Ministers' Reasons for Decision

IN THE MATTER OF AN APPLICATION FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE FOR TILBURY PHASE 2 LNG EXPANSION PROJECT

SEPTEMBER 21, 2026

BRITISH COLUMBIA
EAO | Environmental Assessment Office

NATURE AND SCOPE OF THE DECISION

On August 24, 2026, the Chief Executive Assessment Officer (CEAO) referred an application from FortisBC Holdings Inc. and FortisBC Energy Inc. (FortisBC or the Proponent) for an environmental assessment certificate (Certificate) for the Tilbury Phase 2 LNG Expansion Project (Tilbury Phase 2 or the Project) to us. We are the "ministers", as defined in the *Environmental Assessment Act* (2018) (the Act).

Tilbury Phase 2 includes the construction of a new liquefied natural gas (LNG) storage tank with a working volume of 142,400 cubic meters (m^3), LNG liquefaction capacity of up to 7,700 tonnes per day (t/d), natural gas receiving facilities and supporting infrastructure within the existing LNG facility area. The Tilbury Phase 2 site is located on the northern portion of 7651 Hopcott Road in the City of Delta, in the Greater Vancouver Regional District, next to the Fraser River.

Tilbury Phase 2 is an expansion of the existing Tilbury LNG facility, which has operated on Tilbury Island since the 1970s. The primary purposes of the existing facility are to store LNG, help meet periods of high natural gas demand, and supply LNG to local and international markets. FortisBC has asserted that peak demand cannot be met by the existing delivery system. The Project would occur entirely within industrially zoned lands, would not require the development of new greenfield lands, and does not include any in-water works.

Tilbury Phase 2 assessment met the requirements of both the Act and the federal *Impact Assessment Act* (IAA). The EAO conducted the environmental assessment on behalf of the Impact Assessment Agency of Canada (IAAC), resulting in a single assessment designed to meet both provincial and federal legislative requirements. The results of this substituted process are summarized in the Tilbury Phase 2 Assessment Report, which, in addition to informing our decision, will also inform the federal Minister of the Environment, Climate Change and Nature's decision under the IAA. The EAO coordinated closely with IAAC and other federal agencies to conduct the assessment, including meeting Crown consultation obligations.

Under Section 29(4) of the Act, we must decide whether to issue an Environmental Assessment Certificate for Tilbury Phase 2 and may attach any conditions that we consider necessary. In making our decision, we considered the materials referred to us by the CEAO, including the Assessment Report, the CEAO's recommendation respecting sustainability and the matters referred to in Section 25 of the Act, notices of consent and non-consent provided by participating Indigenous nations and the sustainability and reconciliation purposes of the Act. Section 25 establishes a broad scope for environmental assessment and requires consideration of the Project's positive and negative direct and indirect environmental, economic, social, cultural, and health effects, including cumulative effects, as well as potential effects on Indigenous nations and Section 35 rights, greenhouse gas emissions, accidents and malfunctions, effects on future generations, and other prescribed matters. We may also consider any other matters we consider relevant to the public interest in making our decision.

The EAO provided the following materials for our consideration:

- A Draft Certificate, with a Certified Project Description and Table of Conditions;
- Recommendation from the CEAO that a Certificate be issued, having concluded that Tilbury Phase 2 is consistent with the promotion of sustainability in B.C., and that the matters in Section 25 have been assessed sufficiently; and,
- The Assessment Report, which includes summaries of Indigenous-led assessments conducted under Section 19(4) of the Act with respect to the potential effects of the project on a nation and on its rights recognized and affirmed by Section 35 of the *Constitution Act, 1982.*

Of the twelve participating Indigenous nations, the following conducted Indigenous-led assessments:

- xʷməθkʷəy̓əm (Musqueam Indian Band);
- SḴÁUTW̱ First Nation (Tsawout);
- Quw'utsun Nation (Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, and Stz'uminus First Nation);
- Tsawwassen First Nation, and;
- Tsleil-Waututh Nation.

Notices of Consent were received from the following participating Indigenous nations regarding the issuance of a Certificate for Tilbury Phase 2:

- Chawathil First Nation;
- kʷikʷəƛ̓əm First Nation (Kwikwetlem);
- xʷməθkʷəy̓əm;
- Snuneymuxw First Nation, and;
- Ts'uubaa-asatx Nation.

Notices of non-Consent were received from the following participating Indigenous nations regarding the issuance of a Certificate for Tilbury Phase 2:

- Kwantlen First Nation;
- Quw'utsun Nation (Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, and Stz'uminus First Nation); and
- SḴÁUTW̱ First Nation.

Tsawwassen First Nation (TFN) provided a letter to EAO dated August 26, 2026, stating it withdrew its previous notice of non-consent and advised that it does not oppose issuance of the EA Certificate.

