

Restall, Analise EMPR:EX

From: Coley, Simon J EMPR:EX
Sent: April 2, 2019 7:48 AM
To: Restall, Analise EMPR:EX
Subject: Fwd: Update: Response to complaint of find at Camp 9A
Attachments: IN_CoastalGasLink_Unist'ot'en Action Camp_Injunction decision_UPDATE_Feb 14_1105 AM.docx; ATT00001.htm

For the artefacts FOI

Cheers,
Simon

Begin forwarded message:

From: "Carr, Michelle EMPR:EX" <Michelle.Carr@gov.bc.ca>
Date: February 14, 2019 at 11:49:19 AM PST
To: "Zadravec, Don GCPE:EX" <Don.Zadravec@gov.bc.ca>, "Haslam, David GCPE:EX" <David.Haslam@gov.bc.ca>, "Beaupre, Darren EMPR:EX" <Darren.Beaupre@gov.bc.ca>, "Plummer, Glen GCPE:EX" <Glen.Plummer@gov.bc.ca>, "Coley, Simon J EMPR:EX" <Simon.Coley@gov.bc.ca>, "Puggioni, Giovanni IRR:EX" <Giovanni.Puggioni@gov.bc.ca>, "Waters, Cory IRR:EX" <Cory.Waters@gov.bc.ca>, "McPhail, Norman PSSG:EX" <Norman.McPhail@gov.bc.ca>, "Shaw, Rachel EMPR:EX" <Rachel.Shaw@gov.bc.ca>, "Franklin, Janice IRR:EX" <Janice.Franklin@gov.bc.ca>, "Filmer, Cam A IRR:EX" <Cam.Filmer@gov.bc.ca>, "Phillips, Keith J AG:EX" <Keith.Phillips@gov.bc.ca>, "Paulson, Ken OGC:IN" <Ken.Paulson@bcogc.ca>, "O'Hanley, James G" <James.OHanley@bcogc.ca>, "Rousselle, Jillian FLNR:EX" <Jillian.Rousselle@gov.bc.ca>, "Austin, Matt FLNR:EX" <Matt.Austin@gov.bc.ca>, "O'Donoghue, Eamon G FLNR:EX" <Eamon.ODonoghue@gov.bc.ca>, "Humber, Emmy EMPR:EX" <Emmy.Humber@gov.bc.ca>, "XT:Ollenberger, Lance GCPE:IN" <Lance.Ollenberger@bcogc.ca>, "Craven, Paul EAO:EX" <Paul.Craven@gov.bc.ca>, "Bailey, Scott EAO:EX" <Scott.Bailey@gov.bc.ca>
Subject: FW: Update: Response to complaint of find at Camp 9A

FYI

From: Carr, Michelle EMPR:EX
Sent: February 14, 2019 11:47 AM
To: Allan, John FLNR:EX <John.Allan@gov.bc.ca>; Nikolejsin, Dave EMPR:EX <Dave.Nikolejsin@gov.bc.ca>; Caul, Doug D IRR:EX <Doug.Caul@gov.bc.ca>; Sieben, Mark PSSG:EX <Mark.Sieben@gov.bc.ca>; Kennedy, Christine PREM:EX <Christine.Kennedy@gov.bc.ca>; Wright, Don J. PREM:EX <Don.J.Wright@gov.bc.ca>; Jeakins, Paul OGC:IN <Paul.Jeakins@bcogc.ca>; Lloyd, Evan GCPE:EX <Evan.Lloyd@gov.bc.ca>; Jardine, Kevin EAO:EX <Kevin.Jardine@gov.bc.ca>
Cc: Paulson, Ken OGC:IN <Ken.Paulson@bcogc.ca>; Rousselle, Jillian FLNR:EX <Jillian.Rousselle@gov.bc.ca>; Puggioni, Giovanni IRR:EX <Giovanni.Puggioni@gov.bc.ca>; Shaw, Rachel EMPR:EX <Rachel.Shaw@gov.bc.ca>; Craven, Paul EAO:EX <Paul.Craven@gov.bc.ca>
Subject: Update: Response to complaint of find at Camp 9A
Importance: High

Deputies,

As you may be aware, this morning FLNR, EAO, OGC and Minister Donaldson received a complaint that arrowheads were found in the location of Camp 9A.

OGC will conduct a site visit tomorrow under OGAA accompanied by OGC and FLNR archaeologists to assess the situation and to determine next steps. I understand that EAO is in process of determining appropriate course of action in coordination with OGC and FLNR. s.13; s.16
s.13; s.16

In addition, Coastal GasLink has been made aware and they have voluntarily stopped work and are sending an archaeologist to the site.

The attached IN has been updated to include this information.

Please contact me with any questions.

Michelle
s.17

Confidential Issues Note - ADVICE TO MINISTER

<p>CONFIDENTIAL</p> <p>GCPE-MEMPR ISSUE NOTE</p> <p>Ministry of Energy, Mines and Petroleum Resources</p> <p>Date: February 14, 2019 - UPDATE</p> <p>Minister Responsible: Hon. Michelle Mungall</p>	<p>Unist'ot'en Action Camp</p>
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RECOMMENDED RESPONSE:

OVERARCHING:

- Our government is committed to reconciliation and respecting the principles of the UN Declaration on the Rights of Indigenous Peoples.
- In May of 2018 Minister Scott Fraser met with the Office of the Wet'suwet'en for discussions related to several topics including reconciliation.
- In August, Premier Horgan and Minister Fraser met with the Office of the Wet'suwet'en, confirming a shared desire to advance reconciliation.
- B.C. remains committed to finding ways to move forward with reconciliation with the Office of the Wet'suwet'en.

CLAIMS OF ARCHAEOLOGICAL ARTIFACTS FOUND AT SITE:

- On February 13, 2019, government agencies and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development received a complaint from the Dark House/Unist'ot'en.
- The complaint says that Unist'ot'en members have found evidence of cultural use at the site, two arrowheads.
- In response to the complaint, an Oil and Gas Operations Officer and senior archaeologist from the BC Oil and Gas Commission, along with appropriate archeological support staff from the Archaeology Branch, will travel to the area on February 15, to conduct a site visit under the Oil and Gas Activities Act.
- We understand Coastal GasLink has voluntarily stopped work and are sending an archeologist to the site.

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- **We are keeping a close watch on the situation to ensure the appropriate course of action is taken.**
- **We expect Coastal GasLink to operate in compliance with all conditions and requirements set out in its environmental assessment certificate and related permits.**

LEONARDO DiCAPRIO TWEET:

- **I appreciate Mr. DiCaprio's dedication to promoting environmental awareness and his support for the rights of indigenous people.**
- **Like Mr. DiCaprio, our government understands that nothing is more important than taking care of this planet we call home.**
- **Our government is also committed to reconciliation and respecting the principles of the UN Declaration on the Rights of Indigenous Peoples.**
- **Mr. DiCaprio should also be aware that we remain committed to finding ways to move forward with reconciliation with the Office of the Wet'suwet'en.**
- **And, our CleanBC plan puts our province on the path to a cleaner, better future – with a low-carbon economy that creates opportunities for all while protecting our clean air, land and water.**
- **If Mr. DiCaprio is interested in learning more about our government's CleanBC plan and our work toward reconciliation with British Columbia's First Nations, we would be more than happy to provide him with additional information.**

BC OIL AND GAS COMMISSION WARNING LETTER:

- **The BC Oil and Gas Commission has completed its investigation following complaints received from the Office of the Wet'suwet'en of work being done by Coastal GasLink.**
- **The Commission has determined CGL was non-compliant with a permit condition outlined in the Petroleum and Natural Gas Act approval and has issued a warning letter to CGL, which has also been posted on the Commission website.**
- **The circumstances described in the warning letter are considered a minor non-compliance that does not pose a threat to public safety**

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or the environment. As a result, the Commission has determined CGL's work can continue.

UNIST'OT'EN GUARDHOUSE:

- We are aware the RCMP are on site.
- Enforcement action by the RCMP in response to the court decision is an operational matter for the RCMP and is entirely at arms-length from government.

COMPLAINTS FROM THE OoW:

- We can confirm complaints were submitted to us from the Office of the Wet'suwet'en. They are concerned about the work Coastal GasLink was doing to clear land in the area. We are taking this concern seriously.
- Compliance and enforcement staff with the BC Oil and Gas Commission, Environmental Assessment Office, and the Conservation Officer Service, conducted a joint site visit on Jan 29, 2019. A Unist'ot'en observer attended the site inspection throughout, including the inspection debrief with the Coastal GasLink representatives.

ARCHAEOLOGICAL IMPACT ASSESSMENT:

- Coastal GasLink submitted its archaeology impact assessment report in December 2015, and an addendum to the final report (which speaks to the location of Camp 9) in August 2016 – the report was reviewed and accepted by the Province's archaeology branch in September 2016.
- Coastal GasLink provided copies of the final report to First Nations, including the Wet'suwet'en.
- A large portion of the land where Coastal GasLink proposes to build Camp 9 was previously logged, and the Archaeological Impact Assessment found the majority of the area had low archaeological potential and a small portion had low to moderate archaeological potential.
- In January 2019, at the request of the Office of the Wet'suwet'en (OW), the Province's archaeology branch conducted a review and confirmed Coastal GasLink had met its archaeology impact assessment permit conditions.

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- The BC Oil and Gas Commission considered Coastal GasLink's archaeological impact assessment findings as part of its permit decision process for the Coastal GasLink project.
- A January 29, 2019 inspection by the BC Oil and Gas Commission determined Coastal GasLink was in compliance with its permit requirements.
- On Feb. 1, 2018 the BC Oil and Gas Commission notified both a representative from the Office of the Wet'suwet'en and Coastal GasLink that the company was in compliance with their permit, including the conditions relating to archaeology.

PROTESTS AT MLA OFFICES/ RCMP ACTION:

- We recognize the right for people to engage in peaceful protest.
- In any situation like this, we hope all parties find a safe and mutually respectful resolution.
- Our government is committed to reconciliation and respecting the principles of the UN Declaration on the Rights of Indigenous Peoples.
- B.C. remains committed to finding ways to move forward with reconciliation with the Office of the Wet'suwet'en.

IF ASKED ABOUT:

ROLE OF COASTAL GASLINK:

- We've been clear that the company has the responsibility to resolve the situation.
- The company sought an injunction order from the court on this matter.
- We respect the court's decision.
- It is our hope that all parties involved can sit down and reach an agreement that respects the healing lodge and the court's decision.

FOUR CONDITIONS OF LNG:

- British Columbia's new government supports LNG development, with four conditions:

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- **LNG projects must offer jobs and training for British Columbians, especially jobs for local people.**
- **The people of B.C. must get a fair return for our resources.**
- **LNG projects must secure full partnerships with local First Nations.**
- **LNG projects must complete a made-in-B.C. environmental assessment and respect our commitments to combating climate change.**

FIRST NATIONS VETO...

- **Acknowledging the individual and collective rights of indigenous people is not a veto.**
- **These are complex issues. But by acknowledging the rights of Indigenous people and working together from the start, we can get outcomes that are good for industry, First Nations, and British Columbia as a whole.**
- **Consultation obligations have been fulfilled and provincial authorizations exist. At the same time, government is committed to ongoing engagement with Indigenous individuals and First Nations to address concerns.**

KEY FACTS REGARDING THE ISSUE:

Update Feb. 14, 2019:

On Feb. 13, 2019, a post on the Unist'ot'en Camp Facebook page stated that a supporter had found several arrowheads in the proposed 9A site. The post further states that Unist'ot'en Camp were right to be concerned that our cultural sites, and possibly gravesites, have been disturbed without our consent and without any due process.

The Unist'ot'en Camp Facebook post also states, "We continue to demand that CGL cease work immediately until a full and detailed archaeological impact assessment is completed with oversight from a Wet'suwet'en traditional knowledge holder of our choosing."

A letter of complaint from Dark House/Unist'ot'en was sent on Feb. 13, 2019, to Coastal GasLink (CGL); CGL contractors and subcontractors; the BC Oil and Gas Commission; the Environmental Assessment Office; Ministry of Forests, Lands, Natural Resource Operations, BC Archaeology Branch; and Minister Doug Donaldson.

The letter states that two Unist'ot'en supporters with limited archaeological knowledge conducted a ground survey comprising about a quarter of the worksite before identifying the first arrowhead.

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After reviewing the complaint, the BC Oil and Gas Commission (OGC) is sending an inspector to the site on Feb. 15. The OGC inspector will be accompanied by appropriate archaeology support staff from the Province.

Coastal GasLink has informed the Province that it has voluntarily stopped work and is sending an archaeologist from Fort St. John to the site.

Update Feb. 11, 2019:

In a Feb. 8, 2019, tweet actor Leonardo DiCaprio encouraged his Twitter followers to: "Sign the petition and stand in solidarity with [@unistotencamp](#) as they fight to protect their lands from a proposed pipeline.

[https://docs.google.com/forms/d/e/1FAIpQLSdNtxbSahBWHsa9WysEelq8BAEp1mOsiiOzkvq9dE7ryMnGA/viewform ...](https://docs.google.com/forms/d/e/1FAIpQLSdNtxbSahBWHsa9WysEelq8BAEp1mOsiiOzkvq9dE7ryMnGA/viewform...)

DiCaprio's tweet referenced the Jan 27, 2019 NY Times article - 'The Nation Has Stood Up': Indigenous Clans in Canada Battle Pipeline Project -

<https://www.nytimes.com/2019/01/27/world/americas/british-columbia-pipeline-wetsuweten.html?smid=tw-nytimesworld&smtyp=cur>

Update Feb. 07, 2019:

On Feb. 07, the BC Oil and Gas Commission (OGC) issued a warning letter to Coastal Gas Link (CGL) after its investigation determined was non-compliant with a permit condition outlined in the Petroleum and Natural Gas Act – the letter is also posted to the OGC website. The area of non-compliance is as follows:

- CGL failed to provide required notification (48 hours) prior to construction start at Camp 9a (Notice was filed 24 -48 hours after construction start at 7:49 am on 24 January);
- Commission was subsequently told by CGL that activities on the site started January 22nd.

The circumstances described in the warning letter are considered a minor non-compliance that does not pose a threat to public safety or the environment. As a result, the Commission has determined CGL's work can continue.

The OGC investigation resulted from complaints received from the Office of the Wet'suwet'en of work being done by Coastal GasLink. An OGC inspector conducted a site visit last week (Jan. 31, 2019) that included representatives from the Environmental Assessment Office, the Conservation Officer Service, and a Unist'ot'en observer.

Update Feb. 06, 2019 (INTERNAL ONLY):

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s.16

When CGL employees arrived at that the guardhouse, it was occupied by approximately 14 people. RCMP were notified and present at the site. The protestors requested CGL provide them 48 hours to allow them for a ceremony and removal of the guardhouse – all actions to be complete by 12 p.m., Saturday, Feb. 9. CGL has agreed to the request and will continue working beyond the area of the guardhouse.

