

Attachment: Provincial Agency Permit Authorizations on the proposed TMX

BC Oil and Gas Commission

The Commission is an independent provincial regulatory agency with responsibilities for provincial regulation of oil and gas activities in BC including exploration, development, pipeline transportation, and reclamation. The Commission's core services include reviewing and making decisions on oil and gas authorizations, and ensuring industry complies with all provincial legislation and regulatory requirements. As TMX is an interprovincial pipeline, NEB is the primary regulator. The Proponent's applications to the Commission relating to the project will be with regards to access to Crown land necessary to construct and operate TMX, and consistent with any previous approvals.

In the case of TMX, the Commission will be making related decisions under the *Forest Act*, *Land Act*, and *Water Sustainability Act*:

Legislation/Regulation	Permit/Authorization Required
<i>Forest Act</i>	<ul style="list-style-type: none">• Cutting permits under s. 47.4 and s. 117 to harvest Crown timber
<i>Land Act</i>	<ul style="list-style-type: none">• Temporary occupation of Crown land along the pipeline right-of-way for camps, access, workspaces, etc.• Road Use permits• Quarry Permit/Soil Removal Permit, Quarry License of Occupation, and Borrow Pit Permit
<i>Water Sustainability Act</i>	<ul style="list-style-type: none">• Section 10: Use approvals (short-term use of water)• Section 11: Changes in and about a stream

Contact Information:

Greg Perrins
Director, Major Projects Decision Support
250.419.4449
Greg.Perrins@bcogc.ca

Ministry of Environment – BC Parks

BC Parks will be responsible for reviewing and making decisions on park use permit applications under the *Park Act* that may be submitted in respect of Finn Creek Park and Lac du Bois Grasslands Protected Area and a resource use permit that may be submitted in respect of Coquihalla Summit Recreation Area.

Contact Information:

Peter Weilandt
Planning Section Head, Thompson Cariboo
250.371.6235
Peter.Weilandt@gov.bc.ca

Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure (MOTI) makes decisions on access to, works on, or improvements within provincial highway rights of way, including pipeline crossings. MOTI also makes decisions on structures within 4.5 metres of the provincial highway right of way.

The MOTI will be responsible for reviewing and making decisions on the following provincial permit authorizations anticipated for the project:

Legislation/Regulation	Permit/Authorization Required
<i>Transportation Act</i>	<p>Section 62 :</p> <ul style="list-style-type: none">• Lane Closures / Traffic Control• Clearing and Grubbing• Revegetation• Blasting• Survey / Exploratory Work• Burning• Pipeline Crossing Ministry Road Right of Way• Substation, Camp, etc.• Power Lines within the Ministry Right of Way• Any work on Ministry right of way <p>Section 12 (Provincial Public Undertaking Reg. 4/2010):</p> <ul style="list-style-type: none">• Structures within a setback of 4.5 metres outside of the Ministry right of way
<i>Industrial Road Act & Transportation Act</i>	<p>Section 5 of <i>Industrial Road Act</i> and Sections 49 and 62 <i>Transportation Act</i>:</p> <ul style="list-style-type: none">• Access to Highway• Access / Road Construction within Ministry right of way
<i>Commercial Transportation Act</i>	<p>Section 8:</p> <ul style="list-style-type: none">• Commercial vehicle• Oversize vehicles

Contact Information:

Kristen Johnson
Senior District Development Technician
(250) 565-6388
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Ministry of Forests, Lands and Natural Resource Operations

As this is an oil and gas project, FLNRO only makes decisions on Crown land resources and activities that are not within the legislative or regulatory framework of BC Oil and Gas Commission. FLNRO will be responsible for reviewing and making decisions on the following provincial permit authorizations anticipated for TMX:

Legislation/Regulation	Permit/Authorization Required
<i>Dike Maintenance Act</i>	<ul style="list-style-type: none">• Dike Maintenance Application Approval
<i>Forest Act</i>	<ul style="list-style-type: none">• Works Permit• Forest Service Road Junction Permit
Forest Recreation Regulation	<ul style="list-style-type: none">• Section 16: Forest Recreation Usage
<i>Heritage Conservation Act</i>	<ul style="list-style-type: none">• Section 12: Heritage Alteration Permit• Heritage Inspection Permit – Clearance
<i>Land Act</i>	<ul style="list-style-type: none">• Old Growth Management Area Boundary Adjustment Approval
<i>Wildfire Act</i>	<ul style="list-style-type: none">• Burning Registration Number
<i>Wildlife Act</i>	<ul style="list-style-type: none">• Section 19: General permit, Animal care permit• Wildlife Act Exemption Permits• Section 40: Temporary Closure to Hunting, Trapping or Guide Outfitting

Contact Information:

Karl Klingbeil
Project Director (Negotiator)
250.828.4249
Karl.Klingbeil@gov.bc.ca

Page 004 to/à Page 006

Withheld pursuant to/removed as

s.16

September 23, 2016

Chief Wayne Sparrow
Musqueam Indian Band
6735 Salish Drive
Vancouver, British Columbia V6N 4C4

Sent via email: chief@musqueam.bc.ca

Dear Chief Sparrow:

Re: Consultation on the proposed Trans Mountain Expansion Project and Response to Musqueam Indian Band's Questions to the Joint Federal/Provincial Crown Consultation Team

Thank you for your letter of August 31, 2016 to Ross Neil, federal Crown Consultation Lead at the Major Projects Management Office (MPMO), in regard to the request for additional time for Musqueam Indian Band (Musqueam) officials to provide written comments on the draft Consultation and Accommodation Report for the proposed Trans Mountain Expansion Project (Project). As you are aware, the federal and provincial governments (Crown or Governments) are jointly consulting on the Project and as such have collaborated on this response to Musqueam's recent correspondence. Nathan Braun of the BC Environmental Assessment Office (EAO) is leading consultation on behalf of the provincial Crown.

As noted in an email from Ross Neil on September 1, 2016, the Crown respects the fact that the summer months are a time when many Musqueam members are practicing established fishing rights and other traditional activities. In light of your concerns, the Crown will extend the timeline for Musqueam to review this initial draft report and now welcomes comments by September 30, 2016. Please note that the Crown will be reviewing and incorporating any comments we receive on this initial draft and providing Musqueam with a revised draft and a further opportunity to review and comment in mid-October.

The next opportunity to comment will likely be somewhat more condensed in order to allow sufficient time to consider and incorporate all comments received into the final version of the Consultation and Accommodation Report.

In mid-October, along with a request for final comments on the revised draft report, Musqueam will be invited to provide a separate written submission by early November, that will be attached directly to the information informing Government decision making for the Project. This separate submission from Musqueam, that we suggest be no more than two pages in length, can address any outstanding issues or concerns that Musqueam has at that time in respect of the Project, the review process, consultation or the Consultation and Accommodation Report. This separate submission, along with two rounds of written comments on the draft Consultation and Accommodation Report, will ensure the Crown has had the ability to fully consider Musqueam's comments, outstanding issues and the adequacy of the consultation process with Musqueam.

