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January 7, 2014

Grand Chief Joe Hall and Councillors
Stó:lō Nation

<contact information removed>

Dear Grand Chief Hall and Councillors,

Re: Roberts Bank Terminal 2 Project - consultation approach for the federal environmental assessment

The Honourable Leona Aglukkaq, federal Minister of the Environment, announced today that the proposed Roberts Bank Terminal 2 Project (the Project) will undergo an environmental assessment by a review panel.

The purpose of this letter is:

- (1) to share a summary of the information we currently have regarding the potential adverse impacts of the Project on your potential or established Aboriginal rights so that you may review it and provide comments; and,
- (2) to share with you the draft consultation workplan which outlines the consultation approach for this Project so that you may review it and provide comments.

The proposed consultation workplan is based on information we currently have regarding the potential adverse impacts of the Project on your potential or established Aboriginal rights. This information is outlined in Attachment 1. Please review this information and provide us with any additional information that you feel would contribute to this analysis.

Based on this information, the Agency has determined on a preliminary basis that the depth of the duty to consult with Stó:lō Nation in relation to the Project is at the low end of the consultation spectrum. The Agency therefore is proposing a consultation workplan as outlined in Attachment 2.

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The Agency's Participant Funding Program is a limited fund and, with respect to Aboriginal groups, is meant to assist groups to prepare for and participate in Aboriginal consultation activities and key participation opportunities associated with federal environmental assessments. The Agency will contact the Stó:lō Nation to inform you when the funding application period will begin. To obtain additional information on the program in advance of the application period, please visit the [Agency's web site](#) or contact Carrie Crull at 613-957-0573 or by email at Carrie.Crull@ceaa-acee.gc.ca.

As well, you will find attached the final EIS Guidelines (Attachment 3). These EIS Guidelines have been provided to the proponent, who will prepare the EIS based on the Guidelines. The EIS identifies the potential adverse environmental effects of the Project including cumulative effects, the measures to mitigate those effects measures, and evaluates whether the Project is likely to cause any significant adverse environmental effects.

Information that you provide to the Agency is considered public and may be subject to public access-to-information requests. Should you have any documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact me to discuss.

I will follow up with you in the coming weeks to discuss the proposed consultation approach. As well, you can contact me directly at 604-666-9162 or by email at [Analise Saely@ceaa-acee.gc.ca](mailto:Analise.Saely@ceaa-acee.gc.ca) to discuss any questions or matters related to the environmental assessment or Aboriginal consultation.

Sincerely,

<original signed by>

Analise Saely
Crown Consultation Analyst, Review Panels

Attachments:

- #1 - Summary of information used to develop the consultation approach
- #2 – Proposed consultation approach
- #3 – EIS Guidelines

c.c.: Chris Hamilton, B.C. Environmental Assessment Office
Cliff Stewart and Jemma Scoble, Port Metro Vancouver
Carrie Crull, Participant Funding Program
June Yoo Rifkin, Environment Canada
Byron Nutton, Fisheries and Oceans Canada
Gina Aitchison, Transport Canada
Kathy McPherson, Natural Resources Canada
Carl Alleyne, Health Canada
Chief Angie Bailey, Aitchelitz First Nation
Chief Alice Thompson, Leq'a:mel First Nation
Chief Alice Mckay, Matsqui First Nation
Chief James Murphy, Popkum First Nation
Chief Tina Rabang, Shxwhá:y Village First Nation
Chief Maureen Chapman, Skawahlook First Nation
Chief Robert Hall, Skowkale First Nation
Chief David Jimmie, Squiala First Nation
Chief Dalton Silver, Sumas First Nation
Chief Glenda Campbell, Tzeachten First Nation
Chief Frank Malloway, Yakwekwioose First Nation

Attachment 1

Summary of information used to develop the consultation approach

The information the Agency considered in developing its consultation approach is provided below:

- The traditional territory asserted by the Stó:lō Nation includes the Fraser River, Richmond and Delta near the proposed Project area. The proposed project has the potential to adversely affect a small portion of the asserted traditional territory. [Note: The Crown's understanding of the Stó:lō Nation asserted traditional territory is based on the [Statement of Intent map](#) filed with the BC Treaty Commission].
- A potential impact to potential or established Stó:lō Nation rights may include impacts to fishing from environmental effects such as loss of marine habitat and physical changes to coastal areas.