Additionally, the Environmental Assessment Office (EAO) provided its Inspection Report to Coastal GasLink (CGL) outlining its PRELIMINARY determinations about complaints received. CGL has until end-of-day Monday, Feb. 11, 2019 to respond. The preliminary determinations are unproven and after the opportunity by the company to respond is complete, EAO will consider what is the appropriate enforcement response, if any.

After review of observations and information obtained during the site inspection on Jan. 29, and subsequent review of materials and information, the EAO has made the following preliminary compliance determinations. Two of these determinations stem from a self-report by the company of non-compliance with respect to field-verified rare plant surveys.

EAO Preliminary Compliance Determinations:

- NOT COMPLIANT with Condition 1 of EAC# E14-03, with respect to providing a report to EAO Compliance and Enforcement staff on the status of compliance with the conditions of the Certificate, and the conditions in Schedule B, on or before January 31 in each year during which the Project is being constructed.
- COMPLIANT with Condition 1 of Schedule B to EAC# E14-03 (Table of Conditions), with respect to providing Technical Data Reports (TDRs) for the Morice River Technical Boundary Area to EAO prior to commencing construction.
- NOT COMPLIANT with Condition 15 of the Table of Conditions, with respect to the requirement to avoid prohibiting access for Aboriginal Group trap line holders.
- NOT COMPLIANT with Condition 17 of the Table of Conditions, with respect to completing site habitat assessment surveys for red and blue listed plants and ecological communities for all locations within the Certified Pipeline Corridor prior to commencing construction.
- NOT COMPLIANT with Condition 23 of the Table of Conditions, with respect to providing notice to a trap line tenure holder at least six months in advance of undertaking construction activities that may impact that tenure holder.

Update Feb. 05, 2019:

On Feb. 04, 2019, 12 of the 14 people arrested by RCMP last month for blocking Coastal GasLink's access to a proposed pipeline made their first appearance in B.C. Supreme Court.

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Lawyers for the defendants submitted an application requesting B.C.'s Prosecution Service intervene in the matter. B.C. Supreme Court judge Madame Justice Church agreed with the defence application, stating it is in the "public interest to invite the Crown to intercede." The matter was adjourned to April 15, 2019 to allow BC Prosecution Service to determine if it will become involved.

Additionally, in the separate matter of the Coastal GasLink court injunction, the court in Prince George approved the scheduling request for the defendants, Freda Huson and Warner Naziel, to file their response materials from Jan. 31 to Feb. 20, 2019. The hearing of the CGL application must be held by May 31, 2019 (changed from May 1, 2019). This order relates to the injunction application and is independent of the contempt process.

Update Feb. 01, 2019 (INTERNAL ONLY):

On Jan. 31, 2019, protestors occupied the constituency office of Minister of Forests, Lands, Natural Resource Operations and Rural Development; and Stikine MLA Doug Donaldson. A key topic raised by protestors is if the Archaeological Impact Assessment (AIA) used by the BC Oil and Gas Commission (OGC) in its permit/authorization decisions to Camp 9 was appropriate for that purpose.

In 2013, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development archaeology branch issued a Heritage Inspection Permit, which authorized Coastal GasLink (CGL) to complete an AIA. CGL submitted its AIA to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development archaeology branch as required in Dec. 2015. The archaeology branch reviewed and accepted the AIA in Jan. 2016. In Aug. 2016, CGL submitted a final report AIA addendum, this was reviewed and accepted in Sept. 2016. CGL provided copies of its AIA to involved First Nations in 2016.

No AIA field work was done in the location of Camp 9 due to access issues. A large portion of the land where Coastal GasLink proposes to build Camp 9 was previously logged. A desktop review was done of the area and resulted in a finding of low subsurface archaeological potential and low to moderate potential for culturally modified trees (CMTs) and low potential for subsurface archaeological materials. This area was subsequently logged by the forest tenure holder after the AIA was completed.

In Jan. 2019, the Office of the Wet'suwet'en (OW) requested that the archaeology branch review the file to confirm CGL had met the permit conditions. The archaeology branch review confirmed CGL had met the permit conditions.

The branch advised the OW that the conditions of CGL's Heritage Inspection Permit had been met. Further, the branch advised that the OW contact the OGC and/or the Environmental Assessment Office (EAO) to address questions specific to permit and/or authorizations issued by those agencies.

The OGC considered the AIA findings as part of its permit decision process, and to determine if additional archaeological work was required. With regards to Camp 9, the OGC determined no additional archaeological work was required, but additional archaeological work is required for the pipeline permit. A Jan. 29, 2019 inspection by the OGC determined

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Coastal GasLink was in compliance with its OGC permit requirements. On Feb. 1, 2018 the BC Oil and Gas Commission notified both a representative from the Office of the Wet'suwet'en and Coastal GasLink that the company was in compliance with their permit, including the conditions relating to archaeology.

The OGC is an independent statutory authority responsible for regulating pipelines solely established within British Columbia. All parties have the right to appeal and/or request a judicial review of any OGC permit decisions, neither of which were exercised in this instance.

Update Jan 31, 2019 (INTERNAL ONLY)

Response to complaints:

s.13; s.15

OGC:

- Staff with the OGC were following-up on complaints around whether an archeological impact assessment (AIA) was completed on the multi-use site 9A (where the new camp will be located), non-compliance with OGC permit conditions and concern about potential subsurface archaeological impacts.
- OGC is assessing CGL's compliance with relevant permit conditions, both administratively and as it relates to the information obtained during the site visit. The results of this work are expected this week or next; this will be provided to CGL to respond, if necessary.

EAO:

- After reviewing information from the complaint, and attending the site, EAO inspectors have said it appears that CGL is not compliant with environmental assessment certificate (EAC) condition 15, which requires CGL to avoid prohibiting access for traditional use activities, including trapping. EAO staff communicated this to CGL representatives onsite.
- It also appears that CGL is non-compliant with condition 23, which requires 6 months notice to tenure holders prior to construction where construction activities may impact those tenures (the tenure holder has held a tenured trap line in the area for many years), and condition 26, which requires the holder implement specific mitigations in the event that they inadvertently impact TLU activities, including traplines.
- EAO inspectors will review the information gathered during the inspection and prepare an inspection record over the next week or so. This will then be provided to CGL for their opportunity to respond.

COS:

Confidential Issues Note - ADVICE TO MINISTER

- s.13; s.15

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Update Jan 25, 2019

The provincial government received a complaint from the Office of the Wet'suwet'en that Coastal GasLink was clearing land without having a full AIA completed for the area. The Office of the Wet'suwet'en is requesting a stop work order. The provincial government is looking into the situation and will have staff from the BC Oil and Gas Commission, the BC Environmental Assessment Office, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development investigating.

Operations have been suspended in the area since Thursday (Jan 24th). See update below for more information.

Update Jan. 24, 2019

Coastal GasLink posted notice on its website that it had stopped work on the project in an area south of Houston because traps had been placed inside construction boundaries and people were entering the site, raising safety concerns.

Earlier in the week, representatives of the Unist'ot'en Clan of the Wet'suwet'en Nation alleged on social media that pipeline contractors had driven a bulldozer through the heart of one of their traplines south of Houston, which they say violates the Wildlife Act by interfering with lawful trapping.

s.13; s.15

On Jan. 14, 2019, RCMP confirmed they have an agreement with the hereditary chiefs. Additionally, RCMP provided a media statement outlining RCMP actions to enforce the court injunction and that they would be conducting a review of these actions.

The RCMP agreement allows for access by the company, across the Morice River Bridge by the Unist'ot'en Healing Centre. As well, the ability for the temporary exclusion zone to be removed, and a framework for the continued police presence in the area moving forward.

On Jan. 10, 2019, various media reported that Wet'suwet'en hereditary chiefs and the RCMP had reached an agreement that would allow for Coastal GasLink (CGL) to access its work areas.

On Jan. 9, 2019, government staff provided media with a technical briefing on the situation. This was followed by a press conference with Premier John Horgan. The Premier acknowledged the right of individuals to protest peacefully, and noted the ongoing efforts of RCMP to enforce the court injunction obtained by Coastal GasLink in Wet'suwet'en territory.

On Jan. 8, 2019, social media posts to the Unist'ot'en Camp Facebook page indicated RCMP were attempting to access and remove the second checkpoint, the Unist'ot'en

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blockade at Morice bridge – this did not occur. Numerous protests across B.C. and Canada also took place on Jan. 8, organized through a Facebook event titled: International Solidarity with Wet'suwet'en linked here - <https://www.facebook.com/events/2225649537692362/> .

The Facebook event page lists links to demonstration locations throughout B.C., North America and Europe. Demonstrators held events at Minister Michelle Mungall's constituency office in Nelson, and at the B.C. Legislature, where protestors briefly blocked access to Belleville Street outside the legislature.

On Jan. 7, 2019, the RCMP announced it was taking steps to enforce the interim injunction to allow Coastal GasLink access to the bridge and forest service road. Police arrested 14 individuals at the Gidumt'en checkpoint; one of two blockades set up on the forest service road.

On Jan. 6, 2019, Minister of Forests, Lands, Natural Resource Operations and Rural Development Doug Donaldson visited the Unist'ot'en blockade and told media the purpose of his visit, "Is to support and recognize that the hereditary chiefs have responsibility for stewardship".

On Jan. 5, 2019, the Facebook page, Wet'suwet'en Access Point on Gidumt'en Territory posted an international call to action asking for physical and financial support for the Wet'suwet'en.

On Dec. 14, 2018, the Supreme Court of British Columbia granted Coastal GasLink an interim injunction against members of the Unist'ot'en camp where a gate is restricting access across a bridge.

The interlocutory injunction application was adjourned to not later than May 1, 2019 to permit the defendant Wet'suwet'en to respond to the application materials (filing deadline not later than January 31, 2019). There is, however, an interim injunction ordered pending the outcome of the interlocutory injunction application requiring removal of the blockade within 72 hours which will remain in place until reasons for judgment are issued on the interlocutory injunction application. There is also an enforcement order now in place providing direction to the RCMP to enforce the terms of the injunction.

Justice Church considered the RJR McDonald test – (i) there is a fair question to be tried; (ii) irreparable harm, whether there is evidence of irreparable harm to the plaintiffs given the logistical complexity and the construction schedule and the joint venture agreements, which would cost money irrevocably, also would result in losses to subcontractors. The plaintiffs magnitude of harm would be significant and no means of recovery, (iii) balance of convenience is heavily weighted in favour of granting an interim injunction, the plaintiff has all necessary permits, and there would be economic harm to the plaintiff, and there would be minimal impact to the defendants by the construction work in the short term (camp and forestry harvest).

On Nov. 26, 2018, Coastal GasLink filed for a court injunction against the Unist'ot'en camp. Notice was also served to the two key Unist'ot'en members of the camp.

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On Nov. 20, 2018 six individuals including representatives from TransCanada and its contractors approached the Unist'ot'en camp area to request access. The TransCanada group were stopped at the Unist'ot'en-erected gate at the end of the Morice River Bridge, where members of the Unist'ot'en camp declined the group's request.

Following the interaction with the Unist'ot'en camp, TransCanada filed a complaint with the RCMP. TransCanada provided the RCMP with its video footage of its interaction with the Unist'ot'en camp.

On Nov. 2, 2018 TransCanada filed a formal complaint regarding the blockade with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR).

Background:

- Members of the Dark House and other clans/houses of the Wet'suwet'en peoples, along with non-Indigenous supporters, established the Unist'ot'en protest camp in 2009, and vowed to oppose any pipeline that would cross Wet'suwet'en asserted territory.
- The Unist'ot'en camp is located at kilometer 66 of the Morice West Forest Service Road (FSR) near the Morice River. The camp is on Provincial Crown land and includes an increasing number of buildings and at least two separate gates on the Morice River bridge.
- Since May 2013, a checkpoint on the bridge has restricted access over the bridge, which has delayed activities on pipeline projects and forestry, stalled environmental management and monitoring and archeological assessments, and restricted public access.
- In the fall of 2016, B.C. became aware of a metal gate installed at the Morice River Bridge alongside the Unist'ot'en checkpoint.
- In February 2017, Ministry of Forests sent a letter to the Unist'ot'en to inform them that the gate appeared to be a contravention of Forest Service Road regulations and to request its removal. A second gate appeared shortly after and no further action has been taken by government.
- In June 2017, Wet'suwet'en Hereditary Chiefs issued a news release criticizing B.C. (and Canada) for permitting TransCanada to continue preparatory work on CGL in Wet'suwet'en traditional territory. <https://www.newswire.ca/news-releases/bc-and-canada-ignore-wetsuweten-title-holders-to-push-pipeline-agenda-684874821.html>
- Premier Horgan and Minister Fraser met with Wet'suwet'en hereditary leaders on Aug. 31, 2018, in Smithers.
- At the meeting, the premier indicated the government is supportive of LNG and ministry officials can support positive discussions between the nation and proponent to restore the access necessary to start construction for the Coastal GasLink pipeline project. The Premier also committed to advancing reconciliation-based discussions not connected to the project with the Office of the Wet'suwet'en.
- Current pipeline proposals affected by the camp include Chevron's Pacific Trail Pipeline (PTP) and TransCanada's Coastal GasLink (CGL). CGL is connected to the LNG

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Canada export terminal project in Kitimat; PTP remains an active project and is connected to Chevron's proposed Kitimat LNG facility.

- 20 of 20 elected Indian Act bands along the Coastal Gaslink pipeline route have signed benefits agreements with the proponent. The province has signed 17 pipeline benefits agreements to date.
- Four of five Wet'suwet'en bands have signed and announced pipeline benefits agreements with the Province for the Coastal GasLink pipeline. Skin Tyee, Nee-Tahi-Buhn, Witset (formerly Moricetown) and Wet'suwet'en First Nation have agreements that have been announced and are in effect. Hagwilget has not signed an agreement.
- s.13; s.15

Wet'suwet'en governance and hereditary leaders:

- The Unist'ot'en camp is located in an area where the Wet'suwet'en Nation is assessed as having strong Aboriginal rights and title claims. The Unist'ot'en are part of the Dark House, one of 13 houses that make up the Wet'suwet'en Nation.
- Since the blockade began, the Province has made extensive efforts to work with both the Wet'suwet'en Nation and its Hereditary Chiefs to seek a resolution. Internal governance complexities and tensions between the elected and hereditary Wet'suwet'en governance structures have complicated these efforts.
- Unist'ot'en has two representatives on the 12-person Witset council – Chief Knedebeas (Warner Williams), and Unist'ot'en spokesperson Freda Huson (Knedebeas' niece).
- Wet'suwet'en Matrilineal Coalition (WMC) is a relatively new group created to negotiate a benefits agreement for CGL when it became clear the OW was unwilling to engage with CGL in benefit talks. WMC is led by Theresa Tait-Day who was previously part of OW. She, along with other WMC members hold names within the hereditary system.
- OW has been openly critical of WMC, the Province and CGL for engaging with WMC and fueling divisions within the Wet'suwet'en Nation. It is unclear who WMC represents beyond its individual members.
- Ministry of Children and Family Development signed a child-welfare agreement with Wet'suwet'en hereditary chiefs, Witset, and Hagwilget in 2017. The agreement is reportedly pulling the community together and having an overall positive effect.