We are also writing to further follow-up on the Crown's meeting with Musqueam on July 18, 2016. Enclosed are Crown responses to questions provided by Musqueam at this meeting regarding consultation and decision making processes. To begin, however, it may be useful to highlight a few key features of the draft Consultation and Accommodation Report that will help to address some of the general themes raised in Musqueam's questions.

The MPMO and EAO are preparing the Consultation and Accommodation Report to ensure that federal and provincial decision makers are fully informed of the procedural and substantive concerns raised by Aboriginal groups in respect of the Project, the Crown's assessment of the potential seriousness of the impacts of the Project on asserted or established Aboriginal rights, including title, and treaty rights (Aboriginal Interests), proposed mitigation/accommodation measures to address any potential impacts from the Project on Aboriginal Interests, and the Crown's views on the adequacy of the consultation process. We are seeking to clearly present Musqueam's perspectives within this report, as well as the Crown's analysis and conclusions.

The Crown Consultation Team's objective is to work with Musqueam and other Aboriginal groups to put forward the best information possible to decision makers via this Consultation and Accommodation Report. Comments and input sought from Musqueam will help the Crown Consultation Team to accurately convey Musqueam's issues, concerns, and any proposals to decision makers.

On behalf of the Crown Consultation Team, we trust you will find the enclosed answers to Musqueam's questions informative and we look forward to our ongoing dialogue. We

acknowledge that your letter of August 31, 2016 expressed a request to meet to discuss questions Musqueam currently have regarding the draft report, including the strength of claim assessment. We would be pleased to meet with Musqueam again to discuss your questions and concerns. A tentative meeting date of October 13th has been proposed and a member of the Crown Consultation Team will be following up shortly to confirm meeting arrangements.

Sincerely,



Ross Neil
Crown Consultation Lead
Major Projects Management Office



Nathan Braun
Executive Project Director
Environmental Assessment Office

Cc. Jaime Sanchez, Energy Projects Coordinator
Jim Reynolds, Legal Counsel (jim@mandellpinder.ca)
Dianne Sparrow, Musqueam IGA Lead ^{s.22}
Haley Milko, Musqueam Energy Projects Analyst (hmilko@musqueam.bc.ca)
Nathan Braun, Executive Project Director, BC EAO

Enclosures: 1. Crown Response to Musqueam's Questions on the Proposed Phase III Consultation/Justification Process
2. List of Provincial Authorizations

From: Neil, Ross (NRCAN/RNCAN)
To: "Chief Wayne Sparrow"
Cc: [TMXproject / TMXproject \(NRCan/RNCAN\)](#); Braun, Nathan EAO:EX; Smith, Alanya C EAO:EX; "Dianne B. Sparrow"; "Jaime Sanchez"; "Aaron Wilson"; "Aaron Wilson"; "Jim Reynolds"; "Band Manager (Doug Raines)"; "Astrid Niemann - Zajac"; Carras2, Mark (NRCAN/RNCAN); "Haley Milko"; Braun, Nathan EAO:EX; Gardiner, Timothy (NRCan/RNCAN)
Subject: Crown response to Musqueam re: Trans Mountain Expansion Project (48 questions)
Date: Friday, September 23, 2016 1:43:34 PM
Attachments: [image001.gif](#)
[Crown response to Musqueam re TMEP \(Sept 23 2016\).pdf](#)
[Musqueam Indian Band - Reply to 48 Questions of July 2016.pdf](#)
[Attachment Provincial Authorizations May10 2016.pdf](#)
[Crown-Musqueam TMX Consultation draft Meeting Minutes 2016-07-18 v2 w Musqueam commentsRN.docx](#)

Dear Chief Sparrow and Musqueam officials,

Please find attached, a response to your letter of August 31, 2016 and questions provided to the Crown at our most recent meeting of July 18, 2016.

Also enclosed is a list of potential provincial authorizations for the project, and a revised draft meeting record from July 18th for Musqueam's further consideration.

A tentative meeting date of October 13th in the afternoon has been proposed and I look forward to confirming this date and to a continued dialogue with Musqueam on the proposed project.

Sincerely,

Ross

Ross Neil

Crown Consultation Lead - TMX

Major Projects Management Office

Natural Resources Canada / Government of Canada

#504-800 Burrard St.

Vancouver, BC, V6Z 0B9

Ross.Neil@Canada.ca

604-219-4769



From: Neil, Ross (NRCAN/RNCAN)

Sent: September 1, 2016 17:19

To: 'Haley Milko'

Cc: [TMXproject / TMXproject \(NRCan/RNCAN\)](#); Nathan.Braun@gov.bc.ca; Alanya.Smith@gov.bc.ca; Chief Wayne Sparrow; Dianne B. Sparrow; Jaime Sanchez; Aaron Wilson; Aaron Wilson; Jim Reynolds; Band Manager (Doug Raines); Astrid Niemann - Zajac; Carras2, Mark (NRCAN/RNCAN)

Subject: RE: Musqueam response re: draft joint Crown Consultation Report

Hi Haley,

I am confirming receipt of yesterday's letter and following up on the matter of Musqueam's PFP. CEAA hopes to have contribution agreements for distribution and signature by the end of next week and I understand CEAA plans to be in touch with Musqueam in the next few days regarding its participant funding package.

Regarding the "Questions on the Proposed Phase III Consultation/Justification Process To Be Answered in Writing by Canada (Crown Consultation Team)" provided by Musqueam at our July 18th meeting, we (the fed/BC Crown Consultation Team) are actively working on these with a goal of having responses ready by end of next week.

Lastly, I recognize the time constraints for commenting on the preliminary draft Consultation & Accommodation Report. I would encourage 'best efforts' to work within this timeframe to allow for

comments to be reviewed and considered in advance of a subsequent 2nd draft to be shared back with Musqueam in October. I'd be happy to set up a meeting in person, or to organize a call specifically to review any questions regarding the draft report if it will help build understanding or facilitate provision of comments.

Warm regards,

Ross

Ross Neil

Crown Consultation Lead - TMX

Major Projects Management Office

Natural Resources Canada / Government of Canada

#504-800 Burrard St.