KEY ISSUES CONSIDERED IN OUR DECISION

Cumulative Effects

We learned through meetings with Indigenous leadership, our review of the materials provided by the CEAO, and the Assessment Report that Indigenous nations and members of the public have significant concerns regarding cumulative effects in the South arm of the Fraser River. These concerns included the effects of historic and ongoing impacts to Southern Resident Killer Whales (SRKW), fish and fish habitat, harvesting opportunities, cultural practices, stewardship responsibilities, and the exercise of Section 35 rights.

We understand that many Indigenous nations approach the assessment of project impacts through holistic frameworks that are different from, but complementary to, the EAO's project-specific environmental assessment. While the EAO assessed how impacts from Tilbury Phase 2 would interact with existing conditions on the ground, including those shaped by historic development, and with reasonably foreseeable future projects, some Indigenous nations expressed concern that the Project should not be viewed separately from those historic and existing cumulative effects. Rather, they emphasized that the effects of the Project, together with generations of development and any future development must be considered in their totality when assessing impacts on rights, stewardship responsibilities, cultural continuity, and future use of the area.

We also considered that Tilbury Phase 2 is an expansion of an existing LNG facility located within a long-established industrial area on Tilbury Island. The Project would occur entirely within the existing facility area and make use of previously developed industrial lands and infrastructure.

We recognize that cumulative effects are not theoretical concerns. Through our meetings with Indigenous leadership and our review of Indigenous-led assessments summarized in the Assessment Report, we heard that Indigenous nations continue to experience impacts to fisheries, culturally important species, ecological conditions, harvesting opportunities, and the intergenerational transfer of Indigenous knowledge and cultural practices. We acknowledge that these concerns are grounded in the lived experience of Indigenous nations and their ongoing stewardship of the South arm of the Fraser River.

We note that the EAO assessed cumulative effects by considering the extent to which Tilbury Phase 2 would contribute to cumulative effects when combined with past, present, and reasonably foreseeable future activities. In reaching our decision, we considered both this assessment and the perspectives of Indigenous nations, who emphasized that cumulative effects are experienced holistically and cannot always be separated into project-specific contributions. Having considered the Assessment Report, Indigenous-led assessments under Section 19(4) of the Act, notices of consent and of non-consent, significant public feedback and comments received during public comment periods, we are satisfied that the Project's contribution to cumulative effects has been appropriately assessed. While we recognize that cumulative effects are already present in the region and that differing views remain regarding the significance of additional development, we agree with the EAO's conclusion that Tilbury Phase 2 is not expected to result in significant adverse cumulative effects. In reaching this conclusion, we considered the Project's limited residual effects (that is, the Project's effects after mitigation measures are taken into account) and its comparatively small incremental contribution to cumulative effects, the fact that all in-water works and project-related barging of construction materials have been removed from the Project scope, the Certificate conditions, and additional regulatory requirements that would apply throughout the life of the Project.

We further recognize that addressing cumulative effects in the South arm of the Fraser River requires action beyond any single project assessment. We note that the EAO has proposed Certificate conditions that would support broader cumulative effects management, including ambient air quality monitoring (Condition 14 - Air Quality Management Plan), participation in regional cumulative effects initiatives (Condition 18 - Regional Cumulative Effects Initiatives) if directed by the EAO, and investigation of mitigation measures related to 6PPD-quinone, a tire-related chemical found in roadway runoff (Condition 17- Dry Street Sweeping Report).

We also note broader provincial and federal initiatives in the South Coast region that are intended to address many of the concerns raised throughout this assessment, including concerns raised by First Nations and the public related to SRKWs and salmon. These include British Columbia's Coastal Marine Strategy, which is investing more than $2.5 million in Indigenous-led marine stewardship initiatives focused on habitat restoration, pollution prevention and environmental monitoring, and the British Columbia Salmon Restoration and Innovation Fund, which invested approximately $128.6 million between 2019 and 2024 to support salmon restoration, habitat recovery, climate resilience and Indigenous participation.

Federally, Canada has invested $1.5 billion through the Oceans Protection Plan, committed an additional $2 billion to continue and expand those initiatives, and committed more than $258 million over five years to protect whales and their habitat, including new measures specifically focused on SRKWs. While these initiatives do not eliminate cumulative effects concerns, they demonstrate an ongoing commitment by British Columbia and Canada to work with Indigenous nations to address cumulative effects at a regional scale.

Marine Shipping, SRKW, Fraser River, and Fish

We heard concerns from Indigenous nations and members of the public regarding potential effects on fish and fish habitat, SRKWs, the Fraser River, and the broader marine environment. Participants also expressed concern regarding marine shipping associated with LNG development in the region and its potential effects on culturally important species and Indigenous harvesting activities.