Communications Contact:	Glen Plummer	250 952-0559 250 213-5667 cell
Program Area Contact:	Michelle Carr Emmy Humber Simon Coley	s.17 778 698-7101 778 698-7176
File Created:	Nov. 27, 2018	
File Updated	Feb. 14, 2019	

Restall, Analise EMPR:EX

From: Coley, Simon J EMPR:EX
Sent: April 2, 2019 7:42 AM
To: Restall, Analise EMPR:EX
Subject: Fwd: New IN specific to arch
Attachments: IN_CGL_Unist'ot'en Camp_archaeological artifacts_Feb 20.docx; ATT00001.htm

Artifacts FOI

Cheers,
Simon

Begin forwarded message:

From: "Carr, Michelle EMPR:EX" <Michelle.Carr@gov.bc.ca>
Date: February 20, 2019 at 10:36:13 AM PST
To: "Nash, Laurel IRR:EX" <Laurel.Nash@gov.bc.ca>, "Filmer, Cam A IRR:EX" <Cam.Filmer@gov.bc.ca>, "Franklin, Janice IRR:EX" <Janice.Franklin@gov.bc.ca>, "Waters, Cory IRR:EX" <Cory.Waters@gov.bc.ca>, "Bailey, Scott EAO:EX" <Scott.Bailey@gov.bc.ca>, "Paulson, Ken OGC:IN" <Ken.Paulson@bcogc.ca>, "O'Donoghue, Eamon G FLNR:EX" <Eamon.ODonoghue@gov.bc.ca>, "McPhail, Norman PSSG:EX" <Norman.McPhail@gov.bc.ca>, "Coley, Simon J EMPR:EX" <Simon.Coley@gov.bc.ca>, "Phillips, Keith J AG:EX" <Keith.Phillips@gov.bc.ca>, "Austin, Matt FLNR:EX" <Matt.Austin@gov.bc.ca>, "Shaw, Rachel EMPR:EX" <Rachel.Shaw@gov.bc.ca>, "Rousselle, Jillian FLNR:EX" <Jillian.Rousselle@gov.bc.ca>, "Puggioni, Giovanni IRR:EX" <Giovanni.Puggioni@gov.bc.ca>, "Humber, Emmy EMPR:EX" <Emmy.Humber@gov.bc.ca>, "Braun, Nathan EAO:EX" <Nathan.Braun@gov.bc.ca>, "Craven, Paul EAO:EX" <Paul.Craven@gov.bc.ca>, "Zadravec, Don GCPE:EX" <Don.Zadravec@gov.bc.ca>, "O'Hanley, James G" <James.OHanley@bcogc.ca>, "XT:Ollenberger, Lance GCPE:IN" <Lance.Ollenberger@bcogc.ca>, "Haslam, David GCPE:EX" <David.Haslam@gov.bc.ca>, "Beaupre, Darren EMPR:EX" <Darren.Beaupre@gov.bc.ca>, "Plummer, Glen GCPE:EX" <Glen.Plummer@gov.bc.ca>, "Iliffe, Liam GCPE:EX" <Liam.Iliffe@gov.bc.ca>
Subject: New IN specific to arch

Hi, everyone.

Please find attached for your information, the updated IN re archaeology matters.

In anticipation of further updates from EAO this morning, a sub-set of the attached archaeology information will be included in the broader project note together with the EAO update once received. I will circulate the updated project IN to all of you at that time.

We are also in process of developing a fact sheet on roles/responsibilities and processes, etc. for posting, likely on the OGC website.

Thanks,
Michelle

Michelle Carr | Assistant Deputy Minister
LNG Canada Implementation
Ministry of Energy, Mines and Petroleum Resources
Telephone:^{s.17}

ADVICE TO MINISTER

<p>CONFIDENTIAL</p> <p>GCPE-MEMPR ISSUE NOTE</p> <p>Ministry of Energy, Mines and Petroleum Resources Updated: February 20, 2019 Minister Responsible: Hon. Michelle Mungall</p>	<p>Unist'ot'en Camp – Archaeological Artifacts</p>
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ADVICE AND RECOMMENDED RESPONSE:

- **We can confirm the Unist'ot'en/Dark House recently submitted a complaint to us.**
 - **The complaint said Unist'ot'en members found evidence of cultural use at the site. They removed two “lithic stone tools” from the site and noted others nearby.**
- **We are taking this situation very seriously and have our best experts working on it.**
- **Archeological experts from the BC Oil and Gas Commission and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development have inspected the site.**
 - **This inspection was conducted under the authority of the BC Oil and Gas Commission – a permit and under a Heritage Conservation Act Ministerial Order.**
- **A Heritage Conversation Act Ministerial Order was authorized to allow provincial staff to alter the ground or remove artifacts from the site if required.**
 - **Provincial staff removed the remaining artifacts from the site for protection and further analysis under the terms of this order.**
- **We are going to let the experts do their job. They need some time to review assess all archeological evidence and evaluate details from their on-site inspection.**
- **Coastal GasLink has stopped work in accordance with their permit requirements. There is no work happening at the site currently.**
 - **Work will not resume until Coastal GasLink submits an acceptable mitigation plan to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development’s archaeology branch.**

ADVICE TO MINISTER

- **We expect Coastal GasLink to operate in compliance with all conditions and requirements set out in its environmental assessment certificate and related permits.**

If pressed on the trespassing/stolen artifacts complaint:

- **Camp 9A is on Crown Land and provincial experts were exercising their authority under Provincial statute.**
- **Notification of the inspection was provided by email to Unist'ot'en/Dark House on Thursday, February 14th.**
- **The rule of law applies in B.C. No artifacts may be removed from a site except under a Heritage Conservation Order. We have full trust in those acting on behalf of the public interest to ensure cultural assets are protected and regulations are followed.**
- **The inspection was done via a ministerial order under the authority of the Heritage Conservation Act. This order allowed individuals conducting the inspection to gather artifacts, if needed, to identify the heritage value of the property.**

If pressed on archaeological impact assessment:

- **In January 2019, at the request of the Office of the Wet'suwet'en, the Province's archaeology branch conducted a review and confirmed Coastal GasLink had met its obligations regarding the provision of an archaeology impact assessment.**
- **An inspection by the Commission confirmed that there was no work happening in areas not covered by the impact assessment, and that Coastal GasLink was in compliance.**

KEY FACTS REGARDING THE ISSUE:

On February 13, 2019, a post on the Unist'ot'en Camp Facebook page stated multiple artifacts (two stone lithic tools) were found in the Camp 9A area. The artifacts were said to be recovered from 'disturbed ground' at the construction site.

The next day, the Dark House/Unist'ot'en sent a letter of complaint to Coastal GasLink (CGL); CGL contractors and subcontractors; the BC Oil and Gas Commission (OGC); the Environmental Assessment Office; Ministry of Forests, Lands, Natural Resource Operations (FLNR), BC Archaeology Branch; and Minister Doug Donaldson.

CGL suspended work at the site in accordance with their OGC permit conditions and there is currently no work underway. The company is having a qualified archeologist visit the area – a step that's in

ADVICE TO MINISTER

compliance with their permit, which has a condition to stop work on the possibility of a chance find. A project update with more details was posted [here](#).

On February 15, 2019, an OGC Compliance and Enforcement Officer, as well as the OGC's Senior Archaeologist, inspected the Camp 9A area. The inspection was supported by an Archaeologist from FLNR.

Internal ONLY:

s.13; s.16

On February 16, 2019, an open letter was sent to Archaeology Branch in FLNR from numerous B.C. archeologists, Archaeology Professors and Chairs from multiple universities, as well as Archaeological Society of BC Board Members. The letter request 'a review of the archaeological overview assessments and all archaeological permits granted to CGL in Wet'suwet'en territory, and that all construction and vehicle activity cease in Talbits Kwa yintah until these legal concerns for cultural heritage are met.' The letter can be found [here](#).

The Unist'ot'en Camp Facebook page is currently criticizing the OGC and Archaeology Branch for trespassing on Unist'ot'en territory and 'stealing' artifacts. The post revisits a request for Minister Doug Donaldson to issue a stop work order under section 16 of the Heritage Conservation Act.

Any investigation for and removal of artifacts in BC must be performed under Ministerial Order. Prior to investigating the site on February 14th, an Order was provided to the investigating staff. The artifacts recovered are currently under the care of the OGC.

Traditional media coverage has been sparse but social media commentary has maintained its prominence.

BACKGROUND:

These developments follow a complaint received in January 2019 from the Office of the Wet'suwet'en (OW) to the provincial government. The OW argued that CGL was clearing land without a full Archaeological Impact Assessment (AIA) for the area, and a stop work order should be issued. CGL suspended operations the OGC evaluated the evidence and determined the company was in compliance with their permit, including the conditions relating to archaeology.

Just before the complaint was submitted, CGL stopped work because traps were found in the area. CGL said the traps were placed in the construction boundaries raising safety concerns. The Unist'ot'en Clan of the Wet'suwet'en Nation alleged pipeline contractors drove a bulldozer through the heart of one of their traplines, violating the Wildlife Act by interfering with lawful trapping.

Regulatory Oversight

ADVICE TO MINISTER

The BC Oil and Gas Commission (OGC) is an independent statutory authority responsible for regulating pipelines in British Columbia. The OGC has regulatory authority granted to them under many provincial statutes, including the Heritage Conservation Act.

The OGC considered the AIA findings as part of the permitting process for construction activities on the Camp 9A area and determined no additional archaeological work was required.

Archaeological Impact Assessment (AIA) – Timeline:

2013	FLNR's archaeology branch issued a Heritage Inspection Permit, which authorized Coastal GasLink (CGL) to complete an AIA.
Dec. 2015	CGL submitted its AIA to the FLNR archaeology branch as required.
Jan. 2016	The archaeology branch reviewed and accepted the AIA.
Aug. 2016	CGL submitted a final report AIA addendum.
Sept. 2016	The final report AIA addendum was reviewed and accepted. CGL later provided copies of its AIA to involved First Nations, including the OW.
	No AIA field work was done in the location of Camp 9 due to access issues. A large portion of the land where CGL proposes to build Camp 9 was previously logged. A desktop review was done of the area and resulted in a finding of low subsurface archaeological potential and low to moderate potential for culturally modified trees (CMTs) and low potential for subsurface archeological materials. This area was subsequently logged by the forest tenure holder after the AIA was completed.
Jan. 2019	<p>The OW requested that the archaeology branch review the file to confirm CGL had met the permit conditions. A review was done confirming CGL had met the permit conditions.</p> <p>The branch advised the OW that the conditions of CGL's Heritage Inspection Permit had been met. Further, the branch advised that the OW contact the OGC and/or the Environmental Assessment Office (EAO) to address questions specific to permit and/or authorizations issued by those agencies.</p> <p>The OGC considered the AIA findings as part of its permit decision process, and to determine if additional archaeological work was required. With regards to Camp 9, the OGC determined no additional archaeological work was required, but additional archaeological work is required for the pipeline permit.</p>
Jan. 29, 2019	An inspection by the OGC determined CGL was in compliance with its OGC permit requirements.
Feb. 1, 2019	the OGC notified both a representative from the OW and CGL that the company was in compliance with their permit, including the conditions relating to archaeology.

Communications Contact: Darren Beaupre, 250-356-5892
 Program Area Contact: Michelle Carr^{s.17}
 File Created: February 19, 2019
 File Updated: February 20, 2019

Restall, Analise EMPR:EX

From: Coley, Simon J EMPR:EX
Sent: April 2, 2019 7:41 AM
To: Restall, Analise EMPR:EX
Subject: Fwd: Update with "Omnibus" IN
Attachments: IN_CGL_Unist'ot'en Camp_Feb 27_230 PM.docx; ATT00001.htm

For artifacts FOI

Cheers,
Simon

Begin forwarded message:

From: "Carr, Michelle EMPR:EX" <Michelle.Carr@gov.bc.ca>
Date: February 27, 2019 at 3:00:38 PM PST
To: "Nash, Laurel IRR:EX" <Laurel.Nash@gov.bc.ca>, "Puggioni, Giovanni IRR:EX" <Giovanni.Puggioni@gov.bc.ca>, "Filmer, Cam A IRR:EX" <Cam.Filmer@gov.bc.ca>, "Waters, Cory IRR:EX" <Cory.Waters@gov.bc.ca>, "Franklin, Janice IRR:EX" <Janice.Franklin@gov.bc.ca>, "Coley, Simon J EMPR:EX" <Simon.Coley@gov.bc.ca>, "McPhail, Norman PSSG:EX" <Norman.McPhail@gov.bc.ca>, "Phillips, Keith J AG:EX" <Keith.Phillips@gov.bc.ca>, "Austin, Matt FLNR:EX" <Matt.Austin@gov.bc.ca>, "O'Donoghue, Eamon G FLNR:EX" <Eamon.ODonoghue@gov.bc.ca>, "Shaw, Rachel EMPR:EX" <Rachel.Shaw@gov.bc.ca>, "Craven, Paul EAO:EX" <Paul.Craven@gov.bc.ca>, "O'Hanley, James G" <James.OHanley@bcogc.ca>, "Paulson, Ken OGC:IN" <Ken.Paulson@bcogc.ca>, "XT:Ollenberger, Lance GCPE:IN" <Lance.Ollenberger@bcogc.ca>
Subject: Update with "Omnibus" IN

As per my email below, attached is the omnibus IN with general key messages and inclusion of reference to self-report to OGC (highlighted in the background of the note).

I understand OGC does not yet have the written self-report and as such the implications and next steps are not yet known.

