



File: 30050-20/VOPC-05-06

Reference: 363151

October 9, 2020

SENT VIA EMAIL

Thanh Nguyen
Manager, Regulatory and Stakeholder Relations
Vopak Development Canada Inc.
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Dear Thanh Nguyen:

The Environmental Assessment Office (EAO) received an Application for an Environmental Assessment Certificate (Application) for the proposed Vopak Pacific Canada (VPC) Project from Vopak Development Canada Inc. (Vopak) on September 9, 2020. The result of Application Screening evaluation for the Application submitted to the EAO is outlined below.

Application Evaluation Decision

In accordance with the procedures specified in the order issued on November 2, 2018 under Section 11 of the *Environmental Assessment Act* (Order), the EAO evaluated the Application to determine whether it contains the information described in the Terms of Reference/Application Information Requirements (TOR/AIR). As part of this evaluation, the EAO considered advice from Working Group members, including Indigenous nations. I have concluded that the Application adequately reflects the requirements in the TOR/AIR and have decided to accept the Application for detailed review, upon Vopak's completion of some formatting-related revisions outlined in this letter below.

I should note that Application Screening evaluation is a scan of the Application for the purposes of determining whether the requirements set out in the TOR/AIR have been met, and this evaluation does not constitute an in-depth review to determine whether or not issues have been resolved to the satisfaction of the EAO.

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Such determinations are made during the detailed application review phase of the Environmental Assessment process.

Commencement of Application Review

Vopak is responsible for supplying and distributing all copies of the final Application to Indigenous nations and the Working Group that integrates the revisions reviewed and accepted by the EAO during the evaluation period. The 180-day Application Review Stage (Application Review) will begin after the date on which the EAO confirms that all the copies of the revised Application have been delivered. I will advise Vopak in writing of the start date of the Application Review once the final Application has been submitted. The EAO understands Vopak is currently intending to deliver the Application on October 26, 2020.

During Screening, Working Group members and Indigenous nations provided some comments that the EAO determined would be more appropriately considered in Application Review. Please refer to the enclosed Table of Concordance for additional information. The EAO will bring these comments forward into the Application Review phase. To facilitate this, please utilize the enclosed tracking table to outline these comments, which is to be provided to the EAO and the Working Group when Vopak submits the Application for review. It will be Vopak's responsibility to address the comments in the tracking table during Application Review.

As per the Order, during the Application Review phase Vopak will be required to respond to issues identified in comments submitted to the EAO from government agencies, Indigenous nations and the public. If requested by me, as the Project Lead, Vopak may be required to supplement the information provided in the Application.

EAO's Evaluation of Indigenous Consultation Activities

As set out in the Order, I have assessed Vopak's past and proposed consultation and engagement activities with Indigenous nations as described in the Vopak's Indigenous Consultation Plan and subsequent Indigenous Consultation Reports (ICR#1 and ICR#2). I have concluded that Vopak has, or is in progress to meet, the consultation requirements of the Order.

The EAO is also generally satisfied with the Indigenous consultation and engagement measures proposed by Vopak for the Application Review phase, provided that implementation of these measures continues to be consistent with the Order.

The EAO notes that Vopak has committed to engagements with the six Indigenous nations for the week of October 19, 2020. As part of these meetings, I request that Vopak consider the screening comments provided by each nation, and take particular note of the following items:

- Several Indigenous nations requested more information on how Indigenous Traditional Knowledge is incorporated into Vopak's assessment of project effects
- Some Indigenous nations requested more information and/or involvement on how community health and well-being is being qualified in the Application from the Indigenous nations themselves
- One Indigenous nation requested additional local Indigenous health professional involvement in data collection/interviews
- Some Indigenous nations have requested an additional background on the methods to assess potential effects in the Application

Please submit an overview to me of the consultation and engagement with Indigenous nations that take place on these matters at the time of submitting your final Application; if some activities should more appropriately occur during Application Review, please describe how that will be undertaken.

The EAO may instruct Vopak to undertake further measures to ensure adequate consultation takes place, consistent with the Order. The EAO will notify Vopak of any concerns identified by Indigenous nations about the consultation and engagement approach being used. The EAO will also continue to consult and engage with Indigenous nations during Application Review.

EAO's Evaluation of Public Consultation Activities

As set out in the Order, I have assessed Vopak's past and proposed public consultation activities identified in Vopak's Public Consultation Report #2. I have concluded that Vopak has met the public consultation requirements of the Order. I am generally satisfied with the measures proposed by Vopak for the Application review period; however, I require Vopak to do the following:

- Provide stakeholders and interested parties with an invitation to the EAO open houses, as well as an invitation to comment during the public comment period. In this invitation, Vopak must offer one-on-one meetings with stakeholders and interested parties, if requested; and
- Provide the EAO a tracking table with Vopak's responses to all public comments received during the public comment period on the Application, including themes of comments heard at the virtual open house(s), within 30 days after the close of the public comment period.

Public Notice

Please review the public consultation and notification requirements specified in Part I of the Order. The EAO will require a 45-day public comment period and virtual open house(s) on the Application. Vopak must obtain approval from the EAO for: the publication schedule for the public comment period and virtual open house advertisements; the means or methods of these advertisements; the date and time of the open houses; and the venues in which the Application will be made available for review by the public. Please note that the EAO will also be holding a public comment period on the EAO's draft referral package prior to a referral to the Ministers for a Decision on Application Review.

Before or at the close of the public comment period the EAO will advise Vopak on the deadline for submitting its final Public Consultation Report, which must include a comment and response tracking table.

If you have any questions or require other information, please contact me by telephone at 236 478-0829, or by email at Gareth.Stuart@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to be 'G. Stuart', written in a cursive style.

Gareth Stuart
Project Assessment Director
Environmental Assessment Office

cc: Nathan Braun, Executive Project Director,
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