

IN THE MATTER OF
THE ENVIRONMENTAL ASSESSMENT ACT, S.B.C. 2018, c. 51
(ACT)

AND
NISGA'A NATION, ROCKIES LNG LIMITED PARTNERSHIP AND WESTERN LNG
LLC
(TOGETHER, THE PROPONENTS)

AND
AN ENVIRONMENTAL ASSESSMENT OF THE PROPOSED
KSI LISIMS LNG – NATURAL GAS LIQUEFACTION AND MARINE TERMINAL
(KSI LISIMS LNG)

PROCESS ORDER UNDER SECTION 19(2)

WHEREAS:

- A. The Proponents propose to develop the Ksi Lisims LNG – Natural Gas Liquefaction and Marine Terminal project (Ksi Lisims LNG), a natural gas liquefaction facility located at Wil Milit on the northwest coast of British Columbia at the northern end of Pearse Island. Ksi Lisims LNG includes a floating natural gas liquefaction facility that will receive between 48.1 and 56.6 million standard cubic metres (m³) per day of natural gas and produce approximately 12 million tonnes per year of liquefied natural gas (LNG), and a marine export terminal, as described in Schedule A, Part A of this Process Order.
- B. Ksi Lisims LNG is a reviewable project pursuant to Parts 4 and 5 of the Reviewable Projects Regulation (B.C. Reg. 607/19) since Ksi Lisims LNG's production storage capacity would be greater than 136,000 m³, the electricity generation may exceed 50 megawatts and the in-water facilities and mooring infrastructure would disturb more than 2 hectares of foreshore and submerged land.
- C. On July 16, 2021, the Chief Executive Assessment Officer (CEAO) approved the Initial Project Description and Engagement Plan for Ksi Lisims LNG.
- D. On October 14, 2021, the CEAO issued a notice under Section 13(5) of the Act setting out a summary of comments received on the Initial Project Description and identifying the Indigenous nations that are participating Indigenous nations.

- E. Ksi Lisims LNG must also undergo assessments in accordance with paragraphs 8(e) and 8(f) of Chapter 10 of the Nisga'a Final Agreement (Nisga'a Treaty), as activities of Ksi Lisims LNG occur within the Nass Area and Nass Wildlife Area, as those terms are defined in the Nisga'a Treaty.
- F. The Government of British Columbia and the Nisga'a Nation entered into the "Nisga'a Nation – BC Kitsault Dispute Resolution Settlement Agreement" dated for reference as of July 31, 2014, that sets out how the parties will collaboratively work together to fulfill the obligations set out under Chapter 10 of the Nisga'a Treaty.
- G. On April 25, 2022, the Proponents submitted a Detailed Project Description in accordance with Section 15 of the Act to the CEAO.
- H. On March 16, 2023, the CEAO issued a notice of decision that Ksi Lisims LNG proceed to an environmental assessment by the Environmental Assessment Office (EAO) under Section 19 of the Act.
- I. On March 17, 2023, the Proponents submitted an updated Detailed Project Description to provide clarifications and meet requirements of the *Impact Assessment Act* (IAA).
- J. On March 27, 2023, the Impact Assessment Agency of Canada decided that Ksi Lisims LNG requires an impact assessment under the IAA.
- K. On April 6, 2023, the federal Minister of Environment and Climate Change approved the Government of British Columbia's request to substitute the provincial environmental assessment process for the federal impact assessment process.
- L. The EAO sought to achieve consensus with participating Indigenous nations with respect to this Order under Section 19 of the Act.
- M. The EAO has established a Technical Advisory Committee for the assessment of Ksi Lisims LNG.
- N. The EAO has established a Community Advisory Committee for the assessment of Ksi Lisims LNG.

NOW THEREFORE:

Pursuant to Section 19(2) of the Act, I order that the environmental assessment of Ksi Lisims LNG be conducted according to the scope, procedures, methods, and requirements set out in Schedules A, B and C to this Process Order.