We carefully considered these concerns. We note that Tilbury Phase 2 does not include operational shipping, dredging, in-water works, or any project-related marine infrastructure. During the environmental assessment, FortisBC removed the proposed Material Offloading Facility, barge deliveries, and all associated in-river works from the Project following concerns raised by Indigenous nations, and confirmed those activities will not occur. As ultimately assessed, Tilbury Phase 2 is located entirely within the existing Tilbury LNG facility footprint and does not involve project-specific marine vessel movements. Based on the assessment before us, we are satisfied that the Project has no direct pathway to affect SRKWs and only limited indirect pathways affecting fish and fish habitat. The EAO found that Project-related effects on fish and fish habitat would be of negligible magnitude and are not expected to result in significant adverse effects.

We recognize that many concerns raised throughout the assessment related to marine shipping associated with LNG exports. Marine shipping effects were assessed through the Tilbury Marine Jetty environmental assessment (EAC #T24-01, issued March 27, 2024) and federal impact assessment processes and are subject to separate regulatory requirements and conditions; see *EAO's Assessment Report* for the Tilbury Marine Jetty Project.

We also considered concerns regarding fish and fish habitat within the Fraser River and Tilbury Slough. To address the Project's impacts on these matters, the Certificate includes Condition 12 (Construction Environmental Management Plan), which requires, among other things, a plan for testing and managing water used during commissioning of the LNG storage tank, erosion and sediment control measures, surface water quality monitoring, and measures to avoid adverse effects on fish and fish habitat.

Condition 13 (Operations Environmental Management Plan) requires ongoing management, testing, and monitoring of surface water and contact water (rainwater that comes into contact with Project equipment) associated with the Project, including measures to capture and treat contact water when necessary to protect aquatic life.

Condition 17 (Dry Street Sweeping Report) requires the Holder to investigate mitigation measures related to 6PPD-quinone. Indigenous nations raised concerns regarding potential effects of that contaminant on salmon and other fish species.

Having considered the materials provided by the CEAO, concerns raised by Indigenous nations and the public, other provincial and federal regulatory frameworks, and the conclusions of the EAO, we are satisfied that the potential effects of Tilbury Phase 2 have been appropriately assessed and addressed on the marine and aquatic environment.

Air Quality

We heard concerns from Indigenous nations, local governments, health authorities, and members of the public regarding air quality, flaring, and potential impacts on human health. Participants noted that parts of the Lower Mainland already experience air quality challenges and expressed the concern that emissions from Tilbury Phase 2, particularly nitrogen dioxide (NO_2), particulate matter, and emissions associated with flaring events, could contribute to existing conditions and affect nearby communities. Concerns were also raised regarding the cumulative contribution of industrial activities within an already developed airshed.

We carefully considered these concerns. In reaching our decision, we considered the assessment of air quality and human health effects across all project phases, including construction and commissioning, operations, flaring events associated with start-up, shutdown, upset conditions and grid power outages, and eventual decommissioning.

We also considered the findings concerning existing background air quality conditions, cumulative effects, and potential implications for human health.

We recognize that, while flaring may result in infrequent and temporary exceedances of air emissions thresholds, the assessment found that any potential effects would depend on a range of factors. In consideration of this variation and uncertainty, conditions were developed in consultation with relevant regulators and health authorities to support transparency and ongoing verification of project performance.

The Certificate includes Condition 14 (Air Quality Management Plan), which requires the Holder to develop and implement a comprehensive air quality management and monitoring program in consultation with regulators, health authorities, and participating Indigenous nations. The condition requires ongoing monitoring of facility emissions, monitoring and reporting of flare use, ambient air quality monitoring, and regular reporting to regulators. Ambient monitoring would provide information on air quality conditions in the surrounding airshed and support the identification and management of cumulative air quality effects over time. The condition also includes adaptive management requirements, allowing mitigation measures to be adjusted if monitoring identifies effects that differ from those predicted during the assessment.

We acknowledge that air quality and flaring will remain subject to regulatory oversight and permitting requirements throughout the life of the Project. Metro Vancouver regulates air emissions through permitting under the *Environmental Management Act* and Metro Vancouver Bylaw 1082, and the BC Energy Regulator regulates LNG facilities under the *Energy Resource Activities Act.* These regulatory processes include requirements for monitoring, reporting, and ongoing management of emissions.

Having considered the concerns raised regarding air quality, flaring, and human health, together with the analysis contained in the Assessment Report, we are satisfied that the Certificate conditions, applicable permitting requirements, and ongoing regulatory oversight provide appropriate mechanisms to manage emissions and monitor air quality effects throughout the life of the Project. Taking these measures into account, we are satisfied that Tilbury Phase 2 is not expected to result in significant adverse residual effects or significant cumulative effects on air quality or human health.

