifying gaps in traditional use information gathered to-date and undertaking additional research, where gaps exist. The aim will be to identify areas of specific importance to Indigenous groups in regards to the Project's potential impacts on their Aboriginal interests.

Additionally, Vopak understands and acknowledges that Indigenous groups hold important traditional knowledge with regard to the natural environment within their traditional territory, including with respect to species, lands and marine resources. Vopak will seek to work with Indigenous groups to develop a process for sharing their traditional use information and knowledge and determine how traditional use information will be integrated into the assessment. Where made available, Vopak will integrate this information into EA study components to be considered alongside scientific data.

Due to the sensitive and confidential nature of traditional use and knowledge information, Vopak will discuss with Indigenous groups how best to incorporate this information in regulatory materials in order to minimize the full or actual disclosure of the confidential information, while enabling its use, as relevant and applicable, in the regulatory process.



### 4.3.3 Draft EEE/Application Review Phase Consultation

In this stage, the aim is to provide Indigenous groups with adequate opportunities to review and comment on the draft EEE/Application for an EAC, as well as to work with Indigenous groups to resolve Indigenous issues and concerns. The specific objectives of this stage are to:

- Enable ongoing two-way communication and information sharing about the proposed Project and EA review;
- Seek feedback from Indigenous groups on the draft EEE/Application for an EAC;
- Keep track of and respond to issues and concerns raised by Indigenous groups and provide details on how feedback from Indigenous groups has been considered in refining Project designs and developing avoidance and/or mitigation measures; and
- Seek to resolve outstanding issues with respect to Aboriginal interests related to the Project.

Vopak proposes the following consultation activities to support the review of the draft EEE/Application for an EAC. Vopak expects these activities will be further defined through ongoing consultation with Indigenous groups.

**Table 4: Proposed Draft EEE/Application Review Phase Consultation Activities**

Proposed Activity	Description	Anticipated Timing
Notification and ongoing consultation meetings	<p>Vopak will notify Indigenous groups of its intent to submit the draft EEE/Application for an EAC approximately 30 days prior to submitting and will provide the draft EEE/Application for an EAC directly to Indigenous groups for review and comments. Vopak will seek to meet with Indigenous group representatives, as agreed to with Indigenous groups, to:</p> <ul style="list-style-type: none"> <li>• Discuss the draft EEE/Application for an EAC;</li> <li>• Refine appropriate mitigation measures;</li> <li>• Seek to resolve any outstanding issues;</li> <li>• Discuss follow-up strategies; and</li> <li>• Identify the scope and nature of additional consultation requirements.</li> </ul> <p>Meetings will be held with Indigenous communities and/or leadership and technical staff, as needed.</p>	Ongoing through the draft EEE/Application Review Phase
Open Houses	Vopak will participate in public open house(s) led by federal authorities and the EAO as part of the EA review process. Vopak will provide information and seek feedback on the Project.	At the direction of the EAO/federal authorities
EA Working Group Meetings	Vopak will attend working group meetings as directed by the regulatory authorities, as set out in the Section 11 Order.	At the direction of the EAO/federal authorities
Indigenous	Vopak will prepare Consultation Reports as required by	2020

<p>Consultation Report Review</p>	<p>the regulatory authorities and outlined in the Section 11 Order. The reports will for each Indigenous group:</p> <ul style="list-style-type: none"> <li>• summarize the consultation process;</li> <li>• identify the feedback and information received during consultation;</li> <li>• identify the potential adverse impacts of the proposed Project on Aboriginal interests;</li> <li>• identify how the potential adverse impacts of the proposed Project on Aboriginal interests will be avoided, mitigated or otherwise addressed or accommodated, as appropriate; and</li> <li>• outline next steps or future consultation activities, other than those outlined in the approved Indigenous Consultation Plan.</li> </ul> <p>As identified in the Section 11 order, the Consultation Reports summarizing this stage of consultation will be provided to the EAO at the following timelines:</p> <ul style="list-style-type: none"> <li>• 100 days from the commencement of the Application Review stage; and</li> <li>• at any other time specified by the EAO.</li> </ul> <p>Vopak will provide draft copies of the Consultation Reports for review and input by the respective Indigenous groups prior to submission of the reports to the EAO.</p>	
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Further to receiving feedback during this phase, Vopak will revise and finalize the EEE based on input from Indigenous Groups for submission to federal regulators. Vopak will provide feedback on how input was considered and rationale for non-inclusion of feedback.

Vopak expects the following additional permits, approvals and authorizations to be required for the proposed Project. Additional permits may be required pending additional consultations with regulatory agencies.

**Table 5: Applicable Authorizations**

Permit, Notification or Approval	Regulator	Description
PRPA Lease Agreement under the <i>Canada Marine Act</i>	PRPA	Lease to occupy and use PRPA-administered lands.
<i>Navigation Protection Act</i> (NPA) Approval	TC	Approval for the construction of Project components that would impact navigation (marine facility, dredging, etc.).

