



KATZIE
FIRST NATION
...Land of the Moss

P: (604)465-8961 | F: (604)465-5949
19700 Salish Road, Pitt Meadows, BC, V3Y2G1

June 24, 2020

Tanner May-Poole
Project Assessment Officer
Environmental Assessment Office
Government of British Columbia
778-698-9185 | Email: Tanner.MayPoole@gov.bc.ca

Re: Early engagement on the proposed Tilbury Phase 2 LNG Expansion Project

Dear Tanner,

Thank you for the opportunity to participate in the Early Engagement Phase under the *Environmental Assessment Act* for the proposed Tilbury Phase 2 LNG Expansion Project (the Project) proposed by FortisBC Holdings Inc. (the proponent). The proposed Project lies in Katzie First Nation's traditional territory. Katzie First Nation (Katzie) has never surrendered, ceded or sold any of our Aboriginal title or rights to the Crown. As such, Katzie is concerned with any activity that may affect our rights, title and interests in our territory.

We understand that the intent of the Early Engagement Phase of the environmental assessment (EA) process is to provide Katzie with an opportunity to better understand the proposed Project, to identify key interests and concerns or issues we may have regarding the proposed Project at this stage of the planning process, and to determine if we would like to be a Participating Indigenous Nation. Using initial capacity funding provided by the Impact Assessment Agency of Canada, we have reviewed the Initial Project Description to: get a better understanding of the proposed Project and associated activities; inform our own preliminary research to support our response; and develop a preliminary list of interests and potential concerns and issues regarding the proposed Project. The review was completed through the lens of Katzie values and interests and focused on the potential for impacts to our interests, rights and title.

Our Understanding of the Proposed Project

As per the Initial Project Description, the proponent is proposing to expand its existing LNG facility on Tilbury Island in the City of Delta, BC to improve security of natural gas supply for its customer and to supply LNG to the marine transportation sector and to export markets. The Project is expected to increase the facility's LNG production capacity by more than 50%, up to 13,700 tonnes per day over an operational life of at least 40 years. The expansion would allow for a total storage capacity of up to 208,000 m³ of LNG and include an additional storage tank and liquefaction facilities. Detailed engineering for the Project is expected to begin in 2021. The tank installation will be a priority whereas liquefaction trains may be phased over multiple years depending on demand. Construction on the storage tank is expected to take place from 2022-2024, and phased construction of the liquefaction facilities is expected to take place from 2022-2028.



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The Project Site has been used for natural gas liquefaction and storage for nearly 50 years. The original site expanded in the past to include adjacent properties to the south and west and has undergone upgrades and changes over time. In 2014, FortisBC began work on the Phase 1 expansion of both LNG production and storage. Phase 1 facilities or activities, either separately or collectively, do not trigger an assessment under either Provincial or Federal legislation or regulations. The Province has approved Phase 1 to proceed since 2013 and are currently either in operation or engineering stage.

The Project will receive natural gas at the Project Site through established pipeline systems, and will connect to FortisBC's existing LNG facilities and the proposed WesPac Midstream Ltd. (WesPac) Tilbury Marine Jetty project for marine LNG bunkering and export. *(WesPac is proposing to construct a marine jetty next to the Project Site to supply LNG to the marine transportation sector and for export; the marine jetty project is separate and distinct from the proposed Project.)*

Katzie Interests & Concerns

Based on our preliminary review and discussion, Katzie interests and concerns regarding the project largely relate to the following:

- Cultural stewardship within Katzie's territory (including the protection of archaeological and cultural resources), and the potential for archaeological and cultural resources to be present in the vicinity of the proposed Project and to be impacted by Project-related activities;
- Environmental stewardship (including the protection of environmental resources) within Katzie's territory, and potential impacts of the Project on aquatic habitat and resources, including fisheries, amphibians and water;
- Access to and use of the Fraser River as a transportation corridor and as a source of fisheries resources important to Katzie culture lifeways, and potential impacts of the Project on navigation and fishing activities;
- Respect for Aboriginal rights, title and knowledge throughout the EA process;
- Economic development and capacity building, and opportunities to support this in the Katzie community associated with the proposed Project; and
- The need to meaningfully assess the cumulative impacts to environmental and cultural resources, our culture and lifeways, and to the Katzie community.