Michelle

ADVICE TO MINISTER

<p>CONFIDENTIAL GCPE-MEMPR ISSUE NOTE</p> <p>Ministry of Energy, Mines and Petroleum Resources Updated: February 27, 2019 Minister Responsible: Hon. Michelle Mungall</p>	<p>Coastal GasLink - Unist'ot'en Camp</p>
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ADVICE AND RECOMMENDED RESPONSE:

Overarching:

- **Our government is committed to reconciliation and respecting the principles of the UN Declaration on the Rights of Indigenous Peoples.**
- **B.C. remains committed to finding ways to move forward with reconciliation with the Office of the Wet'suwet'en.**

NEW: EAO compliance & inspection outcome:

- **It's our job, as government, to ensure companies are following all laws and regulations.**
 - **We have strict regulations in place and experts providing oversight.**
- **If concerns are raised – like they were in this situation – we take it seriously and initiate an inspection.**
 - **The Environmental Assessment Office Compliance and Enforcement branch conducted a joint site inspection with the BC Oil and Gas Commission and the Conservation Officer Service to evaluate the complaint.**
- **This is a long, established process – one that keeps people safe and the environment protected.**
- **In this case, we have notified Coastal GasLink of the actions they must take to correct their work and obtain compliance.**
- **Details are available on the BC Environmental Assessment Office's website.**
- **Compliance and enforcement staff take allegations of permit violations very seriously, and in this case, immediately took action to investigate and determine if the company was out of compliance.**

ADVICE TO MINISTER

- The expedient response by compliance and enforcement staff to investigate these complaints and, where compliance concerns were found issue orders requiring the company to take corrective actions, demonstrates the compliance and enforcement systems that are in place are working.
- Compliance and enforcement decisions and orders regarding Coastal GasLink's environmental certificate and permitting requirements are made by independent statutory decision makers.
- We expect Coastal GasLink to operate in compliance with all conditions and requirements set out in its environmental assessment certificate and related permits.

If pressed on Condition 23 order (trapline):

- This is not an order to cease all activity within the Trapline area and it does not restrict all construction activities.
- Coastal GasLink will now need to assess what construction activities are impacted.
 - From our assessment the order will not adversely affect most of the construction activities underway.

Archaeological Artifacts:

- We can confirm the Unist'ot'en/Dark House recently submitted a complaint to us.
 - The complaint said Unist'ot'en members found evidence of cultural use at the site. They removed two "lithic stone tools" from the site and noted others nearby.
- We are taking this situation very seriously and have our best experts working on it.
- Archeological experts from the BC Oil and Gas Commission and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development have inspected the site.
 - This inspection was conducted under the authority of the BC Oil and Gas Commission – a permit and under a Heritage Conservation Act Ministerial Order.

ADVICE TO MINISTER

- **A Heritage Conversation Act Ministerial Order was authorized to allow provincial staff to alter the ground or remove artifacts from the site if required.**
 - **Provincial staff removed the remaining artifacts from the site for protection and further analysis under the terms of this order.**
- **We are going to let the experts do their job. They need some time to review assess all archeological evidence and evaluate details from their on-site inspection.**
- **Coastal GasLink has stopped work in accordance with their permit requirements. There is no work happening at the site currently.**
 - **Work will not resume until Coastal GasLink submits an acceptable mitigation plan to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development's archaeology branch.**
- **We expect Coastal GasLink to operate in compliance with all conditions and requirements set out in its environmental assessment certificate and related permits.**

If pressed on the trespassing/stolen artifacts complaint:

- **Camp 9A is on Crown Land and provincial experts were exercising their authority under Provincial statute.**
- **Notification of the inspection was provided by email to Unist'ot'en/Dark House on Thursday, February 14th.**
- **The rule of law applies in B.C. No artifacts may be removed from a site except under a Heritage Conservation Order. We have full trust in those acting on behalf of the public interest to ensure cultural assets are protected and regulations are followed.**
- **The inspection was done via a ministerial order under the authority of the Heritage Conservation Act. This order allowed individuals conducting the inspection to gather artifacts, if needed, to identify the heritage value of the property.**

If pressed on archaeological impact assessment:

- **In January 2019, at the request of the Office of the Wet'suwet'en, the Province's archaeology branch conducted a review and confirmed**

ADVICE TO MINISTER

Coastal GasLink had met its obligations regarding the provision of an archaeology impact assessment.

- An inspection by the Commission confirmed that there was no work happening in areas not covered by the impact assessment, and that Coastal GasLink was in compliance.

Unist'ot'en Guardhouse:

- Enforcement action by the RCMP in response to the court decision is an operational matter for the RCMP and is entirely at arms-length from government.

Protest at MLA offices:

- We recognize the right for people to engage in peaceful protest.
- In any situation like this, we hope all parties find a safe and mutually respectful resolution.
- Our government is committed to reconciliation and respecting the principles of the UN Declaration on the Rights of Indigenous Peoples.
- B.C. remains committed to finding ways to move forward with reconciliation with the Office of the Wet'suwet'en.

If asked about:

ROLE OF COASTAL GASLINK:

- We've been clear that the company has the responsibility to resolve the situation.
- The company sought an injunction order from the court on this matter.
- We respect the court's decision.
- It is our hope that all parties involved can sit down and reach an agreement that respects the healing lodge and the court's decision.

FOUR CONDITIONS OF LNG:

- British Columbia's new government supports LNG development, with four conditions:
 - LNG projects must offer jobs and training for British Columbians, especially jobs for local people.

ADVICE TO MINISTER

- **The people of B.C. must get a fair return for our resources.**
- **LNG projects must secure full partnerships with local First Nations.**
- **LNG projects must complete a made-in-B.C. environmental assessment and respect our commitments to combating climate change**

KEY FACTS REGARDING THE ISSUE:

The BC Environmental Assessment Office (EAO) received complaints relating to construction activities by Coastal GasLink (CGL). Two complaints came from the Office of the Wet'suwet'en (OW) and Unist'ot'en – on January 25, 2019 and January 28, 2019.

In response to the complaints, the EAO's Compliance and Enforcement (EAO C&E) conducted a site inspection on January 29, 2019. Coastal GasLink (CGL) was provided an opportunity to respond to the inspection record on February 4, 2019.

The inspection report concludes that the company was out of compliance with conditions 1, 17 and 23.

Results of the EAO's inspection:

Condition 1 requiring a compliance self report to be filed as of January 31st, 2019

- **Warning issued:** The company has since filed its self report on February 7th, 2019.

Condition 17 requiring site habitat assessment surveys for red and blue listed plants for all locations

- The company self reported that 15 sites have not had a completed survey
- **Order issued:** Requiring locations to be marked and not undertake construction activities within 200 m of the locations

Condition 23 requiring 6 months notice to registered trap line #609T023 holders

- **Order issued:** requiring notice be given immediately and that all activities within the registered trapline that may adversely affect the use of the trapline cease until the earliest of:
 - 6 months after notification was provided to the trapline registrants on December 12, 2018;
 - an earlier date as agreed by the registered trapline holders
 - such time as trapping can no longer occur based on seasonal restrictions
- The purpose of the notice is to ensure that tenure holders, including registered trapline holders, are made aware of when and how project activities that may impact their activities and can take measures to adjust their activities accordingly.
- Some notice was given in September and October 2018; however, that notice indicated activity would not begin until July of 2019 at the earliest, after this year's trapping season.
- The Order is intended to prevent adverse effects to the use of the Trapline, within the context that the registrants have not had the benefit of the notice required by Condition 23, and thus have not had the opportunity to adjust their trapping activities accordingly.
- The Order is not an order to cease all activity within the Trapline area and it does not restrict all construction activities within the Trapline area. Construction outside of the trapline area will not be impacted.
- It will be up to CGL to determine what construction activities will be impacted but generally speaking, activities such as use of existing access roads and construction on previously cleared

ADVICE TO MINISTER

locations, including the erection of camp facilities at 9A are unlikely to adversely affect the use of the Trapline.

- Clearing activity that would not result in impacts to the use of the RTL Trapline may also be permissible.
- Possible methods to assess impacts in the field would include preconstruction surveys to confirm the absence of trapline features such as legally set traps or other features and monitoring during clearing activities to confirm the absence of trapline features.
- In BC, a registered trapline provides the individuals who have a trapping licence and hold that trapline registration the ability trap wildlife, subject to the restrictions of the Wildlife Act and regulations. The registration of a trapline does not provide registrants the right to restrict access or limit another parties' activities.
- The trapline area is a large area that overlaps with a small part of the proposed area of the overall pipeline construction route.

At the time the inspection report was provided, CGL asked to provide additional information with respect to compliance with Condition 23. In accordance with procedural fairness, further information from CGL was provided and reviewed but did not alter the conclusions in the inspection report or the Order. The inspection report was updated slightly.

CGL also asked for clarification with respect to Condition 23 and the scope of the order. In order to assist CGL in complying with Condition 23, EAO C&E issued a letter and posted it on EAO's website.

Issues, if any, regarding of the proper interpretation of orders are addressed by EAO C&E.

A determination whether the company is in compliance with Condition 15 with respect to avoiding prohibiting access to Aboriginal Groups for trapping and other traditional use activities is still pending.

Timelines:

Below are timelines for the issues detailed in this note.

Issue: EAO inspections, compliance reporting

Feb. 27, 2019

Coastal GasLink (CGL) issued a media release ahead of the Environmental Assessment Office (EAO) making its inspection report public. In the media release, CGL acknowledges EAO findings of non-compliance on three certificate conditions.

CGL also acknowledges in its media release that on Feb. 26, 2019, it self-reported an issue of non-compliance to the BC Oil and Gas Commission. CGL found that permitted tree clearing activities in an ungulate (moose) range occurred within the restricted activity period. CGL immediately ceased tree removal activity and initiated a full review of the circumstances that resulted in this non-compliance.

The EAO will notify the complainants, including the Office of the Wet'suwet'en of its investigation findings and post the findings to the EAO website on Feb. 27, 2019.

Jan. 29, 2019

In response to complaints received on Jan. 25 and 28, 2019 from the Office of the Wet'suwet'en regarding Coastal GasLink (CGL) pipeline construction activities, compliance and enforcement staff from the Environmental Assessment Office (EAO), BC Oil and Gas Commission (OGC) and Conservation Officer Service (COS) conducted a joint site visit. A Unist'ot'en observer attended the site inspection throughout, including the inspection debrief with the CGL representatives. Site inspections and preliminary findings related to the EAO are as follows:

ADVICE TO MINISTER

- After reviewing information from the complaint, and attending the site, EAO inspectors have said it appears that CGL is not compliant with environmental assessment certificate (EAC) condition 15, which requires CGL to avoid prohibiting access for traditional use activities, including trapping. EAO staff communicated this to CGL representatives onsite.
- It also appears that CGL is non-compliant with condition 23, which requires 6 months notice to tenure holders prior to construction where construction activities may impact those tenures (the tenure holder has held a tenured trap line in the area for many years), and condition 26, which requires the holder implement specific mitigations in the event that they inadvertently impact TLU activities, including traplines.
- EAO inspectors will review the information gathered during the inspection and prepare an inspection record over the next week or so. This will then be provided to CGL for their opportunity to respond.

COS:

s.13; s.15

Feb. 6, 2019
(INTERNAL)

The Environmental Assessment Office (EAO) provided its Inspection Report to Coastal GasLink (CGL) outlining its PRELIMINARY determinations about complaints received. CGL has until end-of-day Monday, Feb. 11, 2019 to respond. The preliminary determinations are unproven and after the opportunity by the company to respond is complete, EAO will consider what is the appropriate enforcement response, if any.

After review of observations and information obtained during the site inspection on Jan. 29, and subsequent review of materials and information, the EAO has made the following preliminary compliance determinations. Two of these determinations stem from a self-report by the company of non-compliance with respect to field-verified rare plant surveys.

EAO Preliminary Compliance Determinations:

- NOT COMPLIANT with Condition 1 of EAC# E14-03, with respect to providing a report to EAO Compliance and Enforcement staff on the status of compliance with the conditions of the Certificate, and the conditions in Schedule B, on or before January 31 in each year during which the Project is being constructed.
- COMPLIANT with Condition 1 of Schedule B to EAC# E14-03 (Table of Conditions), with respect to providing Technical Data Reports (TDRs) for the Morice River Technical Boundary Area to EAO prior to commencing construction.
- NOT COMPLIANT with Condition 15 of the Table of Conditions, with respect to the requirement to avoid prohibiting access for Aboriginal Group trap line holders.
- NOT COMPLIANT with Condition 17 of the Table of Conditions, with respect to completing site habitat assessment surveys for red and blue listed plants and ecological communities for all locations within the Certified Pipeline Corridor prior to commencing construction.
- NOT COMPLIANT with Condition 23 of the Table of Conditions, with respect to providing notice to a trap line tenure holder at least six months in advance of undertaking construction activities that may impact that tenure holder.

Issue: archeological artifacts

2013

FLNR's archaeology branch issued a Heritage Inspection Permit, which authorized Coastal

ADVICE TO MINISTER

	GasLink (CGL) to complete an AIA.
Dec. 2015	CGL submitted its AIA to the FLNR archaeology branch as required.
Jan. 2016	The archaeology branch reviewed and accepted the AIA.
Aug. 2016	CGL submitted a final report AIA addendum.
Sept. 2016	The final report AIA addendum was reviewed and accepted. CGL later provided copies of its AIA to involved First Nations, including the OW.
	No AIA field work was done in the location of Camp 9 due to access issues. A large portion of the land where CGL proposes to build Camp 9 was previously logged. A desktop review was done of the area and resulted in a finding of low subsurface archaeological potential and low to moderate potential for culturally modified trees (CMTs) and low potential for subsurface archeological materials. This area was subsequently logged by the forest tenure holder after the AIA was completed.
Jan. 2019	<p>The OW requested that the archaeology branch review the file to confirm CGL had met the permit conditions. A review was done confirming CGL had met the permit conditions.</p> <p>The branch advised the OW that the conditions of CGL's Heritage Inspection Permit had been met. Further, the branch advised that the OW contact the OGC and/or the Environmental Assessment Office (EAO) to address questions specific to permit and/or authorizations issued by those agencies.</p> <p>The OGC considered the AIA findings as part of its permit decision process, and to determine if additional archaeological work was required. With regards to Camp 9, the OGC determined no additional archaeological work was required, but additional archaeological work is required for the pipeline permit.</p>
Jan. 29, 2019	An inspection by the OGC determined CGL was in compliance with its OGC permit requirements.
Feb. 1, 2019	The OGC notified both a representative from the OW and CGL that the company was in compliance with their permit, including the conditions relating to archaeology.
Feb. 13, 2019	<p>A post on the Unist'ot'en Camp Facebook page stated multiple artifacts (two stone lithic tools) were found in the Camp 9A area. The artifacts were said to be recovered from 'disturbed ground' at the construction site.</p> <p>The post further states that Unistot'ot'en Camp were right to be concerned that our cultural sites, and possibly gravesites, have been disturbed without our consent and without any due process.</p> <p>The Unist'ot'en Camp Facebook post also states, "We continue to demand that CGL cease work immediately until a full and detailed archaeological impact assessment is completed with oversight from a Wet'suwet'en traditional knowledge holder of our choosing."</p> <p>On this same day, a letter of complaint from Dark House/Unist'ot'en was sent on Feb. 13, 2019, to Coastal GasLink (CGL); CGL contractors and subcontractors; the BC Oil and Gas Commission; the Environmental Assessment Office; Ministry of Forests, Lands, Natural Resource Operations, BC Archaeology Branch; and Minister Doug Donaldson.</p> <p>The letter states that two Unist'ot'en supporters with limited archaeological knowledge conducted a ground survey comprising about a quarter of the worksite before identifying the first arrowhead.</p>
Feb. 14 2019	The Dark House/Unist'ot'en sent a letter of complaint to Coastal GasLink (CGL); CGL contractors and subcontractors; the BC Oil and Gas Commission (OGC); the Environmental Assessment Office; Ministry of Forests, Lands, Natural Resource Operations (FLNR), BC