Greenhouse Gas Emissions and Climate Change

We acknowledge that Tilbury Phase 2 would result in greenhouse gas emissions and that those emissions are not zero. We reviewed the Assessment Report, including concerns raised by First Nations, Indigenous-led assessments, and feedback from members of the public regarding the Project's consistency with climate objectives and the broader implications of continued LNG development. We noted concerns that climate change is already affecting ecosystems, fish populations, cultural practices, and the exercise of Indigenous rights, and that additional emissions could make it more difficult for British Columbia and Canada to achieve their climate goals. We also heard concerns regarding whether LNG should be considered a lower-carbon fuel, the role of upstream emissions, and whether the Project's emissions reduction measures would be sufficient over the long term. We carefully considered these concerns in reaching our decision.

Consistent with the requirements of the Net-Zero New Industry Policy, the Certificate includes Condition 11 (Greenhouse Gas Emissions and Net-Zero Plan), which would require the Holder to implement and maintain a Net-Zero Plan, including electrification and other emissions reduction measures, and to update that plan at least every five years in consultation with Indigenous nations, provincial agencies, Environment and Climate Change Canada, and Metro Vancouver. The condition also requires ongoing reporting and emission management measures throughout the life of the Project.

We are satisfied that the Certificate conditions, particularly Condition 11, together with provincial greenhouse gas reporting requirements under the *Greenhouse Gas Industrial Reporting and Control Act* and ongoing regulatory oversight, provide appropriate mechanisms to reduce, monitor, and manage Project emissions over time. Taking these measures into account, we are satisfied that Tilbury Phase 2 is not expected to result in significant adverse residual effects related to greenhouse gas emissions or climate change.

Accidents and Malfunctions

Through our review of the Assessment Report, Section 19(4) assessments, notices of non-consent, and discussions with First Nations leadership, we understand concerns were raised regarding the potential consequences of LNG releases, fires, explosions, and other accidents or malfunctions associated with the Project. We also understand concerns regarding the Project's proximity to the Fraser River and the potential for impacts of accidents and malfunctions on fish, fish habitat, harvesting activities, nearby communities, and other environmental values.

We note the EAO's conclusion that the likelihood of severe accident and malfunction scenarios is low and that multiple layers of engineering controls, regulatory requirements, and emergency preparedness measures are in place to reduce risk.

We understand that emergency preparedness and response for LNG facilities are primarily regulated by the BC Energy Regulator through the *Energy Resource Activities Act* and its regulations including the Liquefied Natural Gas Facility Regulation and Emergency Management Regulation. These requirements include emergency response planning, emergency management exercises, incident reporting, and notification requirements for Indigenous nations, including requirements to notify Indigenous nations following emergencies that may affect public safety or the environment. In addition, Certificate Conditions 12 (Construction Environmental Management Plan) and 13 (Operations Environmental Management Plan) require emergency communication protocols with First Nations and include spill prevention, environmental monitoring, and measures intended to protect fish, fish habitat, water quality, and other environmental values.

Having considered the Assessment Report, Certificate conditions, and applicable regulatory requirements, we are satisfied that the risks associated with accidents and malfunctions have been appropriately assessed and can be effectively managed. We agree with the EAO's conclusion that the potential adverse effects associated with accidents and malfunctions have been appropriately reduced and managed through Project design, emergency preparedness measures, regulatory oversight, and Certificate conditions.

First Nations Engagement and Consultation

We respect the rights of all First Nations to self-governance and to carry out activities in accordance with their Indigenous practices, laws and preferences. Indigenous nations participated in the environmental assessment in various ways, including through technical reviews, community engagement, Indigenous knowledge sharing, Indigenous-led assessments conducted under Section 19(4) of the Act, and notices of consent and non-consent. This participation included more than 25 Indigenous nations directly, as well as five nations represented through Quw'utsun Nation and fourteen nations represented through the S'ólh Téméxw Stewardship Alliance. We received five notices of consent, one notice of non-objection, and three notices of non-consent as afforded under the legislation to the participating Indigenous nations. We recognize the significant time, expertise and resources dedicated by First Nations and, with our review of all the materials, are satisfied that their perspectives informed the assessment conclusions, mitigation measures, accommodation measures and Certificate conditions. Their efforts have contributed to a more robust assessment that incorporates their knowledge and perspectives.

Consent, Lack of Consent and Non-objection

The Act requires that, prior to making a decision, we offer to meet with any participating Indigenous nation that provides a notice of non-consent where that is contrary to the recommendations from the CEAO. We also met with xʷməθkʷəy̓əm that provided a notice of consent. We carefully considered the perspectives shared during those discussions.

xʷməθkʷəy̓əm (Musqueam Indian Band)

