



## ESQUIMALT NATION

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April 20, 2020

Impact Assessment Agency of Canada  
160 Elgin Street, 22<sup>nd</sup> Floor  
Ottawa, ON, K1A 0H3

Dear Sirs/Madams:

**Re: Roberts Bank Terminal 2 Project**

I am writing on behalf of the Esquimalt Nation in regard to the proposed expansion of the Roberts Bank Terminal.

Please be advised that, on the basis of commitments made by the Vancouver Fraser Port Authority pursuant to a Mutual Benefits Agreement, we consent to the Roberts Bank Terminal 2 Project as it has been described to us now as well as any subsequent changes to the Project that are approved or required by any regulatory body or government (the "Project").

For certainty, we consent to the granting of any authorization or permit necessary for the Project, which may include the issuance of a federal approval to be issued by one or more Ministers or the Governor in Council, including, without limitation, a *Fisheries Act* authorization, a permit under the *Species at Risk Act*, and any provincial certificate, permit or authorization that may be necessary for the Project to proceed that are not the subject of the Impact Assessment Agency of Canada review.

The Esquimalt Nation has agreed to compensation and opportunities proposed by the Vancouver Fraser Port Authority as fulfillment of consultation with respect to this Project, including payments on signing of a Mutual Benefits Agreement and payment on approval of the VFPA Board of Directors making a final decision authorizing construction of the Project. However, for greater certainty

- (i) we will continue to participate in the environmental assessment and other regulatory processes in a manner that is consistent with our consent for the Project and Marine shipping associated with the Project and that does not interfere in any way with the Project and Marine shipping associated with the Project, and
- (ii) the consent provided by us is limited to authorizations and approvals for the Project, and does not relieve the Crown of any damages that may be awarded against it for past infringement of treaty or aboriginal rights and title that are unrelated to the Project and activities associated with the Project.

We confirm that nothing in the Mutual Benefits Agreement prevents us from engaging in consultations with Canada in order to seek conditions on Marine shipping associated with the Project and we confirm the Esquimalt Nation has agreed to accept and respect Canada's decision from such consultations and will not take the position that the Crown's duty to consult and accommodate has not been met in relation to the Project.

We would be pleased to respond to any questions that you have.

Yours truly,

ESQUIMALT NATION  
as represented by

Per:

<Original signed by>

Chief Councillor Rob Thomas

cc: Minister of Fisheries, Oceans and the Canadian Coast Guard  
cc: Minister of Environment and Climate Change Canada  
cc: Minister of Transport  
cc: Robin Silvester, President & CEO, Vancouver Fraser Port Authority  
cc: Analise Saely, Impact Assessment Agency of Canada  
cc: Brett Maracle, Impact Assessment Agency of Canada  
cc: Nathan Braun, British Columbia Environmental Assessment Office  
cc: Brendan Mather, British Columbia Environmental Assessment Office