Vancouver, BC, V6Z 0B9

Ross.Neil@Canada.ca

604-219-4769



From: Haley Milko [<mailto:hmilko@musqueam.bc.ca>]

Sent: August 31, 2016 14:30

To: Neil, Ross (NRCAN/RNCAN)

Cc: TMXproject / TMXproject (NRCAN/RNCAN); Nathan.Braun@gov.bc.ca; Alanya.Smith@gov.bc.ca; Chief Wayne Sparrow; Dianne B. Sparrow; Jaime Sanchez; Aaron Wilson; Aaron Wilson; Jim Reynolds; Band Manager (Doug Raines); Astrid Niemann - Zajac

Subject: Musqueam response re: draft joint Crown Consultation Report

Importance: High

Dear Mr. Neil,

Please find attached a letter from Musqueam Indian Band, responding to the letter sent by yourself and Nathan Braun on August 17th, 2016, regarding the draft joint Crown Consultation Report.

Please confirm receipt.

Regards,

Haley Milko, MRM

Energy Projects Analyst

Musqueam Indian Band

6735 Salish Drive, Vancouver, BC V6N 4C4

s.22

Email: hmilko@musqueam.bc.ca



November 4, 2016

Chief Gordon Planes
T'Sou-ke First Nation
2154 Lazzar Rd.
Sooke, BC V9Z 0X4

Dear Chief Planes and Councillors:

I am writing in follow up to the September 14, 2016 Crown consultation meeting with T'Sou-ke First Nation regarding the Trans Mountain Expansion Project (the Project). During that meeting, the Crown Consultation Team committed to providing revised Crown responses to T'Sou-ke's outstanding issues and proposed accommodation measures regarding the Project. Please see the attached document providing these revised responses.

At this time, some of the programs discussed in the Crown's written response are ongoing. Additionally, decision makers are currently reviewing proposals put forward by Indigenous groups. As additional information becomes available, the Crown Consultation Team or the appropriate government authority will keep T'Sou-ke informed of consultation and engagement opportunities as well as any initiatives that relate to T'Sou-ke's outstanding concerns.

If you would like to discuss or have any questions regarding the information presented, please reach out to the Crown Consultation Team and we will ensure that the appropriate official follows up with you.

Sincerely,

Ross Neil
Crown Consultation Lead
Major Projects Management Office

Nathan Braun
Executive Project Director
Environmental Assessment Office

Enclosure (1)

cc Rose Dumont, Councillor, T'Sou-ke First Nation ^{s.22} _____,
Allan Planes, Councillor, T'Sou-ke First Nation ^{s.22} _____,
Dominique Nouvet, Legal Counsel (dominique@woodwardandcompany.com)
Michelle Thut, T'Sou-ke Nation Administrator (administrator@tsoukenation.com)
Dave Murray, Senior Advisor, Major Projects Management Office West
(david.murray@canada.ca)
Alanya Smith, Project Assessment Officer, EAO (Alanya.Smith@gov.bc.ca)

Page 014 to/à Page 030

Withheld pursuant to/removed as

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From: Klak2, Stephanie (NRCAN/RNCAN)
To: chiefthomas@esquimaltnation.ca
Cc: [TMXproject / TMXproject \(NRCAN/RNCAN\)](#); [Rodgers, Matthew EAO:EX](#); [Costello, Taylore EAO:EX](#); [Smith, Alanya C EAO:EX](#); GYabsley@ratcliff.com
Subject: Crown-Esquimalt Consultation on the Trans Mountain Expansion Project
Date: Friday, June 17, 2016 2:01:22 PM
Attachments: [image001.jpg](#)

Dear Chief Thomas,

We met two months ago when my colleagues and I visited your community to discuss the Trans Mountain Expansion Project. s.22

s.22

I hope all is

well with you and your community.

As the Crown consultation team mentioned during our April 21st meeting, we would like to continue a dialogue with your community following the release of the National Energy Board (NEB) recommendation report on May 19, as part of Crown consultation on the proposed project. I am contacting you to determine your community's interest in meeting with the Crown and to identify a potential meeting date. The Crown consultation team is planning to be on Vancouver Island between July 18-22. Is there a preferred date and time during this period that would work well for Esquimalt Nation?

In our April 21st meeting, we also discussed the possibility of arranging a meeting between Transport Canada, the Canadian Coast Guard, Environment and Climate Change Canada, Esquimalt Nation, and Kristy Pozniak to discuss Esquimalt's 14 conditions. In order to address technical matters relating to marine safety and spill response, we can arrange two separate meetings: one to discuss technical issues and one to discuss Crown consultation on the project. Alternatively, we can combine these discussions into one, extended meeting. I am happy to work with you to come up with an agreeable format.

The consultation team also welcomes the opportunity to meet with multiple communities together as appropriate, in recognition that some groups have been participating in the NEB hearing process collectively and that collective engagement may be preferred as an efficient use of time and effort for all parties involved.

In the coming weeks, Esquimalt Nation will be offered federal participant funding to support your participation in consultation-related activities, including meetings with the consultation team and provision of written input into the draft Consultation and Accommodation Report. A funding offer and application form will be sent to you shortly, and the draft report will follow shortly thereafter. I would also like to point out that British Columbia's Environmental Assessment Office (EAO) is undertaking a process to inform a provincial decision on an environmental assessment certificate and is also consulting with Aboriginal groups on the proposed project. The EAO recently sent Esquimalt Nation a letter in this regard. In order to reduce duplication and more effectively consult with potentially affected Aboriginal groups, the EAO and the MPMO will now be jointly consulting Esquimalt Nation and will be collectively representing "the Crown." As such, we would like to meet with your community as a joint Crown consultation team comprised of both federal and provincial officials.

The objective of the Crown consultation team moving forward is to consult collaboratively with Esquimalt Nation in an effort to reach consensus on outstanding issues and related impacts on constitutionally protected Aboriginal and treaty rights, as well as options for accommodating any impacts on rights that may need to be considered as part of the decision-making process.

The status of these discussions will be documented in a Consultation and Accommodation Report that will help inform future decisions on the proposed project and any accompanying rationale for the government's decisions. The overall objective of the consultation process is to uphold the honour of the Crown while building long-term relationships based on shared reconciliation objectives.

Please let me know if you are available to meet during the week of July 18-22. If this timing does not work for your community, please let us know what other dates could work at your earliest convenience. Should we not hear back from you in the next two weeks, we will call to follow up with your community.

We look forward to working with you or your officials to identify an appropriate meetings date and time, as well as an agreed meeting agenda and format. In the meantime, if you have any questions or concerns about meeting logistics, please feel free to contact me by email or telephone at (343) 292-8506. Should you have any questions about applying for federal participant funding, please contact the Participant Funding Program office at PFP.PAFP@ceaa.acee.gc.ca. If you have any questions for the EAO regarding meeting logistics, you can contact Matthew Rodgers, Project Analyst, at 250 387-7411 or Matthew.Rodgers@gov.bc.ca.