As stated above, the Agency has determined on a preliminary basis that the depth of the duty to consult with the Stó:lō Nation in relation to the Project is at the low end of the consultation spectrum.

If you have information with regard to: 1) the potential impacts of the Project on the exercise of your rights; or 2) your potential or established Aboriginal rights, please provide this information to the Agency so that the consultation approach may be adjusted as necessary.

Attachment 2
Proposed Consultation Approach – Stó:lō Nation

Based on the information summarized in Attachment 1, the Agency has outlined the following consultation approach. The features in this proposal can be modified, and we invite your input to assist us in refining the approach as necessary. If you have additional questions, or believe that consultation with your community could be enhanced by adding to this section, please contact me at your earliest convenience.

Stó:lō Nation
PROPOSED CONSULTATION WORK PLAN
Environmental Assessment of the Proposed Roberts Bank Terminal 2 Project
January 7, 2014

1. Introduction

This proposed Aboriginal consultation work plan is intended to guide federal Crown-Aboriginal consultation activities during the environmental assessment of the proposed Roberts Bank Terminal 2 Project (the Project). It communicates the federal Crown's objectives for consultation, the proposed structure for integrating consultation into the environmental assessment process, and the proposed consultation activities for the Stó:lō Nation. This document is intended to be a "living document" that will be updated by the Canadian Environmental Assessment Agency (the Agency) and reviewed with the Stó:lō Nation regularly during the environmental assessment of the proposed Project.

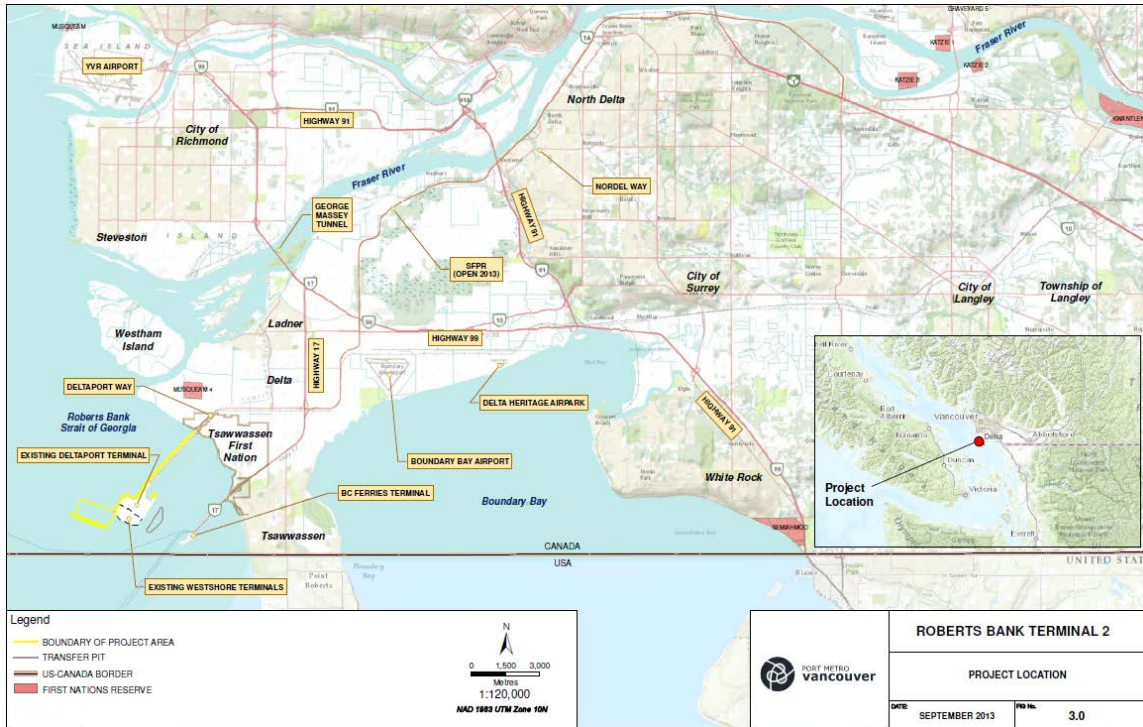
2. Description of the Proposed Roberts Bank Terminal 2 Project

The proponent proposes to construct and operate a new three-berth marine container terminal located at Roberts Bank in Delta, British Columbia, approximately 35 kilometres south of Vancouver. The proposed project would provide an additional 2.4 million units of container capacity at Roberts Bank per year. The full project description and summary can be downloaded at www.ceaa-acee.gc.ca (Registry reference number [80054](#)).