ADVICE TO MINISTER

	<p>Archaeology Branch; and Minister Doug Donaldson.</p> <p>CGL suspended work at the site in accordance with their OGC permit conditions and there is currently no work underway. The company is having a qualified archeologist visit the area – a step that's in compliance with their permit, which has a condition to stop work on the possibility of a chance find. A project update with more details was posted here.</p>
Feb. 15, 2019	<p>An OGC Compliance and Enforcement Officer, as well as the OGC's Senior Archaeologist, inspected the Camp 9A area. The inspection was supported by an Archaeologist from FLNR.</p>
Feb. 16, 2019	<p>An open letter was sent to Archaeology Branch in FLNR from numerous B.C. archeologists, Archaeology Professors and Chairs from multiple universities, as well as Archaeological Society of BC Board Members. The letter request 'a review of the archaeological overview assessments and all archaeological permits granted to CGL in Wet'suwet'en territory, and that all construction and vehicle activity cease in Talbits Kwa yintah until these legal concerns for cultural heritage are met.' The letter can be found here.</p> <p>The Unist'ot'en Camp Facebook page is currently criticizing the OGC and Archaeology Branch for trespassing on Unist'ot'en territory and 'stealing' artifacts. The post revisits a request for Minister Doug Donaldson to issue a stop work order under section 16 of the Heritage Conservation Act.</p> <p>Any investigation for and removal of artifacts in BC must be performed under Ministerial Order. Prior to investigating the site on February 14th, an Order was provided to the investigating staff. The artifacts recovered are currently under the care of the OGC.</p>

Issue: OGC oversight

Jan. 29, 2019	<p>In response to complaints received on Jan. 25 and 28, 2019 from the Office of the Wet'suwet'en regarding Coastal GasLink (CGL) pipeline construction activities, compliance and enforcement staff from the Environmental Assessment Office (EAO), BC Oil and Gas Commission (OGC) and Conservation Officer Service (COS) conducted a joint site visit. A Unist'ot'en observer attended the site inspection throughout, including the inspection debrief with the CGL representatives.</p> <p>(see issues: archeological artifacts, EAO inspections)</p>
Feb. 7, 2018	<p>The BC Oil and Gas Commission (OGC) issued a warning letter to Coastal Gas Link (CGL) after its investigation determined was non-compliant with a permit condition outlined in the Petroleum and Natural Gas Act – the letter is also posted to the OGC website. The area of non-compliance is as follows:</p> <ul style="list-style-type: none"> • CGL failed to provide required notification (48 hours) prior to construction start at Camp 9a (Notice was filed 24 -48 hours after construction start at 7:49 am on 24 January); • Commission was subsequently told by CGL that activities on the site started January 22nd. <p>The circumstances described in the warning letter are considered a minor non-compliance that does not pose a threat to public safety or the environment. As a result, the Commission has determined CGL's work can continue.</p> <p>The OGC investigation resulted from complaints received from the Office of the Wet'suwet'en of work being done by Coastal GasLink. An OGC inspector conducted a site visit last week</p>

ADVICE TO MINISTER

(Jan. 29, 2019) that included representatives from the Environmental Assessment Office, the Conservation Officer Service, and a Unist'ot'en observer.

Issue: Guardhouse/Legal

Nov. 2, 2018	TransCanada filed a formal complaint regarding the blockade with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR).
Nov. 20, 2018	<p>Six individuals including representatives from TransCanada and its contractors approached the Unist'ot'en camp area to request access. The TransCanada group were stopped at the Unist'ot'en-erected gate at the end of the Morice River Bridge, where members of the Unist'ot'en camp declined the group's request.</p> <p>Following the interaction with the Unist'ot'en camp, TransCanada filed a complaint with the RCMP. TransCanada provided the RCMP with its video footage of its interaction with the Unist'ot'en camp.</p>
Nov. 26, 2018	Coastal GasLink filed for a court injunction against the Unist'ot'en camp. Notice was also served to the two key Unist'ot'en members of the camp.
Dec. 14, 2018	<p>The Supreme Court of British Columbia granted Coastal GasLink an interim injunction against members of the Unist'ot'en camp where a gate is restricting access across a bridge.</p> <p>The interlocutory injunction application was adjourned to not later than May 1, 2019 to permit the defendant Wet'suwet'en to respond to the application materials (filing deadline not later than January 31, 2019). There is, however, an interim injunction ordered pending the outcome of the interlocutory injunction application requiring removal of the blockade within 72 hours which will remain in place until reasons for judgment are issued on the interlocutory injunction application. There is also an enforcement order now in place providing direction to the RCMP to enforce the terms of the injunction.</p> <p>Justice Church considered the RJR McDonald test – (i) there is a fair question to be tried; (ii) irreparable harm, whether there is evidence of irreparable harm to the plaintiffs given the logistical complexity and the construction schedule and the joint venture agreements, which would cost money irrevocably, also would result in losses to subcontractors. The plaintiffs magnitude of harm would be significant and no means of recovery, (iii) balance of convenience is heavily weighted in favour of granting an interim injunction, the plaintiff has all necessary permits, and there would be economic harm to the plaintiff, and there would be minimal impact to the defendants by the construction work in the short term (camp and forestry harvest).</p>
Jan. 5, 2019	The Facebook page, Wet'suwet'en Access Point on Gidum't'en Territory posted an international call to action asking for physical and financial support for the Wet'suwet'en
Jan. 6, 2019	Minister of Forests, Lands, Natural Resource Operations and Rural Development Doug Donaldson visited the Unist'ot'en blockade and told media the purpose of his visit, "Is to support and recognize that the hereditary chiefs have responsibility for stewardship".
Jan. 7, 2019	The RCMP announced it was taking steps to enforce the interim injunction to allow Coastal GasLink access to the bridge and forest service road. Police arrested 14 individuals at the Gidum't'en checkpoint, one of two blockades set up on the forest service road.
Jan. 8, 2019	<p>Social media posts to the Unist'ot'en Camp Facebook page indicated RCMP were attempting to access and remove the second checkpoint, the Unist'ot'en blockade at Morice bridge – this did not occur. Numerous protests across B.C. and Canada also took place on Jan. 8, organized through a Facebook event titled: International Solidarity with Wet'suwet'en linked here - https://www.facebook.com/events/2225649537692362/.</p> <p>The Facebook event page lists links to demonstration locations throughout B.C., North America and Europe. Demonstrators held events at Minister Michelle Mungall's constituency office in Nelson, and at the B.C. Legislature, where protestors briefly blocked access to Belleville Street outside the legislature.</p>

ADVICE TO MINISTER

Jan. 9, 2019	Government staff provided media with a technical briefing on the situation. This was followed by a press conference with Premier John Horgan. The Premier acknowledged the right of individuals to protest peacefully, and noted the ongoing efforts of RCMP to enforce the court injunction obtained by Coastal GasLink in Wet'suwet'en territory.
Jan. 14, 2019	<p>RCMP confirmed they have an agreement with the hereditary chiefs. Additionally, RCMP provided a media statement outlining RCMP actions to enforce the court injunction and that they would be conducting a review of these actions.</p> <p>The RCMP agreement allows for access by the company, across the Morice River Bridge by the Unist'ot'en Healing Centre. As well, the ability for the temporary exclusion zone to be removed, and a framework for the continued police presence in the area moving forward.</p>
Jan. 23, 2019	s.15
Jan. 24, 2019	<p>Coastal GasLink posted notice on its website that it had stopped work on the project in an area south of Houston because traps had been placed inside construction boundaries and people were entering the site, raising safety concerns.</p> <p>Earlier in the week, representatives of the Unist'ot'en Clan of the Wet'suwet'en Nation alleged on social media that pipeline contractors had driven a bulldozer through the heart of one of their traplines south of Houston, which they say violates the Wildlife Act by interfering with lawful trapping.</p> <p>s.13; s.15</p>
Jan. 31, 2019	<p>Protestors occupied the constituency office of Minister of Forests, Lands, Natural Resource Operations and Rural Development; and Stikine MLA Doug Donaldson. A key topic raised by protestors is if the Archaeological Impact Assessment (AIA) used by the BC Oil and Gas Commission (OGC) in its permit/authorization decisions to Camp 9 was appropriate for that purpose.</p> <p>(issue: archeological artifacts)</p>
Feb. 4, 2019	<p>Twelve of the 14 people arrested by RCMP last month for blocking Coastal GasLink's access to a proposed pipeline made their first appearance in B.C. Supreme Court. Lawyers for the defendants submitted an application requesting B.C.'s Prosecution Service intervene in the matter. B.C. Supreme Court judge Madame Justice Church agreed with the defence application, stating it is in the "public interest to invite the Crown to intercede." The matter was adjourned to April 15, 2019 to allow BC Prosecution Service to determine if it will become involved.</p> <p>Additionally, in the separate matter of the Coastal GasLink court injunction, the court in Prince George approved the scheduling request for the defendants, Freda Huson and Warner Naziel, to file their response materials from Jan. 31 to Feb. 20, 2019. The hearing of the CGL application must be held by May 31, 2019 (changed from May 1, 2019). This order relates to the injunction application and is independent of the contempt process.</p>
Feb. 6, 2019	s.16

ADVICE TO MINISTER

Issue: Other

Feb. 8, 2019

Actor Leonardo DiCaprio encouraged his Twitter followers to: "Sign the petition and stand in solidarity with @unistotencamp as they fight to protect their lands from a proposed pipeline.

DiCaprio's tweet referenced the Jan 27, 2019 NY Times article - 'The Nation Has Stood Up': Indigenous Clans in Canada Battle Pipeline Project - <https://www.nytimes.com/2019/01/27/world/americas/british-columbia-pipeline-wetsuweten.html?smid=tw-nytimesworld&smtyp=cur>

The actor's social media update garnered marginal media attention in British Columbia.

BACKGROUND:

Members of the Dark House and other clans/houses of the Wet'suwet'en peoples, along with non-Indigenous supporters, established the Unist'ot'en protest camp in 2009, and vowed to oppose any pipeline that would cross Wet'suwet'en asserted territory.

The Unist'ot'en camp is located at kilometer 66 of the Morice West Forest Service Road (FSR) near the Morice River. The camp is on Provincial Crown land and includes an increasing number of buildings and at least two separate gates on the Morice River bridge.

Since May 2013, a checkpoint on the bridge has restricted access over the bridge, which has delayed activities on pipeline projects and forestry, stalled environmental management and monitoring and archeological assessments, and restricted public access.

In the fall of 2016, B.C. became aware of a metal gate installed at the Morice River Bridge alongside the Unist'ot'en checkpoint.

In February 2017, Ministry of Forests sent a letter to the Unist'ot'en to inform them that the gate appeared to be a contravention of Forest Service Road regulations and to request its removal. A second gate appeared shortly after and no further action has been taken by government.

In June 2017, Wet'suwet'en Hereditary Chiefs issued a news release criticizing B.C. (and Canada) for permitting TransCanada to continue preparatory work on CGL in Wet'suwet'en traditional territory. <https://www.newswire.ca/news-releases/bc-and-canada-ignore-wetsuweten-title-holders-to-push-pipeline-agenda-684874821.html>

Premier Horgan and Minister Fraser met with Wet'suwet'en hereditary leaders on Aug. 31, 2018, in Smithers. At the meeting, the premier indicated the government is supportive of LNG and ministry officials can support positive discussions between the nation and proponent to restore the access necessary to start construction for the Coastal GasLink pipeline project. The Premier also committed to advancing reconciliation-based discussions not connected to the project with the Office of the Wet'suwet'en.

Current pipeline proposals affected by the camp include Chevron's Pacific Trail Pipeline (PTP) and TransCanada's Coastal GasLink (CGL). CGL is connected to the LNG Canada export terminal project in Kitimat; PTP remains an active project and is connected to Chevron's proposed Kitimat LNG facility.

Twenty of 20 elected Indian Act bands along the Coastal Gaslink pipeline route have signed benefits agreements with the proponent. The province has signed 17 pipeline benefits agreements to date.

ADVICE TO MINISTER

Four of five Wet'suwet'en bands have signed and announced pipeline benefits agreements with the Province for the Coastal GasLink pipeline. Skin Tyee, Nee-Tahi-Buhn, Witset (formerly Moricetown) and Wet'suwet'en First Nation have agreements that have been announced and are in effect. Hagwilget has not signed an agreement.

s.13; s.15

Wet'suwet'en governance and hereditary leaders:

The Unist'ot'en camp is located in an area where the Wet'suwet'en Nation is assessed as having strong Aboriginal rights and title claims. The Unist'ot'en are part of the Dark House, one of 13 houses that make up the Wet'suwet'en Nation.

Since the blockade began, the Province has made extensive efforts to work with both the Wet'suwet'en Nation and its Hereditary Chiefs to seek a resolution. Internal governance complexities and tensions between the elected and hereditary Wet'suwet'en governance structures have complicated these efforts.

Unist'ot'en has two representatives on the 12-person Witset council – Chief Knedebeas (Warner Williams), and Unist'ot'en spokesperson Freda Huson (Knedebeas' niece).

Wet'suwet'en Matrilineal Coalition (WMC) is a relatively new group created to negotiate a benefits agreement for CGL when it became clear the OW was unwilling to engage with CGL in benefit talks. WMC is led by Theresa Tait-Day who was previously part of OW. She, along with other WMC members hold names within the hereditary system.

OW has been openly critical of WMC, the Province and CGL for engaging with WMC and fueling divisions within the Wet'suwet'en Nation. It is unclear who WMC represents beyond its individual members.

Ministry of Children and Family Development signed a child-welfare agreement with Wet'suwet'en hereditary chiefs, Witset, and Hagwilget in 2017. The agreement is reportedly pulling the community together and having an overall positive effect.

Communications Contact:	Darren Beaupre, 250-356-5892
Program Area Contact:	Michelle Carrs. ¹⁷
File Created:	February 20, 2019
File Updated:	February 27, 2019

From: Carr, Michelle EMPR:EX
Sent: March 6, 2019 12:35 PM
To: Wright, Don J. PREM:EX; Kennedy, Christine PREM:EX; Lloyd, Evan GCPE:EX; Meggs, Geoff PREM:EX; Caul, Doug D IRR:EX; Aaron, Sage PREM:EX; Allan, John FLNR:EX; Nikolejsin, Dave EMPR:EX
Subject: Update on arch mitigation and meeting follow up
Attachments: Proposed Approach to CommunicationsMarch5 FINAL.pptx

I've been apprised that there are some further legal considerations respecting next steps for the archaeology mitigation plan confirmation. The IB will not go out today and will go out tomorrow or Friday at the earliest. I will update you on timing as soon as I know.