Sincerely,

Stephanie Klak

Strategic Projects Secretariat/Secrétariat de projets stratégiques
Major Projects Management Office/Bureau de gestion des grands projets
Natural Resources Canada/Ressources naturelles Canada
(343) 292-8506
Stephanie.Klak2@Canada.ca

Nathan Braun

Executive Project Director, Oil & Gas Sector
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Page 033 to/à Page 093

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From: Klak2, Stephanie (NRCAN/RNCAN)
To: bandmanager@pacheedaht.ca; rjoseph@ditidaht.ca
Cc: [TMXproject / TMXproject \(NRCAN/RNCAN\)](#); [Rodgers, Matthew EAO:EX](#); [Costello, Taylore EAO:EX](#); [Smith, Alanya C EAO:EX](#); ethomson@jfklaw.ca; mcotton@jfklaw.ca; [S.22](#) "[Kristine Pearson](#)"
Subject: Crown-Pacheedaht-Ditidaht Consultation on the Trans Mountain Expansion Project
Attachments: [image001.jpg](#)

Dear Chief Jones and Chief Joseph,

I hope all is well with you and your communities. I am following up on behalf of the Crown consultation team for the Trans Mountain Expansion Project, which met with Pacheedaht First Nation on May 10, 2016 in Port Renfrew and Ditidaht First Nation on May 12, 2016 in Duncan. As the team mentioned during our previous meetings, we would like to continue a dialogue with your communities following the release of the National Energy Board (NEB) recommendation report on May 19, as part of Crown consultation on the proposed project.

As you are aware from recent correspondence from British Columbia's Environmental Assessment Office (EAO), EAO is now undertaking a process to inform a provincial decision on an environmental assessment certificate and is also consulting with Aboriginal groups on the proposed project. In order to reduce duplication and more effectively consult with potentially affected Aboriginal groups, the EAO and the MPMO will now be jointly consulting Pacheedaht First Nation and Ditidaht First Nation and will be collectively representing "the Crown". As such, we would like to meet with your communities as a joint Crown consultation team comprised of both federal and provincial officials. I am contacting you to determine interest in meeting with the Crown and to identify a potential meeting date. Based on our discussions with your communities in previous meetings, we are interested in meeting with Pacheedaht and Ditidaht First Nations together – potentially at the Coast Guard Base, if that is of interest to you. If a joint meeting between Pacheedaht, Ditidaht, and Crown officials is possible, I would be happy to work with you to determine a mutually agreeable time for all parties involved.

The Crown consultation team is planning to be on Vancouver Island between July 25-29. Is there a preferred date and time during this period that would work well for you or your officials?

I also want to note that in the coming weeks, Pacheedaht and Ditidaht First Nations will be offered federal participant funding to support your participation in consultation-related activities, including meetings with the consultation team and provision of written input into the draft Consultation and Accommodation Report. A funding offer and application form will be sent to you shortly, and the draft report will follow shortly thereafter.

The objective of the Crown consultation team moving forward is to consult collaboratively with your communities in an effort to reach consensus on outstanding issues and related impacts on constitutionally protected Aboriginal and treaty rights, as well as options for accommodating any impacts on rights that may need to be considered as part of the decision-making process.

The status of these discussions will be documented in a Consultation and Accommodation Report that will help inform future decisions on the proposed project and any accompanying rationale for the government's decisions. The overall objective of the consultation process is to uphold the honour of the Crown while building long-term relationships based on shared reconciliation objectives.

Please let me know if you are available to meet during the week of July 18-22. If this timing does not work for your communities, please let us know what other dates could work at your earliest convenience. Should we not hear back from you in the next two weeks, I will call to follow up with your communities.

We look forward to working with you and your officials to identify an appropriate meetings date and time, as well as an agreed meeting agenda and format. In the meantime, if you have any questions or concerns about meeting logistics, please feel free to contact me by email or telephone at (343) 292-8506. Should you have any questions about applying for federal participant funding, please contact the Participant Funding Program office at PFP.PAFP@ceaa.acee.gc.ca. If you have any questions for the EAO regarding meeting logistics, you can contact Matthew Rodgers, Project Analyst, at 250 387-7411 or Matthew.Rodgers@gov.bc.ca.

Sincerely,

Stephanie Klak

Strategic Projects Secretariat/Secrétariat de projets stratégiques

Major Projects Management Office/Bureau de gestion des grands projets

Natural Resources Canada/Ressources naturelles Canada

(343) 292-8506

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Nathan Braun

Executive Project Director, Oil & Gas Sector

Environmental Assessment Office

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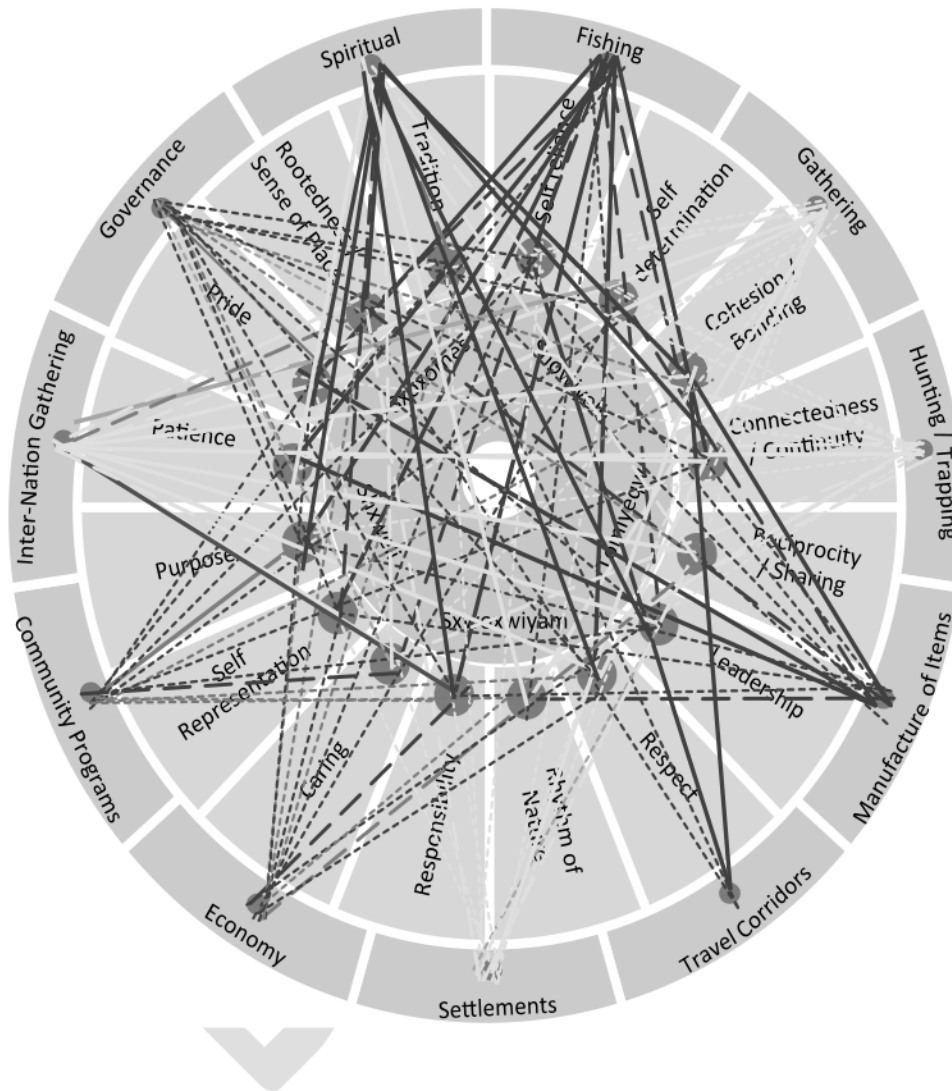
Page 096 to/à Page 107