We acknowledge that xʷməθkʷəy̓əm (Musqueam Indian Band) provided a notice of consent for Tilbury Phase 2. Through its participation in the assessment, xʷməθkʷəy̓əm confirmed that it was satisfied with its understanding of the Project's direct effects on its Section 35 rights. We also understand, through review of xʷməθkʷəy̓əm 's Indigenous-led assessment, that xʷməθkʷəy̓əm concerns remain regarding the broader cumulative effects of development within its territory and the limitations of project-specific assessments in addressing those concerns. During our meeting with xʷməθkʷəy̓əm leadership, Musqueam noted the broad range of Indigenous interests represented in the assessment and emphasized its view that Musqueam is among the Nations most directly affected by the Project and that the perspective of those affected by the Project most should be accorded more weight by decision-makers. We also heard support for the Project alongside continued concerns regarding the long-term health of the Fraser River, and potential impacts on culturally important species. xʷməθkʷəy̓əm emphasized that FortisBC has developed a strong working relationship with xʷməθkʷəy̓əm and that continued engagement, employment, contracting, and economic development opportunities associated with the Project were important considerations for their nation. We considered xʷməθkʷəy̓əm's perspectives and note its intention to remain engaged in Project implementation and ongoing stewardship of lands and waters within its territory.

Tsawwassen First Nation

We acknowledge that Tsawwassen First Nation initially provided a notice of non-consent regarding Tilbury Phase 2 and subsequently replaced that notice with a letter of non-objection. Through its correspondence, discussions with the Province, and participation in the environmental assessment process, we came to understand that Tsawwassen's concerns primarily related to their views about outstanding provincial accommodation commitments, how Tsawwassen's Indigenous led-assessment was considered in the EAO's Assessment Report, cumulative effects in the Lower Fraser River, and potential implications for its Treaty-protected rights and interests. We considered the findings and recommendations set out in Tsawwassen First Nation's Indigenous-led assessment, including its perspectives on cumulative effects, Treaty rights, and long-term stewardship of the Lower Fraser River, in reaching our decision. We note that, following further engagement with the Province and the Environmental Assessment Office, Tsawwassen advised that it no longer opposed issuance of a Certificate, while continuing to emphasize the importance of ongoing work to address cumulative effects and support implementation of Treaty commitments. Lastly, we note that Tsawwassen's Section 19(4) recommendations reflected concerns and proposals raised throughout the assessment, and that through ongoing discussions between the Province and Tsawwassen, measures were identified to address those recommendations where possible.

Quw'utsun Nation

We understand that Quw'utsun Nation does not consent to the issuance of a Certificate for Tilbury Phase 2. Through Quw'utsun Nation's Indigenous-led assessment, notice of non-consent, and discussions with its leadership, we came to understand that Quw'utsun Nation views Tilbury Phase 2 within the broader context of cumulative environmental change in the South arm of the Fraser River and the ongoing degradation of *Tl'uqtinus* and surrounding areas. We understand that Quw'utsun Nation is concerned not only with the Project's direct effects, but also with its implications for the future exercise of rights and title, stewardship responsibilities, restoration objectives, harvesting opportunities, and obligations to future generations.

In our meeting with Quw'utsun Nation leadership and representatives, we heard that despite significant participation in the assessment process, including completion of an Indigenous-led assessment, it remains unclear to Quw'utsun Nation how those processes influence ministerial decision making. Quw'utsun Nation emphasized the need for greater transparency regarding how Indigenous nation free, prior and informed consent is operationalized in provincial environmental assessment and how Indigenous-led assessments, non-consent decisions, and Indigenous laws are considered. Quw'utsun Nation also questioned whether the current process reflects a meaningful shift toward shared decision making. We acknowledged the significant work undertaken by Quw'utsun Nation, confirmed that its Indigenous-led assessment and notice of non-consent form an important part of our decision making, and advised that these materials would inform our decision.

We understand that Quw'utsun Nation disagrees with aspects of the EAO's conclusions regarding cumulative effects, the adequacy of accommodation or mitigation of impacts on Quw'utsun Nation's rights and title, and the significance of Project effects on assessed valued components that are important to Quw'utsun Nation. We understand that Quw'utsun Nation's Indigenous-led assessment concluded that the Project would contribute to ongoing barriers to restoration and renewal of Quw'utsun Nation's relationship with the South arm of the Fraser River, stewardship, future use, and the meaningful exercise of its rights and responsibilities within the South arm of the Fraser River.

We carefully considered these perspectives, including Quw'utsun Nation's view that Project effects should be assessed in the context of broader historical and ongoing impacts affecting the South arm of the Fraser River. We reviewed Quw'utsun Nation's Indigenous-led assessment and the concerns raised regarding adverse project and cumulative effects to title, stewardship responsibilities, restoration objectives, and future use, and examined the extent to which those concerns were reflected in the assessment, Certificate conditions, and will be reflected in applicable regulatory requirements.