Also, as follow up to the discussion yesterday, please find attached an updated deck that outlines approved approach to communications.

The Secretariat will move to immediately implement the following direction received:

1. Communications Strategy Goals confirmed:
 - Provincial communications are appropriate, comprehensive, and transparent
 - *Provincial communications and engagement are informed by community and public interest in having access to neutral, fact-based, comprehensive information (updated based on feedback)*
 - Processes and roles/responsibilities for information dissemination, communications content and provincial response are clear
2. Communications and engagement materials will be guided by the strategic themes outlined on slide 9 that link to government's four conditions for LNG development; Phase 1 to focus on facts about environment, regulators, economic benefits and First Nation partnerships
3. Proceed with development of phase 1 of online hub
4. The Secretariat to lead all cross-government communications, consistent with overall direction provided by the LNG Steering Committee and as set out in the attached deck. Specifically, the Secretariat will:
 - i. Keep the LNG SC informed on critical and emerging issues;
 - ii. Lead weekly briefings with relevant MA's and PO staff to ensure they are kept apprised of key project matters; should critical, emerging topics requiring public response arise in between weekly meetings, the Secretariat will also notify MA's and PO via email;
 - iii. Ensure Don Bain is apprised of any project related communications with the OW (outside regular authorizations regularly conducted by regulators)

Evan and Michelle to communicate these shifts to the GCPE and other staff as appropriate.

One item we did not directly address is who would contact the OW on what matters in relation to the project. A proposed approach to addressing this will be in decision materials for meeting next week.

Thanks,
Michelle

Michelle Carr | Assistant Deputy Minister
LNG Canada Implementation

Page 037 of 113 to/à Page 052 of 113

Withheld pursuant to/removed as

s.12 ; s.13

Page 053 of 113 to/à Page 057 of 113

Withheld pursuant to/removed as

s.13 ; s.14

From: Carr, Michelle EMPR:EX
To: Bain, Don PREM:EX; Sanderson, Melissa EMPR:EX; Aaron, Sage PREM:EX; Hockin, Amber PREM:EX; Meggs, Geoff PREM:EX
Cc: Shaw, Rachel EMPR:EX; Beaupre, Darren EMPR:EX
Subject: Update: Archaeology
Date: March 8, 2019 1:45:28 PM
Attachments: IB 2019-xx CGL Archaeological Examination v11.pdf
IN CGL Unist'ot'en Camp archaeological artifacts March 8.docx
Importance: High

Legal counsel for the Unist'ot'en have been notified that the Archeological Mitigation Plan has been accepted and that the permit condition has been met; the attached IB will be posted to OGC website at 2:30 pm.

Further, they have notified that while CGL is in a position to restart work in camp 9A s subject to compliance with the Plan, that it is understood that CGL is not planning to restart ground disturbance work at the camp 9A location for the next two weeks. If legal counsel or his clients wish to discuss the Plan or activities at Camp 9A, OGC and Archaeology branch would be pleased to do so. I understand OGC is also in process of contacting the OW.

The IN has been updated with this information and key points posted below.

Michelle

ADVICE AND RECOMMENDED RESPONSE:

- **The Unist'ot'en/Dark House recently submitted a complaint to us stating evidence of cultural use – two “lithic stone tools” – were found at the Camp 9A site.**
- **There has been no construction taking place in the area since the complaint was submitted.**
 - **Coastal GasLink immediately stopped work on the site after the complaint was raised and notified the BC Oil and Gas Commission.**
- **Following the complaint, archeological experts from the BC Oil and Gas Commission and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development conducted a site visit.**
- **Today, the BC Oil and Gas Commission released details about their visit. Full details are available in an industry bulletin on the Commission's website.**
 - **The initial examination of the artifacts is complete. Additional work is ongoing but is unlikely to definitively determine the culture of origin given the nature and condition of the artifacts.**
 - **This additional work does not require the Commission to retain**

the artifacts.

- **The Province's Archeological Branch (within FLNRORD) is working towards the return of the artifacts to the appropriate Indigenous communities.**

If pressed for more details:

- **The BC Oil and Gas Commission's industry bulletin provides a full account of the details to date.**
- **I have full trust in the professional assessment made by the experts taking part in the examination of the artifacts.**

Coastal GasLink's mitigation plan:

- **Before any work can resume at the site, Coastal GasLink must have a mitigation plan.**
 - **This plan has been submitted to, reviewed and accepted by, the BC Oil and Gas Commission and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.**
- **Coastal GasLink is required to determine if there are additional cultural materials on the site by having an archaeologist assess the area.**
- **If no cultural material is found during this assessment, Coastal GasLink will be able to resume work. There are other precautionary steps the company must take when work resumes.**
- **As always, we expect Coastal GasLink to operate in compliance with all conditions and requirements set out in its environmental assessment certificate and related permits.**

If pressed on the trespassing/stolen artifacts complaint:

- **The site visit was done via a ministerial order under the authority of the Heritage Conservation Act. This order allowed the individuals conducting the site visit to gather artifacts for their protection and work to identify the heritage value of the property.**
- **We have full trust in those acting on behalf of the public interest to ensure cultural assets are protected and regulations are**

followed.

- **Advance notification of the site visit was provided by email to Unist'ot'en/Dark House on Thursday, February 14th.**

If pressed on archaeological impact assessment:

- **In January 2019, at the request of the Office of the Wet'suwet'en, the Province's archaeology branch conducted a review and confirmed Coastal GasLink had met its obligations regarding the provision of an archaeology impact assessment.**
- **An inspection by the Commission confirmed there was no work happening in areas not covered by the impact assessment, and that Coastal GasLink was in compliance.**

Questions and Answers:

What did the BC Oil and Gas Commission (OGC) conclude with their site visit?

In addition to the observations made on site, the OGC gathered lithics (stone artifacts) for protection and examination. The initial examination is complete and additional work is ongoing. Given the nature and condition of the artifacts recovered it is not possible to determine the culture of origin with any degree of certainty. The experts involved in this case also concluded the number of artifacts found at the location was unusual, particularly given the disturbed nature of the site.

Where can I find specifics about the site visit/examination?

Details are available in an information bulletin on the OGC's website.

Is there reason to believe the artifacts were planted?

Complete details about the OGC's site observations and examination of the artifacts are articulated in the industry bulletin.

I have full trust in the professional assessment made by the experts taking part in the examination of the artifacts.

What experts?

One of the OGC's senior archeologist conducted the site investigation with a compliance and enforcement officer, supported by an additional archeological specialist from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). Additional experts with the OGC have been involved with the assessment after the stone artifacts were collected for examination.

What authority did the OGC have to remove the artifacts?

OGC has authority under the Heritage Conservation Act. In this case, a Heritage Conservation Act Ministerial Order was granted in order for OGC and FLNRORD staff to alter the ground or remove artifacts from the site.

Why does the OGC have authority?

The OGC is the independent statutory authority responsible for regulating oil and gas activities, including pipelines, in British Columbia. The OGC has regulatory authority granted to them under many provincial statutes, including the Heritage Conservation Act.

Where are the artifacts now?

The artifacts are under the protection of the BC Oil and Gas Commission. The Archaeology Branch (Ministry of Forests, Lands, Natural Resource Operations and Rural Development) is working towards the return of the artifacts to the appropriate Indigenous communities.

Is Coastal GasLink working on the site now?

As of right now - no. Coastal GasLink immediately stopped work on the site after the complaint was raised and notified the OGC. These were steps they did in accordance with their permit conditions.

If you might never know the origin of the artifacts, how can Coastal GasLink continue work on the site?

The OGC's permit has a condition in place governing this process. CGL was required to stop work once the complaint about the artifacts was raised and they did that. Before work can resume, CGL needed to put a mitigation plan together and submit it to the archeological branch with FLNRORD. That plan was submitted and subsequently accepted by both FLNRORD and the OGC. Work going forward must be in accordance with that plan.

What's involved with CGL's mitigation plan?

The mitigation plan requires CGL to determine if there is additional cultural material on the site. This is done by undertaking several steps, including having archaeologists assess the area surrounding the location in question. If no cultural material is found in this assessment, CGL will be able to resume work on the site.

CGL must also:

- Sample the topsoil stockpiled on the edge of the site once it is no longer frozen.
- Supervise construction operations on the site once work restarts.
- Further assess the topsoil when it is spread back on the site during future site reclamation.

Is the mitigation plan available publicly?

The plan was submitted to the Archaeology Branch (FLNRORD) directly. These plans are not publicly available in order to protect the province's heritage sites.

Is this situation not proof that the concerns about a proper archaeological impact assessment (AIA) are valid and work should not have been happening in the first place?

In January 2019, at the request of the Office of the Wet'suwet'en, the provincial government's archaeology branch conducted a review and confirmed CGL had met its obligations regarding the provision of an archaeology impact assessment.

An inspection by the OGC confirmed there was no work happening in areas not covered by the impact assessment, and CGL was in compliance.

Compliance and enforcement decisions and orders are made by independent statutory decision makers. We are letting the experts do their job and respecting the regulations and process we have in place to keep the environment protected.

Were there any previous archaeological impact assessments completed by other tenure holders in this area? Are you going to make the AIAs for this area public?

Archaeological impact assessments are not made public in order to protect heritage sites from possible degradation - from those who might trespass on known areas.

Did the findings of those previous AIAs inform CGL's work?

Yes. A large portion of the land where CGL proposes to build Camp 9 was previously logged. A desktop review was done of the area and resulted in a finding of low subsurface archaeological potential and low to moderate potential for culturally modified trees (CMTs) and low potential for subsurface archeological materials.

From: Carr, Michelle EMPR:EX
To: Allan, John FLNR:EX; Wright, Don J. PREM:EX; Lloyd, Evan GCPE:EX; Caul, Doug D IRR:EX; Nikolejsin, Dave EMPR:EX; Jeakins, Paul OGC:IN; Jardine, Kevin FAO:EX; Sieben, Mark PSSG:EX; Kennedy, Christine PREM:EX
Cc: Paulson, Ken OGC:IN; Austin, Matt FLNR:EX; Nash, Laurel IRR:EX; Shaw, Rachel EMPR:EX
Subject: Update: Archaeology
Date: March 8, 2019 1:44:32 PM
Attachments: IB 2019-xx CGL Archaeological Examination v11.pdf
IN CGL Unist'ot'en Camp archaeological artifacts March 8.docx
Importance: High

Deputies,

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Further, they have notified that while CGL is in a position to restart work in camp 9A s subject to compliance with the Plan, that it is understood that CGL is not planning to restart ground disturbance work at the camp 9A location for the next two weeks. If legal counsel or his clients wish to discuss the Plan or activities at Camp 9A, OGC and Archaeology branch would be pleased to do so. I understand OGC is also in process of contacting the OW.

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- **As always, we expect Coastal GasLink to operate in compliance with all conditions and requirements set out in its environmental assessment certificate and related permits.**

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Act.

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As of right now - no. Coastal GasLink immediately stopped work on the site after the complaint was raised and notified the OGC. These were steps they did in accordance with their permit conditions.

If you might never know the origin of the artifacts, how can Coastal GasLink continue work on the site?

The OGC's permit has a condition in place governing this process. CGL was required to stop work once the complaint about the artifacts was raised and they did that. Before work can resume, CGL needed to put a mitigation plan together and submit it to the archeological branch with FLNRORD. That plan was submitted and subsequently accepted by both FLNRORD and the OGC. Work going forward must be in accordance with that plan.

What's involved with CGL's mitigation plan?

The mitigation plan requires CGL to determine if there is additional cultural material on the site. This is done by undertaking several steps, including having archaeologists assess the area surrounding the location in question. If no cultural material is found in this assessment, CGL will be able to resume work on the site.

CGL must also:

- Sample the topsoil stockpiled on the edge of the site once it is no longer frozen.
- Supervise construction operations on the site once work restarts.
- Further assess the topsoil when it is spread back on the site during future site reclamation.

Is the mitigation plan available publicly?

The plan was submitted to the Archaeology Branch (FLNRORD) directly. These plans are not publicly available in order to protect the province's heritage sites.

Is this situation not proof that the concerns about a proper archaeological impact assessment (AIA) are valid and work should not have been happening in the first place?

In January 2019, at the request of the Office of the Wet'suwet'en, the provincial government's archaeology branch conducted a review and confirmed CGL had met its obligations regarding the provision of an archaeology impact assessment.

An inspection by the OGC confirmed there was no work happening in areas not covered by the impact assessment, and CGL was in compliance.

Compliance and enforcement decisions and orders are made by independent statutory decision makers. We are letting the experts do their job and respecting the regulations and process we have in place to keep the environment protected.

Were there any previous archaeological impact assessments completed by other tenure holders in this area? Are you going to make the AIAs for this area public?

Archaeological impact assessments are not made public in order to protect heritage

sites from possible degradation - from those who might trespass on known areas.

Did the findings of those previous AIAs inform CGL's work?

Yes. A large portion of the land where CGL proposes to build Camp 9 was previously logged. A desktop review was done of the area and resulted in a finding of low subsurface archaeological potential and low to moderate potential for culturally modified trees (CMTs) and low potential for subsurface archeological materials.

From: [Beaupre, Darren EMPR:EX](#)
To: [Zadravec, Don GCPE:EX](#); [Iliife, Liam GCPE:EX](#); [Haslam, David GCPE:EX](#); [Plummer, Glen GCPE:EX](#); [Plank, Sarah GCPE:EX](#); [Venn, Tania GCPE:EX](#)
Cc: [Giles, Alison GCPE:EX](#)
Subject: Update - OGC IB and IN attached
Date: March 8, 2019 2:06:41 PM
Attachments: [IB 2019-xx CGL Archaeological Examination v11.pdf](#)
[IN CGL Unist'ot'en Camp archaeological artifacts March 8.docx](#)
Importance: High

All,

Please see IB and IN attached. The OGC is planning to upload the IB today at 2:30pm. Cheers.

Darren Beaupre

Communications Manager

LNG Canada Implementation Secretariat

Ministry of Energy, Mines and Petroleum Resources

Office: 250.356.5892 | **Mobile:** s.17

| **Email:** darren.beaupre@gov.bc.ca

March 8, 2019



Commission Follows Up on Archaeological Complaint

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ADVICE TO MINISTER

<p>CONFIDENTIAL GCPE-MEMPR ISSUE NOTE</p> <p>Ministry of Energy, Mines and Petroleum Resources Updated: March 8, 2019 Minister Responsible: Hon. Michelle Mungall</p>	<p>Unist'ot'en Camp – Archaeological Artifacts</p>
---	---

ADVICE AND RECOMMENDED RESPONSE:

- The Unist'ot'en/Dark House recently submitted a complaint to us stating evidence of cultural use – two “lithic stone tools” – were found at the Camp 9A site.
- There has been no construction taking place in the area since the complaint was submitted.
 - Coastal GasLink immediately stopped work on the site after the complaint was raised and notified the BC Oil and Gas Commission.
- Following the complaint, archeological experts from the BC Oil and Gas Commission and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development conducted a site visit.
- Today, the BC Oil and Gas Commission released details about their visit. Full details are available in an industry bulletin on the Commission's website.
 - The initial examination of the artifacts is complete. Additional work is ongoing but is unlikely to definitively determine the culture of origin given the nature and condition of the artifacts.
 - This additional work does not require the Commission to retain the artifacts.
 - The Province's Archeological Branch (within FLNRORD) is working towards the return of the artifacts to the appropriate Indigenous communities.