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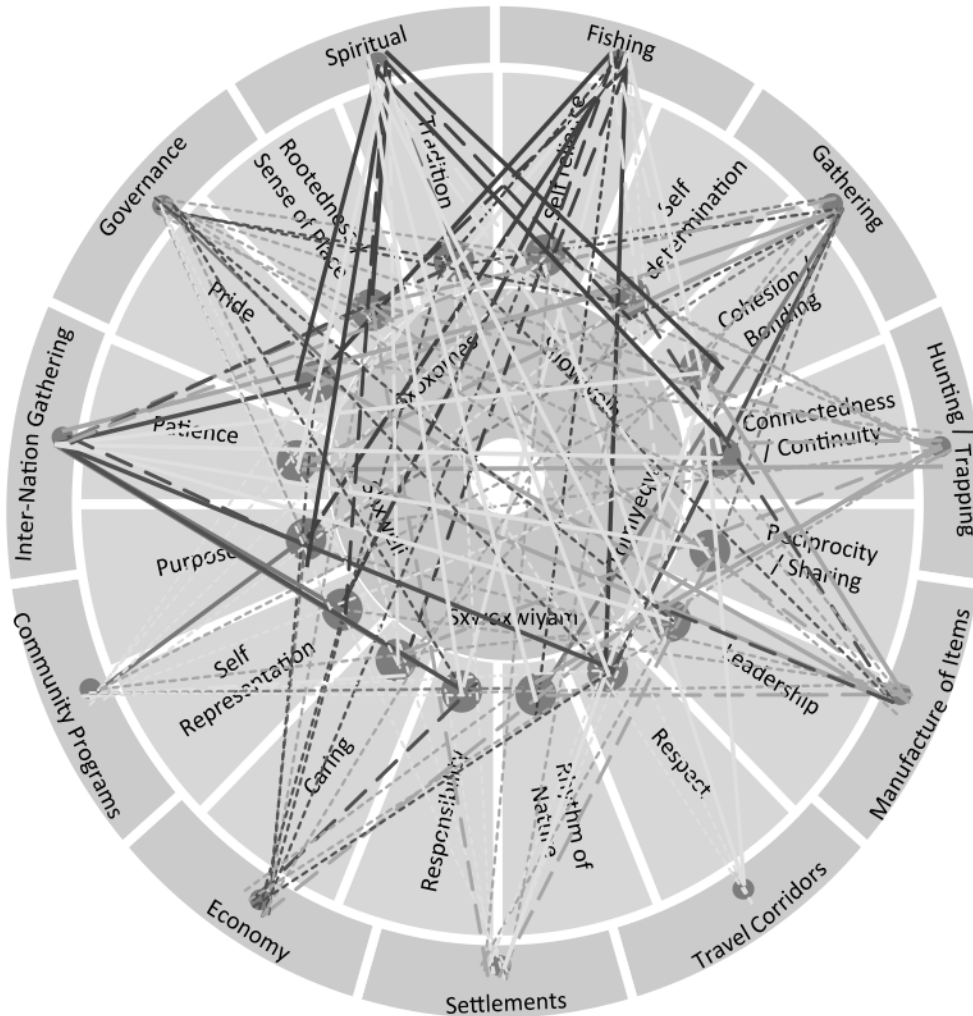
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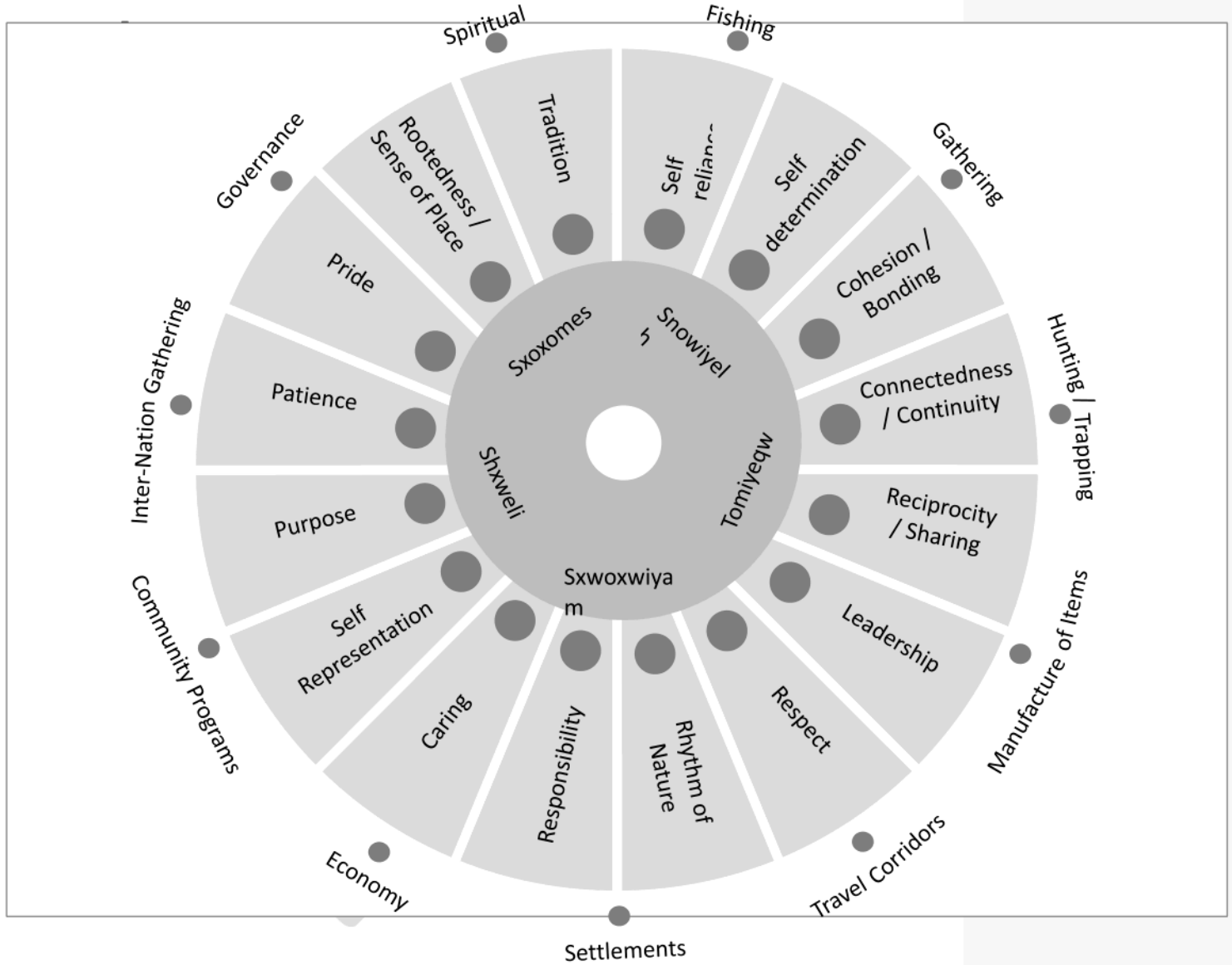
ANNEX: From April 13, 2016 presentation: Impact of the Trans Mountain Expansion without Mitigation:



From April 13, 2016 presentation: Impact of the Trans Mountain Expansion with Mitigation:



Sto:lo Cultural Model:



Page 112 to/à Page 130

Withheld pursuant to/removed as

s.16

From: Neil, Ross (NRCAN/RNCAN)
To: s.22
Cc: [TMXproject / TMXproject \(NRCAN/RNCAN\); planes s.22](#), [Dominique Nouvet; administrator@tsoukenation.com; Rose Dumont; Murray, David \(NRCAN/RNCAN\); Smith, Alanya C EAO:EX; "Bonamis, Alston"; Hubbard, Cindy; Louise Murgatroyd \(Louise.Murgatroyd@tc.gc.ca\); Wong, Phil \(EC\); Mullins, Garth \(EC\); Jeffrey, Barry \(EC\); "Lindsay Funk"; Weibelzahl, Jordan \(NRCAN/RNCAN\); Klak2, Stephanie \(NRCAN/RNCAN\); Braun, Nathan EAO:EX; Strand, Laura; "Jones, Evan"; Whiteside2, Joseph \(AADNC/AANDC\); "danielle.wensauer@tc.gc.ca"; "shiela.thornton@dfo-mpo.gc.ca"](#)
Subject: Follow-up to Crown-T'Sou-ke Meeting of Sept. 14, 2016 re proposed Trans Mountain Expansion Project
Date: Friday, November 4, 2016 1:11:14 PM
Attachments: [Crown response to T'Sou-ke - cover letter Nov 4 2016.pdf](#)
[T'Sou-ke - Crown Responses revised Nov 4.pdf](#)

Good afternoon Chief Planes,

In follow-up to the Crown-T'Sou-ke First Nation consultation meeting on September 14, 2016, please find the Crown's revised responses to T'Sou-ke's outstanding concerns and proposed accommodation measures in respect of the proposed Trans Mountain Expansion Project.

Best regards,

Ross

Ross Neil

Crown Consultation Lead - TMX

Major Projects Management Office

Natural Resources Canada / Government of Canada

#500-800 Burrard St.

Vancouver, BC, V6Z 0B9

Ross.Neil@Canada.ca

604-219-4769

From: Braun, Nathan EAO:EX
To: Hubert, Edwin EAO:EX; Smith, Alanya C EAO:EX; Rodgers, Matthew EAO:EX; Costello, Taylore EAO:EX
Subject: FW: Consultation with Ditidaht on the Trans Mountain Expansion Project
Date: Thursday, June 23, 2016 1:16:46 PM
Attachments: Crown-Pacheedaht-Ditidaht Consultation on the Trans Mountain Expansion Project.msg

From: Klak2, Stephanie (NRCAN/RNCAN)

Sent: 2016-06-23 12:25 PM

To: Erin Thomson; rjoseph@ditidaht.ca; Tiffaney Metheral; 's.22 'mary-ann@ditidaht.ca'; Bryan C (bryan@ditidaht.ca)

Cc: Dekker, Corey (NRCAN/RNCAN); Hubbard, Cindy; Louise Murgatroyd (Louise.Murgatroyd@tc.gc.ca); Bonamis, Alston; Rajulu, Aruna (NRCAN/RNCAN); Braun, Nathan EAO:EX; Gardiner, Timothy (NRCAN/RNCAN); TMXproject / TMXproject (NRCAN/RNCAN); Funk, Lindsay; Neil, Ross (NRCAN/RNCAN)

Subject: RE: Consultation with Ditidaht on the Trans Mountain Expansion Project

Hi Erin,

Thanks for your note. I sent the attached email to you and Chief Joseph last Friday but it may have got lost among other emails.

As Lindsay suggests, we are more than happy to coordinate a meeting at the Institute of Ocean Sciences. I just want to note a typo in Lindsay's email: we will be available to meet between July 25-29. If that week does not work for Ditidaht First Nation, we are also available the week of August 8-12.

Please feel free to give me a call. Otherwise, I'm happy to answer any questions you may have via email.

Best regards,

Stephanie Klak

Strategic Projects Secretariat/Secrétariat de projets stratégiques
Major Projects Management Office/Bureau de gestion des grands projets
Natural Resources Canada/Ressources naturelles Canada
(343) 292-8506
Stephanie.Klak2@Canada.ca

From: Funk, Lindsay [mailto:Lindsay.Funk@dfo-mpo.gc.ca]

Sent: June 23, 2016 15:00

To: Erin Thomson; Neil, Ross (NRCAN/RNCAN); rjoseph@ditidaht.ca; Tiffaney Metheral; 's.22 'mary-ann@ditidaht.ca'; Bryan C (bryan@ditidaht.ca)

Cc: Weibelzahl, Jordan (NRCAN/RNCAN); Dekker, Corey (NRCAN/RNCAN); Whiteside2, Joseph (AANDC/AADNC); Minor, Jason (NRCAN/RNCAN); Hubbard, Cindy; Louise Murgatroyd (Louise.Murgatroyd@tc.gc.ca); Bonamis, Alston; Murray, David (NRCAN/RNCAN); Rajulu, Aruna (NRCAN/RNCAN); Clewley, Roger (NRCAN/RNCAN); Carras2, Mark (NRCAN/RNCAN); Klak2, Stephanie (NRCAN/RNCAN); McLean, Robyn (EC); Saely, Analise (EC); Braun, Nathan EAO:EX; Gardiner, Timothy (NRCAN/RNCAN)

Subject: RE: Consultation with Ditidaht on the Trans Mountain Expansion Project

Hello Erin,

During the May meeting I offered the possibility to host the second session at the Institute of Ocean Sciences where we could have both our consultation sessions and a tour of the Marine Communications and Traffic Services Centre next door. This would provide an excellent environment to observe how ship traffic is monitored and managed to comply with collision regulations and traffic lanes. We also discussed the possibility of having a joint session with Paacheedaht. Has there been any further movement with a joint session? Would a July 18-27 timeline work for Ditidaht?