We also considered the EAO's conclusion that Tilbury Phase 2 itself is not expected to result in significant adverse residual effects or significant cumulative effects including in relation to concerns raised by Quw'utsun Nation regarding acoustics, lighting, fish, surface water, and wildlife. We acknowledge the importance of Quw'utsun Nation's objectives and understand that they informed Quw'utsun Nation's assessment of the Project. While we recognize that Quw'utsun Nation disagrees with aspects of the EAO's assessment, we note that Quw'utsun Nation's submissions have informed our understanding of potential Project effects on Quw'utsun Nation and its Section 35 rights and that their submissions were considered alongside the remainder of the assessment. Having done so, we are satisfied that potential project effects have been appropriately assessed and addressed through the assessment process, proposed mitigation measures, and the conditions of the Certificate.

Kwantlen First Nation

We understand that Kwantlen First Nation does not consent to the issuance of a Certificate for Tilbury Phase 2. Through Kwantlen First Nation's notice of non-consent, its assessment reflected in the Assessment Report, submissions to us, and our discussions with leadership, we came to understand that Kwantlen views Tilbury Phase 2 as another contribution to cumulative effects in a Fraser River system.

We also understand that Kwantlen First Nation does not accept that the Project's effects can be appropriately understood by examining Tilbury Phase 2 in isolation. Kwantlen First Nation expressed concern that assessing Tilbury Phase 1, the Tilbury Marine Jetty Project, and Tilbury Phase 2 through separate regulatory and assessment processes obscures their combined effects and makes it difficult to understand the broader implications of LNG development on the Fraser River system. We acknowledge Kwantlen First Nation's concern, however, we are satisfied that the environmental assessment for Tilbury Phase 2 appropriately considered cumulative effects, including interactions with other relevant activities and developments. We also understand Kwantlen First Nation's concern that existing environmental degradation and reduced harvesting opportunities should not become the benchmark against which additional impacts are assessed.

During our meeting with Kwantlen First Nation leadership, Councillors, and a cultural advisor, we heard concerns regarding cumulative effects, declining fish populations, fishing opportunities, cultural continuity, stewardship responsibilities, and the extent to which Indigenous perspectives on cumulative effects are reflected in environmental assessment outcomes and decision making. We also heard concerns that Indigenous nations experience the combined effects of multiple developments over time, while environmental assessments typically evaluate individual projects.

We further understand that Kwantlen First Nation does not consider the mitigation measures, monitoring programs, and Certificate conditions sufficient to address long-term impacts on harvesting opportunities, cultural continuity, stewardship responsibilities, and the cumulative effects already affecting the Fraser River.

We carefully considered Kwantlen First Nation's perspectives. We recognize that cumulative effects in the Fraser River are a significant concern for Kwantlen First Nation. We also considered the EAO's conclusion that Tilbury Phase 2 is expected to have limited impacts on fish, fish habitat, and surface water quality, and is not expected to cause significant adverse effects on its own, or cumulative effects when considered alongside other activities in the area.

We considered Certificate conditions requiring ongoing management and monitoring of air quality, surface water, cumulative effects participation, and investigation of 6PPD-quinone mitigation measures, including measures that go beyond addressing the Project's direct effects alone, as described above in these reasons. While we recognize that Kwantlen First Nation disagrees with aspects of the assessment, we are satisfied that these concerns were thoroughly assessed and informed the development of mitigation measures, including Certificate conditions which include ongoing monitoring and management requirements.

STÁUTW First Nation (Tsawout First Nation)

We understand that STÁUTW First Nation does not consent to the issuance of a Certificate for Tilbury Phase 2. Through STÁUTW First Nation's Indigenous-led assessment, notice of non-consent, submissions to us, and our discussions with leadership, we came to understand that STÁUTW First Nation views Tilbury Phase 2 within the broader context of historical and ongoing cumulative effects affecting the exercise of Aboriginal and Douglas Treaty rights within the Lower Fraser River and Salish Sea.

We understand that STÁUTW First Nation considers Tilbury Phase 2 and the Tilbury Marine Jetty to be interconnected developments and remains concerned that assessing them through separate processes does not fully capture their combined implications for fisheries, harvesting opportunities, stewardship responsibilities, and the meaningful exercise of rights. We acknowledge STÁUTW First Nation's concern, however, we are satisfied that the environmental assessment for Tilbury Phase 2 appropriately considered cumulative effects, including interactions with other relevant activities and developments. We also understand STÁUTW First Nation's concern that the Certificate conditions do not sufficiently reflect the Nation's recommended measures or provide adequate accommodation for impacts to its interests.

During our meeting with Chief Pelkey and STÁUTW First Nation representatives, we heard concerns regarding cumulative effects on fisheries, harvesting opportunities, stewardship responsibilities, and the exercise of Aboriginal and Douglas Treaty rights, as well as concerns regarding the assessment methodology and treatment of cumulative effects.