Brennan Hutchison
Project Assessment Director
Environmental Assessment Office
Dated July 13, 2023

Enclosures: Schedule A, Scope of Ksi Lisims LNG and Environmental Assessment
Schedule B, Assessment Plan
Schedule C, Application Information Requirements

SCHEDULE A

SCOPE OF KSI LISIMS LNG AND ENVIRONMENTAL ASSESSMENT

PART A – SCOPE OF KSI LISIMS LNG

1. FACILITIES AND ASSOCIATED ACTIVITIES

- 1.1** The approximate location of Ksi Lisims LNG is shown on Figure 1.
- 1.2** Pursuant to Section 19(2)(a) of *Environmental Assessment Act* (the Act), the facilities and associated activities of Ksi Lisims LNG are:
 - 1.2.1** Construction, operation and decommissioning of two floating liquefaction, storage and off-loading barges (FLNGs) with feed gas pre-treatment systems, multiple single mixed refrigerant liquefaction trains, liquefied natural gas (LNG) storage (up to a maximum capacity of 490,000 cubic metres (m³) divided between the two FLNGs), mooring systems, condensate stabilization and storage facilities, refrigerant storage facilities, LNG ship-to-ship off-loading equipment, boil off gas management, emergency flaring systems, natural gas and LNG transfer piping and interconnection, electric power distribution, fire and gas detection equipment, firewater equipment, emergency egress facilities, and all utilities;
 - 1.2.2** Construction, operation and decommissioning of a connection to a third party feed gas pipeline, feed gas receiving facility, site natural gas distribution piping, water and wastewater treatment plants and associated interconnected piping, emergency diesel power generation with diesel fuel tanks, treated water effluent pipeline with outfall and diffuser in Portland Canal, administrative buildings including permanent workforce personnel accommodations for up to 250 workers during operations; control, safety and monitoring equipment; connecting roads and security fencing; waste management facilities; telecommunications equipment; and a helipad;
 - 1.2.3** Construction, operation and decommissioning of onshore closed loop water cooling systems to support FLNG processes including piping, equipment, and supporting steel structures;
 - 1.2.4** Construction, operation and decommissioning of two pile supported jetties and platforms connecting from shore to the FLNGs;
 - 1.2.5** Construction, operation and decommissioning of a material off-loading facility (MOF) that will extend within the proposed Water Lot;
 - 1.2.6** Construction, operation and decommissioning of a personnel access dock that will extend within the proposed Water Lot;
 - 1.2.7** Construction of new transmission lines and associated access roads between Ksi Lisims LNG and Nisga'a Lands (as defined under the Nisga'a Treaty) for electricity supply;

- 1.2.8** The potential construction, operation and decommissioning of temporary power barges berthed alongside the MOF and their required onshore cooling infrastructure;
- 1.2.9** Transportation facilities and activities including:
 - a)** Transportation of construction materials, equipment, and supplies on roadways via truck between Terrace and Gingolx, and/or between Terrace and Prince Rupert, and along marine transportation routes via barge between Ksi Lisims LNG and Gingolx and/or Prince Rupert;
 - b)** Transportation routes, including access points and roadways, for worker access to Ksi Lisims LNG via bus between Terrace and Gingolx, and/or between Terrace and Prince Rupert and marine vessels between Ksi Lisims LNG and Gingolx and Prince Rupert;
- 1.2.10** The operation of LNG carriers (to a maximum capacity of 217,000 m³), natural gas liquid product vessels (to a maximum capacity of 30,000 m³) and other supporting marine traffic, including tugboats and supply barges along the marine shipping route between Ksi Lisims LNG and out to the 12 nautical mile limit of Canada's territorial sea, as shown in Figure 2;
- 1.2.11** Construction of temporary components including a self-contained floating accommodation(s) for a workforce of up to 800 personnel, pioneer dock, on-Site concrete batching plant, and modular construction offices;
- 1.2.12** Construction, use and reclamation of overburden storage area(s);
- 1.3** Investigation activities or other activities required to prepare the Application for an environmental assessment certificate, regulatory permit applications or mitigation development are not part of the reviewable project for the purposes of the assessment.