The following table provides a more detailed list of these interests and specific concerns. It is important to note that given the currently limited capacity of Katzie due to the ongoing COVID-19 situation combined with the limited amount of capacity funding to support community engagement during this stage of the EA process, the Katzie community has not yet been widely engaged. Thus, the following list of interests and concerns should not be considered exhaustive nor reflective of the entire Katzie community.



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Interest	Concerns & Comments
Cultural Stewardship	<p>The proposed Project is in an area that is considered to be archaeologically significant and rich in terms of archaeological potential given: the many documented sites in the vicinity (e.g., St. Mungo Cannery Site, Glenrose, Nottingham Farm) of importance to Katzie; and proximity to Burns Bog given that Indigenous people, including Katzie people, have used Burns Bog for thousands of years (thus potential for cultural/archaeological resources to be present in the Project area).</p> <hr/> <p>Concerns related to dredging activities that will take place in the Fraser River given the potential for cultural/archaeological resources present to be disturbed and damaged.</p> <hr/> <p>Concerns about the potential for cultural/archaeological resources to be present on the existing industrial site given that when it was developed decades ago there were no stringent requirements in term of documenting archaeological potential and implementing guidelines and best management practices to avoid or minimize impacts. The existing bund wall/berm at the site likely the location of where originally excavated materials were placed, thus there is potential for resources to be present here and damaged during Project-related activities.</p> <hr/> <p>Concerns about the potential for wave impacts on cultural/archaeological resources that are or may be present along the river.</p> <hr/> <p>Archaeological testing completed on the property was completed in the winter and is considered relatively limited. Need for further archeological investigation.</p>
Environmental Stewardship	<p>Concerns about the potential for impacts on water quality in the Fraser River and Tilbury Slough, especially given the need for hydrostatic testing with discharges to the Fraser River, and associated impacts on fisheries.</p> <hr/> <p>Concerns about the potential for changes to Fraser River hydraulic conditions and associated downstream impacts.</p> <hr/> <p>The Fraser River is a migratory corridor for all five species of Pacific salmon. Salmon are considered very important environmental and cultural resources to Katzie people. Concerns about potential impacts to these species.</p> <hr/> <p>Tilbury Island and Tilbury Slough are identified as habitat for white sturgeon (rearing areas for juveniles). Concerns about the potential impacts on white sturgeon, including the displacement of juvenile sturgeon in shoreline areas.</p> <hr/> <p>Eulachon spawn in the lower Fraser River in the spring. Concerns about potential impacts to eulachon. Need to confirm that there are no active spawning grounds in the vicinity of the Project.</p> <hr/> <p>The lower Fraser River is used by various marine mammals. Concerns about the potential for impacts to marine mammals. It is expected that acoustic monitoring will be conducted.</p> <hr/> <p>Concerns about the potential for impacts to amphibians that may be present in Tilbury Slough.</p>
Access to and use of the Fraser River	<p>Concerns about how the proposed Project may impact the ability of Katzie members to use the Fraser River for travel and for fishing activities.</p> <hr/> <p>Concerns about increased traffic along the Fraser River.</p>