Thanks,

Lindsay Funk
Manager - Marine Safety Initiatives
Canadian Coast Guard

(250) 480-2669

From: Erin Thomson [<mailto:ERThomson@jfk.law.ca>]

Sent: June-23-16 11:28 AM

To: 'Neil, Ross (NRCAN/RNCAN)'; rjoseph@ditidaht.ca; Tiffany Metheral; s.22 'mary-ann@ditidaht.ca'; Bryan C (bryan@ditidaht.ca)

Cc: Weibelzahl, Jordan (NRCAN/RNCAN); Dekker, Corey (NRCAN/RNCAN); Whiteside2, Joseph (AANDC/AADNC); Minor, Jason (NRCAN/RNCAN); Hubbard, Cindy; Louise Murgatroyd (Louise.Murgatroyd@tc.gc.ca); Bonamis, Alston; Funk, Lindsay; Murray, David (NRCAN/RNCAN); Rajulu, Aruna (NRCAN/RNCAN); Clewley, Roger (NRCAN/RNCAN); Carras2, Mark (NRCAN/RNCAN); Klak2, Stephanie (NRCAN/RNCAN); McLean, Robyn (EC); Saely, Analise (EC); Braun, Nathan EAO:EX; Gardiner, Timothy (NRCAN/RNCAN)

Subject: RE: Consultation with Ditidaht on the Trans Mountain Expansion Project

Hello Ross,

I'm writing to follow up on your note below. We look forward to hearing more about a follow-up meeting to our May 12 meeting. Do you have some potential dates in mind? The summer, as everyone knows, can be quite difficult to schedule as people take holidays etc. so it would be great to start that discussion now. We also look forward to hearing more about participant funding to support this important consultation process.

Thank you,

Erin

Erin Thomson

JFK Law Corporation

P. 250-405-3464

From: Neil, Ross (NRCAN/RNCAN) [<mailto:ross.neil@canada.ca>]

Sent: Wednesday, June 08, 2016 5:10 PM

To: rjoseph@ditidaht.ca; Tiffany Metheral; s.22 'mary-ann@ditidaht.ca'; Erin Thomson

Cc: Weibelzahl, Jordan (NRCAN/RNCAN); Dekker, Corey (NRCAN/RNCAN); Whiteside2, Joseph (AANDC/AADNC); Minor, Jason (NRCAN/RNCAN); Hubbard, Cindy; Louise Murgatroyd (Louise.Murgatroyd@tc.gc.ca); Bonamis, Alston; Lindsay Funk; Murray, David (NRCAN/RNCAN); Rajulu, Aruna (NRCAN/RNCAN); Clewley, Roger (NRCAN/RNCAN); Carras2, Mark (NRCAN/RNCAN); Klak2, Stephanie (NRCAN/RNCAN); McLean, Robyn (EC); Saely, Analise (EC); Braun, Nathan EAO:EX; Gardiner, Timothy (NRCAN/RNCAN)

Subject: RE: Consultation with Ditidaht on the Trans Mountain Expansion Project

Good afternoon Chief Joseph, Councillors and advisors,

Please see the attached draft record and presentation from our May 12th meeting in Duncan - thank you again for this productive dialogue.

As you suggest in your letter of June 6th (attached for the awareness of all meeting participants and other interested parties), the Crown Consultation Team does now have a better understanding of Ditidaht's perspectives on the Project and the Nation's key concerns.

In terms of the requests included in your June 6th correspondence, please allow some time for the Crown Consultation Team's consideration of these important issues that may fall within various areas of federal and provincial mandate. In the meantime, a member of the team will be follow-up with you shortly in regard to additional participant funding and to discuss a future meeting date.

Sincerely,

Ross

Ross Neil

Crown Consultation Lead - TMX

Major Projects Management Office

Natural Resources Canada / Government of Canada

#504-800 Burrard St.

Vancouver, BC, V6Z 0B9

Ross.Neil@Canada.ca

604-219-4769

From: [Braun, Nathan EAO:EX](#)
To: [Mayall, Jane EAO:EX](#)
Cc: [Smith, Alanya C EAO:EX](#)
Subject: FW: Maa-nulth Treaty Society - Letter re WCMRC
Date: Thursday, February 9, 2017 10:20:56 PM
Attachments: [TC response to Maa-nulth 26-jan-17f.pdf](#)

For file

From: Wensauer, Danielle [<mailto:danielle.wensauer@tc.gc.ca>]
Sent: Thursday, January 26, 2017 12:25 PM
To: 'adminassist@maanulth.ca'
Cc: Braun, Nathan EAO:EX; 'Neil, Ross (NRCAN/RNCAN)'; Major_Projects_Management_Office-West / Major_Projects_Management_Office-West (NRCAN/RNCAN); TMXproject / TMXproject (NRCAN/RNCAN)
Subject: RE: Maa-nulth Treaty Society - Letter re WCMRC

Hello Crystal

Please find attached a reply from Transport Canada to Maa-nulth Treaty Society's letter of December 16, 2016 to Ross Neil.

Sincerely,

Danielle Wensauer

Analyst, International Marine Policy

Transport Canada / Government of Canada

danielle.wensauer@tc.gc.ca / Tel: 604-666-2587 / Cel: 604-209-4701 / TTY: 1-888-675-6863

Analyste, Politique maritime internationale

Transports Canada / Gouvernement du Canada

danielle.wensauer@tc.gc.ca / Tél. : 604-666-2587 / Tél. cell. : 604-209-4701 / ATS : 1-888-675-6863

From: Neil, Ross (NRCAN/RNCAN) [<mailto:ross.neil@canada.ca>]
Sent: Tuesday, January 03, 2017 4:34 PM
To: Wensauer, Danielle <danielle.wensauer@tc.gc.ca>; Major_Projects_Management_Office-West / Major_Projects_Management_Office-West (NRCAN/RNCAN) <NRCAN.major_projects_management_office-west-major_projects_management_office-west.RNCAN@canada.ca>; TMXproject / TMXproject (NRCAN/RNCAN) <NRCAN.tmxproject-tmxproject.RNCAN@canada.ca>
Cc: Nathan.Braun@gov.bc.ca
Subject: FW: Maa-nulth Treaty Society - Letter re WCMRC

Hi Danielle and MPMO-W colleagues

Response required please.