For additional information on the proposed Roberts Bank Terminal 2 Project, we encourage you to contact Port Metro Vancouver (the proponent), at:

Jemma Scoble
Manager, Project Development, Port Metro Vancouver
100 The Pointe, 999 Canada Place Vancouver, BC Canada V6C 3T4
direct: 604.665.9562 main: 604.665.9000 fax: 1.866.284.4271
Jemma.Scoble@portmetrovancover.com

Figure 1: Regional Setting for the Proposed Roberts Bank Terminal 2 Project



3. Aboriginal Groups

The following is a list of Aboriginal groups that have been identified by the federal government for consultation related to the environmental assessment of the proposed Project, on the basis that existing or potential Aboriginal or Treaty rights and interests may be affected by the proposed Project. This list may change as more information becomes available throughout the process. The Crown will consult with any Aboriginal groups who have asserted or established Aboriginal or Treaty rights which may be impacted by the proposed Project.

- Tsawwassen First Nation
- Musqueam First Nation
- Semiahmoo First Nation
- Tsleil-Waututh Nation
- Cowichan Tribes
- Stz'uminus First Nation
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Métis Nation British Columbia

- Stó:lō Tribal Council (Seabird Island First Nation, Scowlitz First Nation, Soowahlie Band, Kwaw'Kwaw'Apilt First Nation, Kwantlen First Nation, Shxw'ow'hamel First Nation, Chawathil First Nation, Cheam Indian Band)
- Stó:lō Nation (Aitchelitz First Nation, Leq'a:mel First Nation, Matsqui First Nation, Popkum First Nation, Skawahlook First Nation, Skowkale First Nation, Shxwha:y Village, Squiala First Nation, Sumas First Nation, Tzeachten First Nation, Yakweakwoose Band)

4. Federal Crown's Consultation Objectives

The federal Crown has identified the following as key objectives to achieve throughout the consultation and environmental assessment process:

- To establish a positive and productive working relationship with Aboriginal groups during the environmental assessment and regulatory phases related to the Project.
- To communicate and listen to potentially adversely impacted Aboriginal groups about the Project and the way in which it may affect potential or established Aboriginal or Treaty rights and related interests throughout the environmental assessment and regulatory phases.
- To create an environment that facilitates the identification of potential or established Aboriginal or Treaty rights and related interests that may be adversely impacted by the Project so that the proponent can consider options to avoid, mitigate or accommodate adverse impacts to those Aboriginal or Treaty rights where appropriate.
- To work with Aboriginal groups to identify potential effects of changes to the environment from the Project on: current use of lands and resources for traditional purposes; health, cultural and socio-economic conditions; and potential or established Aboriginal or Treaty rights; and to consider options for avoiding or mitigating adverse impacts where appropriate.
- To respond to specific requests by potentially impacted Aboriginal groups, address topic-specific issues related to the Project, if possible, and to gather input from potentially impacted Aboriginal groups regarding their concerns about the Project.
- To cooperate with the Province of British Columbia on Aboriginal consultation.
- To guide the proponent to gather information about potential adverse impacts from the Project on established or potential Aboriginal or Treaty rights; and to work with the proponent to avoid or mitigate as many impacts as possible through revisions during the project planning stage.
- To work with the Stó:lō Nation and the proponent to respond to specific questions and requests regarding issues raised related to the Project.

- To listen carefully to concerns raised by Stó:lō Nation and meaningfully consider your feedback, perspectives and issues in order to inform decision-making.