PART B – SCOPE OF THE ASSESSMENT

2. SCOPE OF THE ASSESSMENT

- 2.1** The assessment of Ksi Lisims LNG includes an assessment under Chapter 10 of the Nisga'a Treaty of the potential effects of Ksi Lisims LNG, including:
 - 2.1.1** On residents of Nisga'a Lands, Nisga'a Lands or Nisga'a interests as set out in the Nisga'a Treaty and make recommendations to prevent or mitigate those effects; and,
 - 2.1.2** On the existing and future economic, social and cultural well-being of Nisga'a Citizens.
- 2.2** The assessment of Ksi Lisims LNG includes an assessment of the effects of Ksi Lisims LNG on Indigenous nations and rights recognized and affirmed

by Section 35 of the *Constitution Act, 1982* as referred to in Section 25(1) of the Act and Section 22 of the *Impact Assessment Act* (IAA).

- 2.3** The assessment of Ksi Lisims LNG includes a consideration of the matters referred to in Section 25(2) of the Act.
- 2.4** The assessment of Ksi Lisims includes an assessment of the factors to be considered under Section 22(1) of the IAA, including, but not limited to, any direct or incidental effects and effects within federal jurisdiction as defined in Section 2 of the IAA;
- 2.5** As per the conditions of substitution, the assessment of Ksi Lisims LNG includes:
 - 2.5.1** Opportunities for Federal Authorities with relevant specialist or expert knowledge to participate;
 - 2.5.2** Consultation undertaken with Indigenous nations, as listed in section 3.1 and 3.5, that may be affected by the carrying out of Ksi Lisims LNG;
 - 2.5.3** The opportunity for the Impact Assessment Agency of Canada (the Agency) to participate in consultation and engagement with Indigenous nations that may be affected by carrying out Ksi Lisims LNG;
 - 2.5.4** The opportunity for the public to meaningfully participate and to provide comment on a draft Assessment Report;
 - 2.5.5** The ability for the public to access assessment records, including the final Assessment Report (subject to section 13 of the Cooperation Agreement);
 - 2.5.6** The submission of the Assessment Report at the end of the assessment to the Agency and federal Minister including reports under Sections 33(2) and 33(2.1) of the IAA; and,
 - 2.5.7** The EAO gathering the necessary information to inform the Agency assessment of potential effects of Ksi Lisims LNG on the Nisga'a Nation's Treaty rights, as Canada is required to do under the Nisga'a Treaty, and to allow Canada to make a determination of whether it has met its obligations under Chapter 10 of the Nisga'a Treaty.
- 2.6** The assessment will be such that the EAO can make a determination of whether it has met its obligations under Chapter 10, including within the meaning of paragraphs 8(e) and 8(f), of the Nisga'a Treaty;
- 2.7** For clarity, this Process Order is not intended to exhaustively describe the scope and content of British Columbia's obligations in respect of the Nisga'a Treaty.

PART C – CONSULTATION AND ADDITIONAL INFORMATION

3. CONSULTATION

- 3.1** The EAO and the Proponents must consult with Nisga'a Nation as required under paragraph 6 of Chapter 10 of the Nisga'a Treaty.
- 3.2** The EAO and the Agency, in collaboration with the Nisga'a Nation, must conduct the assessments required under paragraph 8 of Chapter 10 of the Nisga'a Treaty, including as set out in the Assessment Plan and Application Information Requirements, in a manner that is consistent with the Kitsault Dispute Resolution Settlement Agreement and the Act.
- 3.3** In addition to the requirements set out in the Assessment Plan, the EAO and the Proponents, in collaboration with the Nisga'a Nation, must undertake any additional measures that are reasonably appropriate in order to satisfy the requirements of Chapter 10 of the Nisga'a Treaty throughout the environmental assessment.
- 3.4** The Proponents must consult with Indigenous nations, the public, and provincial, federal and local government agencies, as required by the EAO through the Technical and Community Advisory Committees.
- 3.5** The Proponents must consult with: Gitxaala Nation, Gitga'at First Nation, Haida Nation, Kitselas First Nation, Kitsumkalum Band Council, Lax Kw'alaams Band, Metlakatla First Nation, and Métis Nation of British Columbia, in accordance with the Assessment Plan.
- 3.6** The scope and methods of engagement with participating Indigenous nations and with any other Indigenous nation is set out in the Assessment Plan.
- 3.7** The EAO will undertake additional measures for consultation, where appropriate, with Nisga'a Nation, participating Indigenous nations and with any other Indigenous nation identified in section 3.5.
- 3.8** If directed by the EAO (Project Assessment Director), the Proponents must undertake additional consultation activities with Nisga'a Nation, participating Indigenous nations and with any other Indigenous nations identified in section 3.5.