We carefully considered these perspectives, including STÁUTW's First Nation view that Project effects and impacts to rights should be assessed within the broader context of historical and ongoing changes affecting the Lower Fraser River and marine environment. We also considered the EAO's conclusion that Tilbury Phase 2 is not expected to result in significant adverse residual effects or significant cumulative effects including in relation to concerns raised by STÁUTW First Nation regarding fish, surface water, and wildlife. While we recognize that STÁUTW's First Nation disagrees with aspects of the assessment, we are satisfied that its concerns were thoroughly assessed and informed the development of mitigation measures, accommodation measures, and ongoing monitoring and management requirements, including Certificate conditions.

Other First Nations

We also considered information provided by Chawathil First Nation, kʷikʷəƛ̓əm First Nation, Ts'uubaa-asatx Nation and Snuneymuxw First Nation each of which provided notices of consent to proceed with the Project. These Nations participated in the assessment process and provided perspectives regarding the Project's potential effects, proposed mitigation measures, and potential benefits. Their consent, and the perspectives provided in support of that consent, formed an important part of the information before us as we considered the Project and its potential effects on Indigenous rights and interests.

While Tsleil-Waututh Nation did not make a statement on consent, we did consider the information, findings, and recommendations contained in Tsleil-Waututh Nation's Indigenous-led assessment in our decision making. The Indigenous-led assessment provided Tsleil-Waututh Nation 's perspectives on the Project's potential effects on its rights, interests, territory, and stewardship responsibilities, including concerns related to cumulative effects and marine shipping, as well as assessing projects separately. Tsleil-Waututh Nation also provided a letter directly to us outside the assessment process for our consideration, which we refer to later in our reasons.

Snuneymuxw First Nation, the S'ólh Téméxw Stewardship Alliance, and Cheam First Nation participated in the environmental assessment process as participating Indigenous nations. Through meetings with the Environmental Assessment Office and the proponent, iterative review of application materials, opportunities to attend Technical Advisory Committee meetings, and the review of key assessment documents, these nations were able to provide comments, identify concerns, and share information regarding the potential effects of the Project on their rights, interests, and territories. We considered the information and perspectives provided by these nations in our decision making.

While not all First Nations participated as participating Indigenous nations under the Act, opportunities were provided throughout the assessment process to review materials, provide comments, identify concerns, and share information regarding potential effects on rights and interests. These opportunities were provided to Katzie First Nation, Leq'á:mel First Nation, Lummi Nation, Malahat First Nation, Matsqui First Nation, Métis Nation British Columbia, Pauquachin First Nation, Pópkw'em First Nation (Popkum First Nation), Semiahmoo First Nation, Shxw'ōwhámél First Nation, Sḵwx̱wú7mesh Úxwumixw (Squamish Nation), Tsartlip First Nation, and Tseycum First Nation. Concerns raised through these engagement opportunities included cumulative effects, marine shipping, fish and fish habitat, SRKWs, climate change, air quality, and the broader stewardship of lands and waters. We considered these concerns through our review of the Assessment Report, recommended federal mitigation measures, applicable permitting and regulatory processes and by the imposition of Certificate conditions. These perspectives informed the Assessment Report and therefore our decision.

We acknowledge that, despite significant efforts made by First Nations and EAO during the environmental assessment process, not all concerns have been resolved. We recognize that expansion of an LNG facility in the area is of concern to Indigenous communities and ways of life, and that Tilbury Phase 2 is considered by some Nations as delaying return of the south Fraser River arm to pre-contact conditions. While our decision relates only to Tilbury Phase 2, we recognize the history of major projects and other development, including FortisBC's, in the area is important and this context been considered in the EAO's assessment of how impacts of Tilbury Phase 2 would contribute to cumulative effects. At the conclusion of the environmental assessment, we understand that there remain differences in perspective on whether the Project should proceed.

Accommodations and Ongoing Participation

We note that several Certificate conditions were developed or refined through engagement with participating Indigenous nations and support ongoing First Nation participation in project planning, environmental management, monitoring,

reporting, and adaptive management throughout the life of the Project. This includes requirements for ongoing engagement with participating Indigenous nations throughout Construction and Operations, consultation requirements (Condition 4), an Independent Environmental Monitor (Condition 8), a Community Feedback Process that enables First Nations to raise concerns and receive responses throughout the life of the Project (Condition 10), environmental management plans developed in consultation with participating Indigenous nations (Conditions 12 and 13), air quality monitoring (Condition 14), heritage protections (Condition 15), economic participation opportunities (Condition 16), investigation of mitigation measures related to 6PPD-quinone and fish health (Condition 17), and participation in regional cumulative effects initiatives where directed by the EAO (Condition 18). We considered these proposed conditions by EAO, as important measures to address and accommodate Project effects on Indigenous interests and have made them conditions of the Certificate. We note that the conditions will work together with proponent mitigation measures and additional applicable regulatory requirements.