In the meantime, I will confirm receipt.

Cheers, Ross

From: Crystal Jack [<mailto:adminassist@maanulth.ca>]
Sent: January 3, 2017 11:50
To: Neil, Ross (NRCAN/RNCAN)
Subject: RE: Maa-nulth Treaty Society - Letter re WCMRC
My sincere apologies Ross. I've just returned to the office today and have attached the full version. Could you please confirm you've received the hard copy in the mail?
~Crystal

From: Neil, Ross (NRCAN/RNCAN) [<mailto:ross.neil@canada.ca>]
Sent: Friday, December 16, 2016 12:53 PM
To: Crystal Jack
Subject: RE: Maa-nulth Treaty Society - Letter re WCMRC
Hi Crystal,

Thanks for your earlier email but I seem to have only received page 1 of the letter. Would you be able to resend with a full version? Many thanks.

Kind regards,

Ross

From: Crystal Jack [<mailto:adminassist@maanulth.ca>]

Sent: December 16, 2016 11:53

To: Neil, Ross (NRCAN/RNCAN)

Subject: Maa-nulth Treaty Society - Letter re WCMRC

Good Afternoon,

Please find attached a letter from the Maa-nulth Treaty Society signed by President Charlie Cootes regarding the West Coast Marine Response Corporation. An original has been sent by mail

Crystal Jack, Administrative Assistant

First Nations of the Maa Nulth Treaty Society

5091 tsuma-as Drive Port Alberni BC V9Y 8X9

P:(250)724-1802 F: (250)724-1852

email: adminassist@maanulth.ca

Page 137 to/à Page 195

Withheld pursuant to/removed as

s.16



January 26, 2017

Our file RDIMS 12639714

President Charlie Cootes
The First Nations of Maa-nulth Treaty Society
5091 Tsuma-as Drive
Port Alberni, BC
V9P 8X9

By email: adminassist@maanulth.ca

Dear President Cootes:

The Major Projects Management Office provided me with a copy of your December 16, 2016 letter regarding the Crown consultation for the Trans Mountain Expansion Project. Please accept my apologies for the delay in responding.

I understand that there is a misunderstanding about the location and size of the oil spill response bases on Vancouver Island associated with the project. I would like to offer a clarification of my comments from our September 29, 2016 meeting.

The location and capacity of each spill response base associated with the Trans Mountain Expansion Project are at the discretion of WCMRC, as part of the NEB's condition 133, and are based on WCMRC's determination of the most effective strategy to respond to oil spills near Vancouver Island and in the Juan de Fuca Strait. The discussion on September 29, 2016 reflected Transport Canada's understanding of WCMRC's plans at the time, and this caveat is noted in the minutes, i.e. "Best available information is that..."

Further, I acknowledge that I misspoke in my reference to five "full" bases on Vancouver Island, as the minutes' previous paragraph, recopied below, indicates that I was aware that the Ucluelet base was not planned to be a "full" base. I regret the misunderstanding.

Best available information is that WCMRC will set up a spill response base in Ucluelet if TMX goes ahead, which is meant to be a rapid response base – capable of delivering 2,500 tonne response capacity within 6 hours – that would work in tandem with the Port Alberni and Beecher Bay bases to bring in cascading resources in the event of a larger spill.

It may be helpful to restate that, while Transport Canada requires WCMRC to meet the regulated planning standards, the NEB's condition 133 sets requirements on Trans Mountain that go above and beyond Transport Canada's regulations by more than

double. It is therefore at the discretion of Trans Mountain, and by extension WCMRC, to determine the best location and equipment capacity to meet condition 133.

To that end, the discussion about cascading resources found in the minutes of November 29, 2016 may be helpful in understanding how the different bases and caches work in concert to protect the waters of Vancouver Island and the Juan de Fuca Strait.

With respect to Lincoln Heaney's remarks, Transport Canada defers to WCMRC's latest information on the status of their plans.

It is worth noting that, under the Oceans Protection Plan announced on November 7, 2016, the Government of Canada will work closely with Indigenous groups to enhance their response capacity in their territories, creating opportunities for Indigenous groups to take a more active role in emergency response and waterway management. There is still a lot of work to do to launch the initiatives, and we look forward to working with you and others as we implement the Oceans Protection Plan. The South Coast Marine Safety Workshop in Sidney earlier this week was a first step, and we were pleased to see Maanulth members in attendance there.

Thank you for seeking clarification and I trust this addresses your question.

Sincerely,



Danielle Wensauer
Special Advisor, Marine Policy

cc: Ross Neil (ross.neil@canada.ca)
NRCan.tmxproject-tmxproject.RNCan@canada.ca

Page 198 to/à Page 264

Withheld pursuant to/removed as

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TMX ISSUES BASED TRACKER

Introduction:

This document has been prepared by the Major Projects Management Office (Natural Resources Canada) in collaboration with federal government departments and agencies for internal use by the Government of Canada. The Major Projects Management Office is maintaining two types of Aboriginal Issues Tracking Tables (ITTs) for the Trans Mountain Expansion Project (“the Project” or “TMX”):

- 1) Aboriginal group-specific ITTs; and
- 2) Issues Based Tracker (IBT)

The IBT below, serves as a singular master table of key issues raised by Aboriginal groups during the National Energy Board (NEB) review and associated Crown consultation process, mitigation proposed to address the issue, and Crown analysis as to what extent the issue may be addressed by proposed mitigation at this stage in the process. The identification, documentation and analysis of the information in this IBT was primarily informed by a review of the NEB hearing record, supplemented by Aboriginal group correspondence and meetings with the Crown.

Guidance followed by federal departments for conducting analysis in the IBT can be found in the TMX Phase III Consultation Approach and Work Plan. As the IBT is high-level and generic in nature, please refer to the Aboriginal group-specific ITTs or original source material on the NEB hearing record for further context on the issues raised by a particular group.

The information contained in the IBT and ITTs is iterative in nature and will be updated as new information becomes available. Issues Tracking Tables can help inform the Crown’s ongoing assessment of the depth of consultation owed to a particular group, and will help identify whether outstanding issues exist, and if further consultation and accommodation may be required. Efforts will continue throughout the post-NEB hearing phase (Phase III) of consultation, to refine the IBT and ITTs, which will ultimately be summarized in the Crown Consultation Report for the Project and inform the adequacy of consultation assessment.

This report or any part thereof should not be disclosed by the government of British Columbia pursuant to section 16 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 or otherwise without prior consultation with the Major Projects Management Office. Similarly for the Government of Alberta, this report or any part thereof should not be disclosed pursuant to section 21 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25.

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Page 01 to/à Page 53

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