4. ADDITIONAL INFORMATION

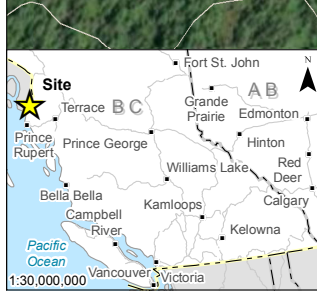
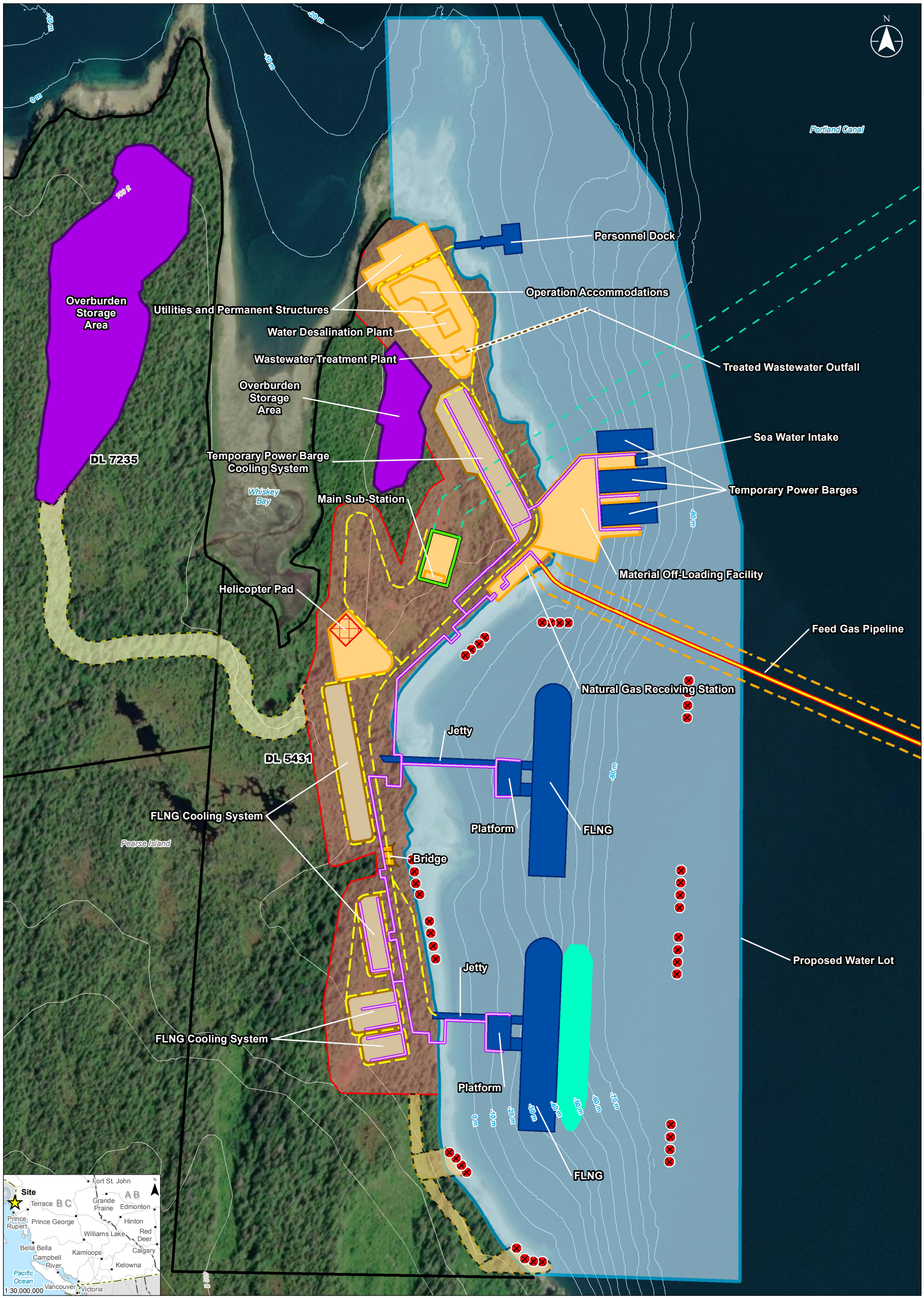
- 4.1** Without limiting any of the requirements in this Process Order, the Proponents must, at the request of the EAO (Project Assessment Director), provide the EAO with any information or address any issues that the EAO (Project Assessment Director) considers necessary in order to complete the environmental assessment of Ksi Lisims LNG.