If pressed for more details:

- The BC Oil and Gas Commission's industry bulletin provides a full account of the details to date.
- I have full trust in the professional assessment made by the experts taking part in the examination of the artifacts.

ADVICE TO MINISTER

Coastal GasLink's mitigation plan:

- **Before any work can resume at the site, Coastal GasLink must have a mitigation plan.**
 - **This plan has been submitted to, reviewed and accepted by, the BC Oil and Gas Commission and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.**
- **Coastal GasLink is required to determine if there are additional cultural materials on the site by having an archaeologist assess the area.**
- **If no cultural material is found during this assessment, Coastal GasLink will be able to resume work. There are other precautionary steps the company must take when work resumes.**
- **As always, we expect Coastal GasLink to operate in compliance with all conditions and requirements set out in its environmental assessment certificate and related permits.**

If pressed on the trespassing/stolen artifacts complaint:

- **The site visit was done via a ministerial order under the authority of the Heritage Conservation Act. This order allowed the individuals conducting the site visit to gather artifacts for their protection and work to identify the heritage value of the property.**
- **We have full trust in those acting on behalf of the public interest to ensure cultural assets are protected and regulations are followed.**
- **Advance notification of the site visit was provided by email to Unist'ot'en/Dark House on Thursday, February 14th.**

If pressed on archaeological impact assessment:

- **In January 2019, at the request of the Office of the Wet'suwet'en, the Province's archaeology branch conducted a review and confirmed Coastal GasLink had met its obligations regarding the provision of an archaeology impact assessment.**
- **An inspection by the Commission confirmed there was no work happening in areas not covered by the impact assessment, and that Coastal GasLink was in compliance.**

ADVICE TO MINISTER

KEY FACTS REGARDING THE ISSUE:

The BC Oil and Gas Commission (OGC) released an information bulletin following its site visit on February 15, 2019. Observations from the site at the time included:

- No work was underway at the site. Work had stopped upon notification artifacts may be present.
- An area of the site had been marked off by parties other than Coastal GasLink (CGL). CGL noted this was the area where artifacts were reported to have been seen.
- CGL had established a 100 m buffer around the area as an additional exclusion zone and had not entered the area, which had been graded down to glacial clay deposits.
- Upon entry into the marked area and after some snow clearing, the team observed lithics (stone artifacts) on top of frozen clay soils.
- The lithics were gathered for their protection and further examination under the proper authority of the Heritage Conservation Act.

Subsequent to the site visit, it has been determined:

- The soils upon which the artifacts were found would not typically contain any such cultural artifacts and this was likely not their original location. However, a definitive determination on their exact location of origin can not be made.
- The number of artifacts found at this location was unusual, particularly given the disturbed nature of the site.
- The artifacts referred to in the complaint as “recovered” were not present.

Initial examination of the artifacts is complete. Additional work is ongoing but is unlikely to definitively determine the culture of origin given the nature and condition of the artifacts. This additional work does not require the further retention of the artifacts. As such, the Archaeology Branch within FLNRORD is working towards the return of the artifacts to the appropriate Indigenous communities.

The OGC’s inspection was conducted under the authority of a Heritage Conservation Act ministerial order. These orders must be granted for anyone, including OGC staff, to alter the ground or remove artifacts from any site.

The OGC’s permit for Camp 9A requires CGL to stop work if heritage objects are found and further, CGL is required to file a Mitigation Plan to the Archaeology Branch at the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNROR), before work on the site can resume.

The mitigation plan was accepted by the OGC and the Archaeology Branch on March 5, 2019. It requires CGL to determine if there is additional cultural material on the site by having archaeologists:

- Assess the area surrounding the location where the artifacts were found - if no cultural material is found in this assessment, CGL will be able to resume work on the site.
- Sample the topsoil stockpiled on the edge of the site once it is no longer frozen.
- Supervise construction operations on the site once work restarts.
- Further assess the topsoil when it is spread back on the site during future site reclamation.

BACKGROUND:

The BC Oil and Gas Commission (OGC) is an independent statutory authority responsible for regulating pipelines in British Columbia. The OGC has regulatory authority granted to them under many provincial statutes, including the Heritage Conservation Act.

The OGC considered the AIA findings as part of the permitting process for construction activities on the Camp 9A area and determined no additional archaeological work was required.

Archaeological Impact Assessment (AIA) – Timeline:

ADVICE TO MINISTER

2013	FLNR's archaeology branch issued a Heritage Inspection Permit, which authorized Coastal GasLink (CGL) to complete an AIA.
Dec. 2015	CGL submitted its AIA to the FLNR archaeology branch as required.
Jan. 2016	The archaeology branch reviewed and accepted the AIA.
Aug. 2016	CGL submitted a final report AIA addendum.
Sept. 2016	The final report AIA addendum was reviewed and accepted. CGL later provided copies of its AIA to involved First Nations, including the OW.
	No AIA field work was done in the location of Camp 9 due to access issues. A large portion of the land where CGL proposes to build Camp 9 was previously logged. A desktop review was done of the area and resulted in a finding of low subsurface archaeological potential and low to moderate potential for culturally modified trees (CMTs) and low potential for subsurface archeological materials. This area was subsequently logged by the forest tenure holder after the AIA was completed.
Jan. 2019	<p>The OW argued that CGL was clearing land without a full Archaeological Impact Assessment (AIA) for the area, and a stop work order should be issued.</p> <p>CGL suspended operations the OGC evaluated the evidence and determined the company was in compliance with their permit, including the conditions relating to archaeology.</p> <p>The branch advised the OW that the conditions of CGL's Heritage Inspection Permit had been met. Further, the branch advised that the OW contact the OGC and/or the Environmental Assessment Office (EAO) to address questions specific to permit and/or authorizations issued by those agencies.</p> <p>The OGC considered the AIA findings as part of its permit decision process, and to determine if additional archaeological work was required. With regards to Camp 9, the OGC determined no additional archaeological work was required, but additional archaeological work is required for the pipeline permit.</p> <p>Just before the complaint was submitted, CGL stopped work because traps were found in the area. CGL said the traps were placed in the construction boundaries raising safety concerns. The Unist'ot'en Clan of the Wet'suwet'en Nation alleged pipeline contractors drove a bulldozer through the heart of one of their traplines, violating the Wildlife Act by interfering with lawful trapping.</p>
Jan. 29, 2019	An inspection by the OGC determined CGL was in compliance with its OGC permit requirements.
Feb. 1, 2019	the OGC notified both a representative from the OW and CGL that the company was in compliance with their permit, including the conditions relating to archaeology.
Feb. 13, 2019	A post on the Unist'ot'en Camp Facebook page stated multiple artifacts (two stone lithic tools) were found in the Camp 9A area. The artifacts were said to be recovered from 'disturbed ground' at the construction site.
Feb. 14, 2019	<p>The Dark House/Unist'ot'en sent a letter of complaint to Coastal GasLink (CGL); CGL contractors and subcontractors; the BC Oil and Gas Commission (OGC); the Environmental Assessment Office; Ministry of Forests, Lands, Natural Resource Operations (FLNR), BC Archaeology Branch; and Minister Doug Donaldson.</p> <p>CGL suspended work at the site in accordance with their OGC permit conditions and there is currently no work underway. The company is having a qualified archeologist visit the area</p>

ADVICE TO MINISTER

	– a step that's in compliance with their permit, which has a condition to stop work on the possibility of a chance find. A project update with more details was posted here .
Feb. 15, 2019	An OGC Compliance and Enforcement Officer, as well as the OGC's Senior Archaeologist, inspected the Camp 9A area. The inspection was supported by an Archaeologist from FLNR. s.13; s.15
Feb. 16, 2019	<p>An open letter was sent to Archaeology Branch in FLNR from numerous B.C. archeologists, Archaeology Professors and Chairs from multiple universities, as well as Archaeological Society of BC Board Members. The letter request 'a review of the archaeological overview assessments and all archaeological permits granted to CGL in Wet'suwet'en territory, and that all construction and vehicle activity cease in Talbits Kwa yintah until these legal concerns for cultural heritage are met.' The letter can be found here.</p> <p>The Unist'ot'en Camp Facebook was criticizing the OGC and Archaeology Branch for trespassing on Unist'ot'en territory and 'stealing' artifacts. Social media posts revisit the request for Minister Doug Donaldson to issue a stop work order under section 16 of the Heritage Conservation Act.</p> <p>Any investigation for and removal of artifacts in BC must be performed under Ministerial Order. Prior to investigating the site on February 14th, an Order was provided to the investigating staff. The artifacts were recovered under the care of the OGC.</p>

Communications Contact: Darren Beaupre, 250-356-5892
 Program Area Contact: Michelle Carrs.¹⁷
 File Created: February 19, 2019
 File Updated: March 8, 2019

Questions and Answers:

What did the BC Oil and Gas Commission (OGC) conclude with their site visit?

In addition to the observations made on site, the OGC gathered lithics (stone artifacts) for protection and examination. The initial examination is complete and additional work is ongoing. Given the nature and condition of the artifacts recovered it is not possible to determine the culture of origin with any degree of certainty.

The experts involved in this case also concluded the number of artifacts found at the location was unusual, particularly given the disturbed nature of the site.

Where can I find specifics about the site visit/examination?

Details are available in an information bulletin on the OGC's website.

ADVICE TO MINISTER

Is there reason to believe the artifacts were planted?

Complete details about the OGC's site observations and examination of the artifacts are articulated in the industry bulletin.

I have full trust in the professional assessment made by the experts taking part in the examination of the artifacts.

What experts?

One of the OGC's senior archeologist conducted the site investigation with a compliance and enforcement officer, supported by an additional archeological specialist from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). Additional experts with the OGC have been involved with the assessment after the stone artifacts were collected for examination.

What authority did the OGC have to remove the artifacts?

OGC has authority under the Heritage Conservation Act. In this case, a Heritage Conservation Act Ministerial Order was granted in order for OGC and FLNRORD staff to alter the ground or remove artifacts from the site.

Why does the OGC have authority?

The OGC is the independent statutory authority responsible for regulating oil and gas activities, including pipelines, in British Columbia. The OGC has regulatory authority granted to them under many provincial statutes, including the Heritage Conservation Act.

Where are the artifacts now?

The artifacts are under the protection of the BC Oil and Gas Commission. The Archaeology Branch (Ministry of Forests, Lands, Natural Resource Operations and Rural Development) is working towards the return of the artifacts to the appropriate Indigenous communities.

Is Coastal GasLink working on the site now?

As of right now - no. Coastal GasLink immediately stopped work on the site after the complaint was raised and notified the OGC. These were steps they did in accordance with their permit conditions.

If you might never know the origin of the artifacts, how can Coastal GasLink continue work on the site?

The OGC's permit has a condition in place governing this process. CGL was required to stop work once the complaint about the artifacts was raised and they did that.

Before work can resume, CGL needed to put a mitigation plan together and submit it to the archeological branch with FLNRORD. That plan was submitted and subsequently accepted by both FLNRORD and the OGC. Work going forward must be in accordance with that plan.

What's involved with CGL's mitigation plan?

The mitigation plan requires CGL to determine if there is additional cultural material on the site. This is done by undertaking several steps, including having archaeologists assess the area surrounding the location in question. If no cultural material is found in this assessment, CGL will be able to resume work on the site.

CGL must also:

- Sample the topsoil stockpiled on the edge of the site once it is no longer frozen.
- Supervise construction operations on the site once work restarts.
- Further assess the topsoil when it is spread back on the site during future site reclamation.

Is the mitigation plan available publicly?

ADVICE TO MINISTER

The plan was submitted to the Archaeology Branch (FLNRORD) directly. These plans are not publicly available in order to protect the province's heritage sites.

Is this situation not proof that the concerns about a proper archaeological impact assessment (AIA) are valid and work should not have been happening in the first place?

In January 2019, at the request of the Office of the Wet'suwet'en, the provincial government's archaeology branch conducted a review and confirmed CGL had met its obligations regarding the provision of an archaeology impact assessment.

An inspection by the OGC confirmed there was no work happening in areas not covered by the impact assessment, and CGL was in compliance.

Compliance and enforcement decisions and orders are made by independent statutory decision makers. We are letting the experts do their job and respecting the regulations and process we have in place to keep the environment protected.

Were there any previous archaeological impact assessments completed by other tenure holders in this area? Are you going to make the AIAs for this area public?

Archaeological impact assessments are not made public in order to protect heritage sites from possible degradation - from those who might trespass on known areas.

Did the findings of those previous AIAs inform CGL's work?

Yes. A large portion of the land where CGL proposes to build Camp 9 was previously logged. A desktop review was done of the area and resulted in a finding of low subsurface archaeological potential and low to moderate potential for culturally modified trees (CMTs) and low potential for subsurface archeological materials.

Page 078 of 113

Withheld pursuant to/removed as

s.13 ; s.14

Page 079 of 113 to/à Page 081 of 113

Withheld pursuant to/removed as

s.16

From: [Beaupre, Darren EMPR:EX](#)
To: [Carr, Michelle EMPR:EX](#)
Cc: [Shaw, Rachel EMPR:EX](#)
Subject: Latest IB - timing tomorrow (Thursday)
Date: March 6, 2019 10:47:49 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)
[IB 2019-xx CGL Archaeological Examination v7.docx](#)

Michelle,

Note from OGC below. Now looks like tomorrow. Latest attached.

From: Currie, Graham
Sent: March 6, 2019 10:45 AM
To: Beaupre, Darren EMPR:EX
Cc: Shaw, Rachel EMPR:EX
Subject: RE: IB and updated note
IB is not final – some edits were made. Latest version attached here. Timing now looks like tomorrow, apparently we have a legal letter to send before this can go.
Thanks,
Graham

<http://www.bcogc.ca/images/Oil&Gas.jpg>



Graham Currie

Executive Director, Public & Corporate
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From: Beaupre, Darren EMPR:EX <Darren.Beaupre@gov.bc.ca>

Sent: Wednesday, March 6, 2019 9:00 AM

To: Currie, Graham <Graham.Currie@bcogc.ca>

Cc: Shaw, Rachel EMPR:EX <Rachel.Shaw@gov.bc.ca>

Subject: IB and updated note

Hi Graham, I understand the version you sent me yesterday is the final. If not, appreciate a final when you can provide it – plus details on timing. Also attaching the latest note as fyi but also so Rachel is looped in and can do an internal review. QAs are at the end of the note. Cheers.