<i>Fisheries Act Authorization</i>	DFO	Marine-based activities and infrastructure causing disturbance or loss of fish habitat in the marine environment require an Authorization from Department of Fisheries and Oceans.
Disposal at Sea (DAS) permit under the <i>Canadian Environmental Protection Act</i>	ECCC	Permit authorizing disposal of excavated or dredged material at sea.
Section 79 notification under <i>Species at Risk Act</i>	ECCC	The proponent will notify ECCC without delay if any critical habitat or listed species are identified likely to be affected by the Project prior to ECCC making its determination on the Project under Section 67 of CEAA 2012.
Section 73 permit under <i>Species at Risk Act</i>	ECCC	Permit authorizing activities affecting a threatened or endangered species, any part of its critical habitat or the residences of its individuals.
Environmental Assessment Certificate	EAO	Approval of a designated project pursuant to BCEAA.
Environmental Effects Determinations	PRPA,TC, ECCC, DFO	Environmental effects determinations under Section 67 of CEAA 2012.

While consultation activities outlined in this Consultation Plan pertain specifically to the EA process, Vopak will also endeavor to consult with Indigenous groups on other permit requirements at the same time, where the timing of permit applications coincide.

#### 4.3.4 Ongoing Engagement

In the case that the proposed Project is approved through the regulatory process, Vopak will continue to engage with Indigenous groups. Vopak will also comply with all regulatory permits and approvals during construction, operations, and decommissioning. In this stage, the objectives of consultation are to:

- Maintain positive long-term relationships;
- Discuss any issues and concerns that may arise during the construction, operation and decommissioning phase of the Project;
- Engage with Indigenous groups on the development of monitoring and management plans identified in the EEE/Application;
- Provide opportunities for Indigenous groups to participate in monitoring during construction, operation and decommissioning; and,
- Understand and work to respond to concerns regarding avoidance and mitigations measures for specific circumstances identified during construction, operations and decommissioning as they arise.

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Vopak will continue to report on engagement activities as per regulatory requirements. In the event that Project is put on hold or cancelled, Vopak will inform Indigenous groups and seek to meet to discuss next steps.

## 5 Documentation and Reporting

### 5.1 Consultation Documentation

Vopak will document Project-related consultation activities in documents that are submitted to regulators and as part of the EA process. The documentation will capture:

- Interests and issues raised by Indigenous groups for the purpose of understanding the potential Project adverse impacts on Aboriginal interests and identifying how the potential adverse impacts of the proposed Project on Aboriginal interests will be avoided, mitigated or otherwise addressed or accommodated; and
- Vopak’s follow-up actions including the development of mitigation strategies and responses to issues raised.

Vopak will record relevant communications, for example, through the following media:

- Phone calls;
- Emails;
- Letters;
- Meetings; and
- Open Houses.

The records will include details on who was present, the date and location of the consultation activity, as well as the purpose and outcomes of the discussions. The records will also document issues or interests raised by Indigenous groups, action items and agreed upon follow-up. Vopak will provide Indigenous groups with the opportunity to review draft meeting notes/summaries and documentation of issues that came out of consultation activities before they are finalized.

### 5.2 Reporting and Tracking Issues and Concerns

Vopak proposes to keep track of comments, including issues and concerns raised through the following tracking table:

**Table 6: Proposed Issues and Concerns Tracking Table**

Indigenous Group	Topic	Comment, Interest or Concern Raised	Source	Vopak Response / Action to Address	Summary of methods of engagement (e.g. meetings, etc.)	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')

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### **5.3 Indigenous Consultation Reports**

Vopak will prepare Consultation Reports as required by the regulatory authorities and outlined in the Section 11 Order to:

- Summarize the consultation process;
- Identify the feedback and information received during consultation;
- Identify the potential adverse impacts of the proposed Project on Aboriginal interests;
- Identify how the potential adverse impacts of the proposed Project on Aboriginal interests will be avoided, mitigated or otherwise addressed or accommodated, as appropriate; and
- Outline next steps or future consultation activities, other than those outlined in the approved Indigenous Consultation Plan.

Pursuant to the Section 11 Order, the Consultation Reports will be provided to the EAO at the following timelines:

- 60 days after the issuance of the TOR/AIR;
- At the time of submission of the Application;
- 100 days from the commencement of the Application Review stage; and
- At any other time specified by the EAO.

Vopak will provide draft copies of the Consultation Reports for review and comments by the respective Indigenous groups prior to submission of the reports to the EAO.

## **6 Summary**

Vopak is looking forward to working with Indigenous groups throughout the EA process and developing long-term positive relationships. Vopak proposes this Consultation Plan as the framework for consulting with Indigenous groups with respect to the proposed Project. We have sought feedback from Indigenous groups on this Consultation Plan to ensure it can meet the specific consultation objectives of Vopak, the respective Indigenous groups, and, through the Consultation Plan's submission to provincial and federal agencies, of regulatory authorities.