5. ASSESSMENT PLAN

- 5.1** The procedures and methods for the environmental assessment of Ksi Lisims LNG are set out in the Assessment Plan.

6. APPLICATION INFORMATION REQUIREMENTS

- 6.1** The information requirements for the environmental assessment of Ksi Lisims LNG are set out in the Application Information Requirements.

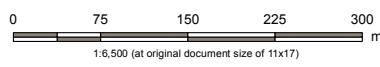




Notes

- Coordinate System: NAD 1983 UTM Zone 9N
- Data Sources: DataBC, Government of British Columbia, Natural Resources Canada, Maxar, Rockies LNG

★ Site	▭ Boundaries of District Lots 7235 and 5431	— Bathymetric Contour
⊗ FLNG Mooring Anchor	▭ Terrestrial Footprint and Buffer	— Topographic Contour
— Proposed Access Road	▭ Bridge	
— Feed Gas Pipeline	▭ Building or Utility	
— Feed Gas Pipeline Right-of-Way	▭ Cooling Structure	
— Powerline Right-of-Way from Mainland	▭ Helicopter Pad	
— Utility Line	▭ Marine Component (Fixed)	
— Wastewater Treated Effluent Pipeline	▭ Marine Component (Not Fixed)	
▭ Anchor Access Corridor	▭ Overburden Storage Area	
▭ Overburden Area Access Corridor	▭ Switchyard	
	▭ Proposed Water Lot	



Stantec

Project Location: Pearse Island, BC
Project Number: 123221820
Prepared by: TQUILCHINI on 20221220
Requested by: EFLORY on 20221219

Client/Project/Report

Ksi Lisims LNG
Natural Gas Liquefaction and Marine Terminal

Figure No. **1**

Title
Ksi Lisims LNG Project Location and Footprint

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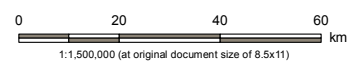


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Notes
 1. Coordinate System: NAD 1983 BC Environment
 Albers
 2. Data Sources: DataBC, Government of British
 Columbia; Natural Resources Canada, Maxar,
 Rockies LNG
 3. NTS Sheets: 103F, 103G, 103H, 103I, 103J, 103P,
 103K, 103O

- Site
- Expected Marine Transit Route
- Expected Materials and Supply Shipping Route
- Expected Open Water Marine Shipping Route
- International Boundary
- Watercourse



Project Location:
 Pearse Island, BC

Project Number: 123221820
 Prepared by TQUILICHINI on 20230601
 Requested by EFLORY on 20230601
 Checked by SMOSS on 20230601

Client/Project/Report
 Ksi Lisims LNG
 Natural Gas Liquefaction and Marine Terminal

Figure No.
2

Title
Expected Marine Shipping Routes

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