5. Stó:lō Nation Consultation Objectives

This section is intentionally left blank as the federal government would like to invite the Stó:lō Nation to share your consultation objectives. You may also communicate your objectives directly to Analise Saely at analise.saely@ceaa-acee.gc.ca or 604-666-9162

6. Integrating Consultation into the Environment Assessment

Table 1 provides a description of the main steps in the federal environmental assessment process and a description of how the federal Crown proposes to integrate consultation activities into those steps. This table describes what the Stó:lō Nation should receive, have access to or expect from the Agency, on behalf of the federal Crown, and what the Stó:lō Nation could share and provide to the environmental assessment process.

Environmental assessments conducted by review panel are subject to timelines under the *Canadian Environmental Assessment Act, 2012*. An environmental assessment by review panel must be completed and an environmental assessment decision statement issued by the Minister of the Environment within 24 months of the referral of a project to a review panel.

The Roberts Bank Terminal 2 project is currently in the 24 months period as described. The Minister of the Environment referred the project to review panel on January 7, 2014. Consultation activities with Stó:lō Nation, as proposed, are in keeping with these timelines.

While information and concerns relating to many issues associated with the potential impacts of the Project may be brought forth and addressed during the various stages of the environmental assessment process, it may not be feasible to address all of these concerns through this process. Some issues and concerns may best be discussed and addressed in other ways, for instance, through the regulatory approvals process that may follow the environmental assessment.

Table 2: Integrating Consultation into the Environmental Assessment (Adapted from the BC First Nations Environmental Assessment Technical Working Group Toolkit Workshop)

Environmental Assessment Step	Description of the Environmental Assessment Step/Phase	What the Stó:lō Nation should receive, have access to or expect FROM the federal Crown	What the Stó:lō Nation may provide TO the federal Crown/ Review Panel (or DO)
Panel Terms of Reference (TOR) (or joint review panel agreement, if required)	The Agency conducts a public comment period on the terms of reference (or joint review panel agreement if required).	<ul style="list-style-type: none"> • Advance notice of the public comment period. 	<ul style="list-style-type: none"> • Comments on the TOR (or joint review panel agreement, if required).
Government Environmental Impact Statement (EIS) Completeness Review	<p>The Agency assesses the completeness of the proponent's EIS.</p> <p>The EIS identifies potential adverse environmental effects of the Project, identifies feasible mitigation measures, evaluates whether the Project will result in any significant adverse environmental effects, and describes a follow-up program.</p>	<ul style="list-style-type: none"> • Opportunity to review and comment on the completeness of the proponent's EIS and supporting studies; • Opportunity to review and comment on the completeness of the proponent's responses to issues raised by Aboriginal groups, the public, federal and provincial agencies. 	<ul style="list-style-type: none"> • Comments on the EIS and the supporting studies and the completeness of the proponent's responses to your concerns; • Provide your thoughts on the accuracy of the proponent's information about issues you have raised and your opinion on any proposed ways of addressing those impacts.
Panel Environmental Impact Statement (EIS) sufficiency review	The review panel assesses the sufficiency of the EIS as required by the Terms of Reference.	<ul style="list-style-type: none"> • Provision of information on panel process; • Notice of public hearings held by the panel (provided directly by the review panel). 	<ul style="list-style-type: none"> • Decide if you want to participate in the panel sufficiency review process.
Public Hearing	The review panel will hold a public hearing in a manner that offers any interested party an opportunity to participate in the environmental assessment.	<ul style="list-style-type: none"> • Formal standing before the review panel as an interested party (if permitted by the review panel). 	<ul style="list-style-type: none"> • Decide if you want to present your views to the review panel; • Provide information in writing to the review panel and, if permitted by the review panel, in person, on any issue within the panel's mandate.