As identified in the Joint Permitting / Regulatory Coordination Plan, Tilbury Phase 2 remains subject to other legislative and regulatory requirements including the need to obtain a range of permits and authorizations from other regulators, including BC Energy Regulator and Metro Vancouver. Several of these processes either require or may require consultation with Indigenous nations, including the LNG facility permit under the *Energy Resource Activities Act*, permits related to water use and discharge under the *Water Sustainability Act* and *Environmental Management Act,* archaeological permitting under the *Heritage Conservation Act,* and amendments to Metro Vancouver air discharge permits. These regulatory processes provide additional consultation with First Nations, technical review, monitoring, compliance verification, and enforcement. We considered these regulatory requirements, together with the Certificate conditions, as important components of the overall management framework for the Project.

As set out above, we recognize that many First Nations raised concerns regarding cumulative effects, climate change, fisheries decline, access to harvesting opportunities, stewardship responsibilities, and the long-term environmental trajectory of the Lower Fraser River. We note that these matters were considered as part of the environmental assessment and that many First Nations view them within a broader regional and historical context extending beyond the effects attributable to any single project. We also recognize that many Indigenous nations continue to experience the effects of historic and ongoing development in the region and remain concerned about the future condition of these ecosystems and their ability to exercise rights and responsibilities.

While we considered the EAO's conclusion that Tilbury Phase 2 is not expected to result in significant adverse residual effects or significant cumulative effects, we acknowledge that this finding does not diminish the importance of the broader concerns raised by First Nations. As we said above, while this decision cannot, on its own, resolve those broader concerns, we note the existence of provincial, federal, Indigenous, and regional initiatives directed at cumulative effects management, habitat restoration, salmon recovery, marine stewardship, and the protection of species of cultural, ecological, and stewardship importance, including salmon and SRKW.

Based on the Assessment Report, Indigenous-led assessments, First Nation notices of consent and non-consent, and discussions with Indigenous leadership, we are satisfied that the Project's potential effects on First Nations and Section 35 rights have been sufficiently assessed and addressed. While differing views remain regarding the Project, and consensus was not achieved with all participating Indigenous nations, we are satisfied that consultation and obligations have been fulfilled and that potential adverse effects on Indigenous interests have been avoided, minimized and accommodated to the extent possible.

PUBLIC INTEREST

Under Section 29(4)(b) of the Act, we may also consider any other matters that we consider relevant to the public interest in making our decision on the application. In this regard, we reviewed information provided directly to us by

Tsleil-Waututh Nation outside of the assessment process. Tsleil-Waututh Nation submitted a letter outlining outstanding concerns for our consideration. While Tsleil-Waututh Nation did not provide a statement on consent, we considered the submission in arriving at our decision. The letter was shared with the Proponent, which agreed that the issues raised had been discussed throughout the environmental assessment process and did not identify any concerns with our consideration of the submission. We note that the concerns raised were also considered through the environmental assessment process and are reflected in the findings and conclusions set out in the Assessment Report.

CONTRIBUTION TO SUSTAINABILITY

In considering whether Tilbury Phase 2 is consistent with the promotion of sustainability, we first considered its contribution to protecting the environment. We agree with the EAO's conclusion that, with the implementation of mitigation measures, Certificate conditions, applicable permitting requirements, and other provincial and federal regulatory oversight, the Project is not expected to result in significant adverse environmental effects. We recognize concerns raised regarding air quality, greenhouse gas emissions, and cumulative effects; however, we are satisfied that these matters have been assessed and that measures are in place to monitor, manage, and adaptively respond to potential effects throughout the life of the Project.

We also considered the Project's contribution to fostering a sound economy. As an expansion of an existing LNG facility, Tilbury Phase 2 would provide employment, contracting, procurement, and training opportunities during Construction and Operations, contribute to economic activity and tax revenues, and support energy resiliency in the Lower Mainland through additional natural gas storage capacity. The Project also provides opportunities for First Nations and local communities to participate in economic development associated with the Project.

We further considered the Project's contribution to the well-being of British Columbians and their communities. In addition to economic benefits, the Project includes measures to support ongoing engagement with First Nations, environmental monitoring, and opportunities for Indigenous participation in project planning and implementation. We are satisfied that these measures, together with the Project's contribution to regional energy reliability, support the well-being of communities while appropriately managing potential adverse effects.

Having considered the anticipated environmental, economic, social, cultural, and health effects of the Project, together with mitigation measures, including Certificate conditions, and applicable regulatory requirements, we agree with the EAO's conclusion that Tilbury Phase 2 is consistent with the promotion of sustainability in British Columbia by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities.

CONCLUSION

Having considered the Assessment Report, the Chief Executive Assessment Officer's recommendations, notices of consent and non-consent from participating Indigenous nations, submissions provided directly to Ministers, and meetings with Indigenous leadership, we decided to issue a Certificate for Tilbury Phase 2.

Honourable Tamara Davidson
Minister of Environment and Parks

Honourable Adrian Dix
Minister of Energy and Climate Solutions

Signed this 21 day of September, 2026.