Darren Beaupre

Communications Manager

LNG Canada Implementation Secretariat

Ministry of Energy, Mines and Petroleum Resources

Office: 250.356.5892 | **Mobile:** s.17

| **Email:** darren.beaupre@gov.bc.ca

Page 083 of 113 to/à Page 084 of 113

Withheld pursuant to/removed as

s.13

From: [Beaupre, Darren EMPR:EX](#)
To: [Shaw, Rachel EMPR:EX](#)
Subject: Fwd: IB
Date: March 5, 2019 4:40:27 PM
Attachments: [image001.jpg](#)
[ATT00001.htm](#)
[image002.jpg](#)
[ATT00002.htm](#)
[image004.jpg](#)
[ATT00003.htm](#)
[IB 2019-xx CGL Archaeological Examination v6.docx](#)
[ATT00004.htm](#)

FYI for you also.

Sent from my iPhone

Begin forwarded message:

From: "Beaupre, Darren EMPR:EX" <Darren.Beaupre@gov.bc.ca>
Date: March 5, 2019 at 4:36:08 PM PST
To: "Carr, Michelle EMPR:EX" <Michelle.Carr@gov.bc.ca>
Subject: IB

Attached from OGC. Latest. Near final.

Sent from my iPhone

Begin forwarded message:

From: "Currie, Graham" <Graham.Currie@bcogc.ca>
Date: March 5, 2019 at 4:33:38 PM PST
To: "Beaupre, Darren EMPR:EX" <Darren.Beaupre@gov.bc.ca>
Cc: "Plummer, Glen GCPE:EX" <Glen.Plummer@gov.bc.ca>, "Giles, Alison GCPE:EX" <Alison.Giles@gov.bc.ca>, "Haslam, David GCPE:EX" <David.Haslam@gov.bc.ca>, "Rygg, Phil" <Phil.Rygg@bcogc.ca>, "Parfitt, Lannea" <Lannea.Parfitt@bcogc.ca>
Subject: RE: Draft responses/QA

Darren – here's the "near final" Info Bulletin. I'm told they just need to get a few pieces in place to respond to the FNs and run it by the archaeology branch. The only real change to what I updated in your Issue Note and the messaging below, is bullet 7. Hoping you can update your materials accordingly. Hopefully tomorrow we can get this out.

Thanks,
Graham

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Withheld pursuant to/removed as

s.13

Page 088 of 113

Withheld pursuant to/removed as

s.13 ; s.14

Page 089 of 113 to/à Page 102 of 113

Withheld pursuant to/removed as

s.16

From: [Blackthorne, Sebastian FLNR:EX](#)
To: [Davies, Leanne FLNR:EX](#)
Subject: Fw: AIA for Camp 9A
Date: February 6, 2019 2:08:00 PM

Hi Leanne,

I've forwarded you the latest below from Dark House. Am I fine to proceed with sending out my email asking for further information?

Seb

s.16; s.22

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Withheld pursuant to/removed as

s.16

From: [O'Hanley, James G](#)
To: ["Mike Ridsdale"](#)
Subject: FW: Coastal Gaslink Camp 9A - Archaeological Mitigation Plan
Date: March 8, 2019 2:35:05 PM
Attachments: [image001.jpg](#)
[image003.jpg](#)
[image005.jpg](#)
[180433_Camp9A_MitigationPlan_R0.pdf](#)

Mr. Ridsdale, due to the Office of the Wet'suwet'en's questions and identified concerns related to the identification of artifacts at the Coastal Gaslink (CGL) project's Camp 9A site, I am providing you with information on how that matter is being dealt with by the BC Oil and Gas Commission (the Commission) and CGL. As you are likely aware, upon being informed that artifacts were identified on the site, CGL halted work on the site in accordance with a condition in their authorization. The condition also required them to develop a mitigation plan (the Plan) to address the potential for additional archaeological values being located on the site. CGL submitted the Plan and it has been found acceptable to the Commission and the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations and Rural Development. A copy of the Plan is attached.

Given the acceptance of the Plan, CGL is now in a position to restart work at Camp 9A, subject to compliance with the Plan. We understand that they are not planning to restart ground disturbance work at the Camp 9A location for the next 2 weeks.

We wish to further note that, due to artifacts being found there, Camp 9A has been included in the Province's archaeological database as a legacy archaeological site. The examination of the artifacts recovered from the site under the authority of the *Heritage Conservation Act* is now complete. Archaeology Branch will be working with the involved Indigenous communities to effect the return of the artifacts to the appropriate individuals or communities. I hope this explanation is helpful. Please let me know if you have questions or require further information on this.

<http://www.bcogc.ca/images/Oil&Gas.jpg>



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Vera Brandzin
6534 Airport Road
Fort St. John,
BC Canada V1J 4M6

February 27, 2019

Coastal GasLink Pipeline Project – Site Mitigation Plan for Possible Archaeological Site Found at Camp 9A, Construction Section 7

In light of the artifacts recently found during the construction of Camp 9A, Coastal GasLink and Roy Northern Environmental propose the following three-step approach to mitigating lingering concerns related to the possible site:

- Subsurface testing of topsoil pile,
- Intensive visual inspection of the 100 m buffer area, and
- Ongoing monitoring throughout the construction and reclamation stages of the Project.

Subsurface testing of the topsoil pile will provide further evidence to confirm or negate the presence of additional cultural materials within the boundaries of Camp 9a. Shovels and trowels will be used to excavate sediments. All soils will be screened through ¼ inch mesh. The position of cultural materials will be recorded, and discovered materials will be collected and retained for cataloguing and laboratory analysis. This testing will be conducted under un-frozen conditions. These methods are in accordance with the terms of Heritage Inspection Permit (HIP) 2016-0131.

Intensive visual inspection of the 100 m buffer zone surrounding the found artifacts will be conducted immediately, prior to the commencement of construction, thereby providing further evidence to confirm or negate the presence of additional cultural materials within the boundaries of Camp 9a. Brooms, shovels, and leaf blowers will be used to clear snow from the buffer zone to allow for an intensive visual inspection of exposed soils for artifacts. The position of cultural materials will be recorded, and discovered materials will be collected and retained for cataloguing and laboratory analysis. These methods are in accordance with the terms of HIP Permit 2016-0131.

Ongoing monitoring by a qualified professional archaeologist during the construction and reclamation phases of the Camp 9A portion of the Project will help to ensure future finds can be documented and collected in a timely and professional manner. This measure will be implemented immediately during resumption of construction activities that involve soil disturbance (grading) and during final clean-up / site reclamation phase (when top soil is replaced at the site) which is planned to occur in 2022.

If any of the above mitigation strategies yields additional cultural material, a subsequent discussion with both regulatory bodies (Oil & Gas Commission and Archaeology Branch) will occur to confirm next steps.

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TERRACE

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202 4619 Lakelse Ave.
Terrace, BC V8G 4B5
Toll Free: 250.635.6973

FAIRVIEW

Box 847
10912 100 Ave.
Fairview, AB T0H 1L0
Phone: 780.835.2682

CALGARY

112 2850 107 Ave. SE
Calgary, AB T2Z 3R7
Phone: 403.278.9410



Sincerely,

A handwritten signature in black ink, appearing to read "Stephan Girard". The signature is fluid and cursive, with a prominent initial 'S'.

Stephan Girard, M.A. RPCA
Permit Holder
Roy Northern Land and Environmental

FORT ST. JOHN

207 10139 100 St.
Fort St. John, BC V1J 3Y6
Phone: 250.261.6644

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Fairview, AB T0H 1L0
Phone: 780.835.2682

CALGARY

112 2850 107 Ave. SE
Calgary, AB T2Z 3R7
Phone: 403.278.9410

From: Carr, Michelle EMPR:EX
To: Shaw, Rachel EMPR:EX
Subject: FW: UPDATE: Press release regarding archaeological finds
Date: February 15, 2019 10:33:42 AM
Attachments: [2019_02_Significant Archeological Finding Pauses CGL Work on Unist'ot'en Territory\(1\).pdf](#)
[ATT00001.htm](#)

From: Allan, John FLNR:EX
Sent: February 15, 2019 10:27 AM
To: Rousselle, Jillian FLNR:EX ; Carr, Michelle EMPR:EX
Subject: Fwd: UPDATE: Press release regarding archaeological finds
FYI

Begin forwarded message:

From: "Unist'ot'en (Dark House)" <tsewedielh@gmail.com>
Date: February 15, 2019 at 10:22:08 AM PST
To: "Fisher, Tal FLNR:EX" <tal.fisher@gov.bc.ca>, Sebastian.Blackthorne@gov.bc.ca,
"Stark, Ryan" <Ryan.Stark@bcogc.ca>, "Braun, Nathan EAO:EX"
<nathan.braun@gov.bc.ca>, john.allan@gov.bc.ca, coastalgaslink@transcanada.com,
"Donaldson.MLA, Doug" <doug.donaldson.mla@leg.bc.ca>
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Subject: UPDATE: Press release regarding archaeological finds

ATTN: Coastal Gaslink, CGL Contractors and Subcontractors, BC Oil and Gas
Commission, BC

Environmental Assessment Office, Ministry of Forests, Lands, and Natural Resource
Operations, BC Archaeology Branch, Hon. Doug Donaldson

See attached press release regarding yesterday's findings at the archaeological site. It
contains additional and updated information from our original letter, added with the
help of consulting archaeologists.

Further archaeological assessment must be completed which cannot be adequately
done until the thawing of the soil. The Coastal GasLink worksite extends over the public
road which now has disturbed soil from the site as well as potential artifacts. All activity
of heavy machinery and vehicles must be ceased, and existing equipment should be
removed. Coastal GasLink has indicated that they are not currently excavating the site,
but they continue to drive through the space with machinery to work further up the
road. The damage to the archaeological site has not yet been determined. The Coastal
GasLink worksite is an arbitrary boundary that does not encompass the full potential
area of the archaeological site. However, the entire Site 9A, and all ground that has
been disturbed in the vicinity thus far must be included in the possible archaeological
site, and protected accordingly. Unist'ot'en supporters are being denied access to what
they are still describing as their "worksite" and there are no accountability measures

currently in place for workers occupying the site. Any investigation of the site from this point must be accompanied by Unist'ot'en members as well as consulting archaeologists.

Regards,

Dark House



Tse we di elh (Rocks Flowing)

Dark House / Unist'ot'en

620 CN Station Road

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Ph: 778-693-2063 Fax: 250-847-0127

February 14, 2019

FOR IMMEDIATE RELEASE:

Significant Archaeological Finding Pauses CGL Work on Unist'ot'en Territory

Copyright



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ATTN: Coastal Gaslink, CGL Contractors and Subcontractors, BC Oil and Gas Commission, BC Environmental Assessment Office, Ministry of Forests, Lands, and Natural Resource Operations, BC Archaeology Branch, Hon. Doug Donaldson

On February 13th, 2019, two lithic stone tools were recovered from Coastal GasLink's proposed construction site (site 9A).

In the absence of an adequate Archaeological Impact Assessment, and continued breaches of the conditions of Coastal GasLink's permits, we have been combing site 9A for evidence of cultural use. Two Unist'ot'en supporters with limited archaeological knowledge conducted a ground survey comprising about a quarter of the worksite before identifying the first arrowhead. The first lithic was recovered whole, and in its direct vicinity a recently fractured lithic was found. Additional lithics at the site were observed and recorded, but the scale and scope of the necessary archaeological work require the assistance of professional archaeologists. Other archaeological remnants and debitage associated with the production and/or usage of stone tools are most likely located in the site but are unidentifiable without the proper training, equipment, time and opportunity to excavate.

The discovery of these lithics reaffirms Unist'ot'en knowledge and oral history, which indicate this site as being one of prior significant occupancy. Further testing and excavation must be done to determine the density of artifacts in this archaeological site. This could reveal the temporality of occupancy, size of potential settlements and/or hunting camps, types of activities associated with the site, possibility of being a burial site containing human remains as well as numerous other potential findings through excavation. The potential of this archaeological site is enormous and to continue excavation would be illegal, immoral, and irresponsible. Any additional work on this site would constitute the continued erasure of Wet'suwet'en existence on our Yintah.

Despite Coastal GasLink's insistence that proper survey work has been done, significant evidence of Wet'suwet'en cultural use of site 9A has been overlooked. The flagrant disregard for required and responsible archaeological practices has likely already caused irreversible damage.

This constitutes a significant archaeological discovery and indicates Wet'suwet'en ancestral use of the site. Coastal GasLink must stop work immediately, in order for the site to be protected, and for a full archaeological assessment to be conducted.

Under section 13(2) of the *Heritage Conservation Act*, administered by the Ministry of Forests, Lands, and Natural Resource Operations, Coastal GasLink must not "damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of human habitation or use before 1846" OR from "a site that contains artifacts,

features, materials or other physical evidence of unknown origin.” The *Heritage Conservation Act* is binding on the government, and overrides any other conflicting Act. It automatically protects heritage sites, and requires Coastal GasLink, as the permit holder of BCOGC Environmental Assessment Certificate #E14-03, to cease all work immediately.

According to the Environmental Assessment Certificate granted to Coastal GasLink:

If artifacts, features, materials or things protected under section 13(2) of the *Heritage Conservation Act* are identified the permit holder must, unless the permit holder holds a permit under section 12 of the *Heritage Conservation Act* issued by the Commission in respect of that artifact, feature, material or thing:

- a) immediately cease all work in the vicinity of the artifacts, features, materials or things;**
- b) immediately notify the Commission: and**
- c) refrain from resuming work in the vicinity of the artifacts, features, materials or things except in accordance with an appropriate mitigation plan that has been prepared in accordance with the *Heritage Conservation Act* and approved by the Commission.**

The *Heritage Conservation Act* falls under the jurisdiction of the Ministry of Forests, Lands, and Natural Resource Operations. Should Coastal GasLink fail to comply with the Act as detailed in their Environmental Impact Assessment, we call on the Minister, Hon. Doug Donaldson, to issue a stop work order under Section 16. If work continues in this area, it will continue to cause irreparable damage to Wet’suwet’en cultural heritage and tradition. Responsibility for this damage lies with Coastal GasLink, complicit RCMP observers, and the Provincial government.

The Unist’ot’en have made it clear that this area has been occupied and used continuously by Wet’suwet’en since time immemorial, up until Coastal GasLink bulldozed our trapline in the first stages of clearing the site. This oral tradition has been reaffirmed with material evidence.

We call upon all relevant authorities to immediately stop all work in this area. Permitting any further industrial activity would constitute a clear violation of both Wet’suwet’en and Canadian law.

Freda Huson, Spokesperson
Dark House