Environmental Assessment Step	Description of the Environmental Assessment Step/Phase	What the Stó:lō Nation should receive, have access to or expect FROM the federal Crown	What the Stó:lō Nation may provide TO the federal Crown/ Review Panel (or DO)
Panel Report	The review panel completes its report which includes its conclusions, recommendations and rationale regarding the significance of the adverse environmental effects, mitigation measures, and follow up programs. Depending on the review panel's terms of reference, its report may include accommodation measures related to any potential adverse impacts on potential or established Aboriginal or Treaty rights.	<ul style="list-style-type: none"> • Opportunity to review and comment on the panel report. 	<ul style="list-style-type: none"> • Comments on the panel report.
Minister's EA Decision	The Minister of the Environment determines whether the project is likely to cause significant adverse environmental effects, taking into account mitigation measures, and, if significant adverse environmental effects are likely, the federal Cabinet decides whether these effects are justified in the circumstances. A decision statement is issued that sets out the decision and, as necessary, associated conditions with which the proponent must comply should the Project be allowed to proceed.	<ul style="list-style-type: none"> • Notification of the Minister's EA decision. 	
Throughout the Environmental Assessment		<ul style="list-style-type: none"> • Exchange of information, notifications and correspondence; • Opportunity for traditional knowledge about the environment and possible effects to be used in the assessment; 	<ul style="list-style-type: none"> • Share information regarding the potential adverse impacts of the project on your Aboriginal rights and traditional uses; • Provide any traditional knowledge

Environmental Assessment Step	Description of the Environmental Assessment Step/Phase	What the Stó:lō Nation should receive, have access to or expect FROM the federal Crown	What the Stó:lō Nation may provide TO the federal Crown/ Review Panel (or DO)
		<ul style="list-style-type: none"> • Notifications of steps in the EA; • Relevant information about the environmental assessment; • Responses to questions about the environmental assessment or the proposed project. 	<p>that may improve the environmental assessment;</p> <ul style="list-style-type: none"> • Make recommendation on how to avoid, mitigate or compensate for impacts to your Aboriginal rights.

7. Federal Agencies Roles and Responsibilities

Environmental assessment type: Environmental assessment by review panel

Potential decisions by federal agencies (information to be confirmed as environmental assessment progresses):

Federal Agencies Roles and Responsibilities

Federal Agency	Roles and Responsibilities
<p>Canadian Environmental Assessment Agency Name: Analise Saely Email: analise.saely@ceaa-acee.gc.ca Phone: 604-666-9162</p>	<p>Crown Consultation Analyst responsible for coordinating federal Crown consultation and the environmental assessment.</p>
<p>Environment Canada Name: June Yoo Rifkin Email: June.Yoo.Rifkin@ec.gc.ca Phone: 604-666-7829</p>	<p>Potential Federal Authority responsible for <i>Species at Risk Act</i> (SARA), Section 73(1) or 74 and <i>Canadian Environmental Protection Act</i>, Section 127 (Disposal at Sea) authorization.</p> <p>Potential expert advice on migratory birds, <i>Species at Risk Act</i>, water quality, wetlands, greenhouse gases and air quality and climate impacts on the project.</p>
<p>Transport Canada Name: Gina Aitchison Email: gina.aitchison@tc.gc.ca Phone: 604-666-1741</p>	<p>Potential Federal Authority responsible for <i>Navigable Waters Protection Act</i>, Section 5 authorization.</p> <p>Potential expert advice on navigation and regulatory issues under the <i>Navigable Waters Protection Act</i>.</p>

<p>Fisheries and Oceans Canada Name: Byron Nutton Email: Byron.Nutton@dfo-mpo.gc.ca Phone: 250-756-7221</p>	<p>Potential Federal Authority responsible for <i>Fisheries Act</i> , Section 32 and 35(2) Authorization</p> <p>Potential expert advice on fish and fish habitat.</p>
<p>Natural Resources Canada Name: Kathy McPherson Email: Kathy.McPherson@NRCan-RNCan.gc.ca Phone : 250-363-6463</p>	<p>Potential expert advice on geotechnical, geohazards, and coastal geomorphology and seabed stability.</p>
<p>Canadian Transportation Agency Name: John Woodward Email: John.Woodward@otc-cta.gc.ca Phone: 819-953-8353</p>	<p>Potential Federal Authority responsible for <i>Canada Transportation Act</i>, Section 98 authorization.</p>
<p>Health Canada Name: Carl Alleyne Email: Carl.Alleyne@hc-sc.gc.ca Phone: 604-666-4693</p>	<p>Potential expert advice on the health impacts of proposed development projects (which involve the federal government) with a focus on the bio-physical environment, including: air quality, country foods contamination, drinking and recreational water quality, radiation effects, electric and magnetic fields, and noise.</p>

Attachment 3: EIS Guidelines

See attached PDF