Interest	Concerns & Comments
Respect for Aboriginal Rights, Title and Knowledge	<p>A sufficient level of capacity funding must be provided to enable meaningful engagement and participation in the EA process.</p>
	<p>In a show of respect and in an effort to build relationships through this Project, consider including a land acknowledgement (e.g., the Project is located in the unceded territory of) in the Detailed Project Description (e.g., in the Project overview section, other sections as appropriate).</p>
	<p>The Initial Project Description (IPD) describes that the EA will consider the potential adverse effects of the Project on the five pillars of environment, economic, social, heritage, and health values. To assess potential adverse effects to Indigenous peoples, a sixth pillar titled "Aboriginal Rights, Title and Interests" should be included. The focus of this pillar would be on Indigenous peoples and the Project effects on Aboriginal rights (e.g., fishing and associated impacts related to aquatic habitat, water quality, etc.), title and other interests.</p>
	<p>Impacts to water quality/quantity has the potential to impact Aboriginal Rights and interests. As currently written, the IPD does not provide information or consider water use by Indigenous groups, although Section 2 - Project Components (Table 2-1) highlights the use of water during Temporary Construction (e.g., "hydro testing of the LNG tank....will involve a significant volume of water...given the volumes...river water may be utilized..."). Changes in water quality and/or quantity and associated impacts on Aboriginal rights, title, and interests should be included in the EA.</p>
	<p>Provincial and federal guidelines provide for the provision and inclusion of Indigenous Knowledge in the EA process. A Project-specific Indigenous Knowledge program that includes data collection on past and present Indigenous land uses in the vicinity of the Project should be completed as part of the EA. Information and data collected through the Indigenous Knowledge program should be incorporated throughout the EA to provide a holistic and comprehensive description of the existing baseline conditions (e.g., physical and biological environments), to fully understand perspectives on potential Project effects, and to identify appropriate mitigation measures and inclusive monitoring programs.</p>
	<p>Section 11.2.3 of the IPD should be updated to include that Katzie First Nation asserts Aboriginal Rights, Title and other interests, including TLU and the interests included in this response.</p>
<p>The proponent provides an overview of the Engagement Plan including a good list of proposed activities to be undertaken with Indigenous Groups for the EA. Given the importance of Indigenous Knowledge to the EA process, it is important to include a specific activity related to the collection of Indigenous Knowledge (including Indigenous land use) and the use and inclusion of this knowledge and data throughout the EA (e.g., environmental baseline conditions, effects assessment, mitigation, etc.) and Project design processes.</p>	



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Interest	Concerns & Comments
Economic Opportunities & Capacity Building	Katzie is interested in knowing more about the potential economic opportunities through the proposed Project in terms of education and skills training, employment, and procurement to support economic development and capacity building in the community.
Meaningful Assessment of Cumulative Impacts	The Katzie territory has been subject to significant land disturbance and development activities, which cumulatively have impacted Katzie people, our culture and lifeways. The EA process must include a fulsome cumulative effects assessments that meaningfully considers cumulative impacts to Indigenous people, including the Katzie community.

Finally, while it is recognized that the scope of this project is focused on the on land expansion of the storage facility, it is understood that this expansion is to accommodate shipping of LNG in the Fraser River from the WesPac Tilbury Marine Jetty. Shipping facilities (including a new berth dredge pocket) and associated increased shipping traffic (including freighters carrying hazardous material in the Fraser River) have the potential to place additional stress on fisheries resources that are in a state of crisis, with some species now classified as species at risk of extinction. Moreover, shipping facilities and associated increased traffic have the potential to impact all Katzie interests and concerns, as outlined in this letter. While Katzie continues to engage in the provincially-led Environmental Assessment process for the WesPac Marine Jetty project, we feel it is important to highlight these concerns here given the inter-related nature of these two projects.

Participating Indigenous Nation Status

We understand that under the new provincial *Environmental Assessment Act*, Participating Indigenous Nations (PINs) are afforded specific procedural rights including:

- Capacity funding;
- Consensus seeking processes;
- A procedure to communicate consent or withhold consent at specific decision points; and
- Access to facilitated dispute resolution.

As per the BC Environmental Assessment Office's (EAO's) Early Engagement Policy, we also understand that in cases where Indigenous nations choose not to identify as a PIN, the EAO "*must still fulfill its constitutional obligations to consult these Indigenous nations and will continue to engage with them according to these obligations.*" We have assessed our current capacity in the context of the many important referrals projects within our territory that we have been engaged on, and in light of the ongoing COVID-19 situation. At this point in time, Katzie will not be requesting to be a PIN for the EA process for the proposed Project; however, we expect that we will continue to be consulted and engaged with an appropriate amount of capacity funding provided to support this. It is important to note that our decision to not request to be a PIN is based on our current and realistic near future capacity and is without prejudice to any positions that may be taken by Katzie. We continue to assert Aboriginal rights and title, including cultural and environmental stewardship, in our traditional territory. In addition, our decision does not indicate or suggest our consent for the proposed Project.



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Katzie appreciates the opportunity review information on the proposed Project and provide inputs early on in EA process so that our interests and concerns can be meaningfully incorporated into the EA process and addressed in associated decision making and approvals processes. We also expect that additional capacity funding will be provided to support continued consultation and engagement.

Please continue to direct correspondence to landopsreferrals@katzie.ca regarding this referral.

Respectfully,
<original signed by>

Chief Grace George
Katzie First Nation