

Cavill, Jacqueline FLNR:EX

From: Grace, David H EAO:EX
Sent: Tuesday, August 26, 2014 1:29 PM
To: Anderson, Keith FLNR:EX
Cc: Hamilton, Chris EAO:EX; Cavill, Jacqueline FLNR:EX; MacKnight, Heather FLNR:EX; Crozier, David TRAN:EX; Berthin, Helen C TRAN:EX; Vinette, Nicole EAO:EX
Subject: RE: Port Metro T2 expansion

Hi Keith,

I am currently out of the office but will be returning tomorrow.

With respect concurrent permitting, it is up to the Proponent to choose to apply for concurrent permitting.

In relation to FN consultation, the approach that EAO is taking is to rely on CEAA consultation (as per our draft sec 14 order).

Consultation that FLNR must undertake as part of the *Land Act* review process presumable would be able to build upon the information that CEAA provides.

When I get back in the office tomorrow I will book some time for a call.

Regards,
David

From: Anderson, Keith FLNR:EX
Sent: Tuesday, August 26, 2014 10:53 AM
To: Grace, David H EAO:EX
Cc: Hamilton, Chris EAO:EX; Cavill, Jacqueline FLNR:EX; MacKnight, Heather FLNR:EX; Crozier, David TRAN:EX; Berthin, Helen C TRAN:EX
Subject: Port Metro T2 expansion

Good Morning David.

I was talking this morning to Heather MacKnight and to MOTI regarding the PMV T2 Terminal expansion proposal.

FLNR wants to make sure that we are, from the beginning, part of both the EAO and CEAA processes. We would also like to make sure that the FLNR application process and the EAO are concurrent permitting. To that end we need to know when is the best time to have PMV submit an application for a *Land Act* tenure for the T2 terminal site, and also for other sites that will be used for habitat mitigation for T2. We especially want to determine who is going to take the lead on First Nations Consultation for the EAO Certificate, the CEAA authorization and how that will relate to the FN Consultation that FLNR must undertake as part of the *Land Act* review process. Again this is something that we would like to see run as part of the concurrent permitting process.

We understand that one of PMV's proposed mitigation site is in the nearby Wildlife Management Area. Use of this area would require two Statutory Decisions, the first from the Regional Manager (Director) of Resource Management) who must approve any use within the boundaries of the WMA and then from the Manager of Authorizations for the *Land Act* tenure and authorization to use the Crown land. However in light of your earlier note to Heather MacKnight on your use of either a "class assessment" or "class waive-out" it appears that the mitigation areas might not come under the original EAO Certificate process. Would that also include the proposed mitigation within the WMA,

I would like to discuss this with you further.
Please let me know when would be a good time for us to talk,
thanks

Keith Anderson

Acting Director, Authorizations

South Coast Natural Resource Region

Ministry of Forests, Lands and Natural Resource Operations

Suite 200, 10428 153rd Street

Surrey BC V3R 1E1

[http://www.for.gov.bc.ca/Land Tenures/crown land application information/policies.html](http://www.for.gov.bc.ca/Land_Tenures/crown_land_application_information/policies.html)

Cavill, Jacqueline FLNR:EX

From: Anderson, Keith FLNR:EX
Sent: Wednesday, September 3, 2014 1:21 PM
To: Crozier, David TRAN:EX
Cc: Berthin, Helen C TRAN:EX; Strueby, Earl TRAN:EX; Haberl, Kevin J FLNR:EX; Lee, Susan FLNR:EX; Cavill, Jacqueline FLNR:EX
Subject: RE: FYI and for comment: FW: RBT2 Update - Fall Consultation

Thanks David

Yes I think we would very much like to have a look at these material as soon as possible. We cannot tell PMV how to conduct their consultation but it would be very helpful to our process to be able to have access to theirs so that we could build on it, and see what areas they were weak on and which they had done everything that was required.

Keith

From: Crozier, David TRAN:EX
Sent: Wednesday, September 3, 2014 1:14 PM
To: Anderson, Keith FLNR:EX
Cc: Berthin, Helen C TRAN:EX; Strueby, Earl TRAN:EX
Subject: FYI and for comment: FW: RBT2 Update - Fall Consultation

Keith,

Thank you for the phone call last week. I received the following email today regarding PMV proposed mitigation consultation.

FYI

PMV plans to initiate consultation on the RBT2 Project Mitigations September 15th. Given the significance of FLNR's role and management of some of the known proposed mitigation sites, I thought I would pass this information along.

Quote from email:

"Accessing the Roberts Bank Terminal 2 Project Preliminary Environmental Mitigation Concepts Discussion Guide and completing the online feedback form (available September 15, 2014)"

For Comment

To date, we have not been privileged to any of these consultation materials that have been prepared and are to be released on the 15th. If there is an interest by FLNR or MOTI in reviewing these materials in advance of the public engagement, PMV may be open to sharing the information as they have done so in the past.

Please let me know your thoughts and if this may be of interest to you.

Thanks,
Dave

David G. Crozier
Project Analyst

Pacific Gateway Branch
Ministry of Transportation and Infrastructure
Email: david.crozier@gov.bc.ca
Phone: 1-250-356-9817

From: Jackson, Natalie [<mailto:Natalie.Jackson@portmetrovanancouver.com>]
Sent: Wednesday, September 3, 2014 12:31 PM
Cc: Robertson, Kyle
Subject: RBT2 Update - Fall Consultation

Sent on behalf of Kyle Robertson:

Dear RBT2 Working Group Members:

I wanted to take this opportunity to provide you with an update regarding the proposed Roberts Bank Terminal 2 Project.

Following the last Working Group Meeting on June 17, 2014, PMV indicated it would be working towards another round of public consultation this fall. Today we have begun notification for our consultation round regarding Preliminary Environmental Mitigation Concepts, which will take place from September 15 to October 10, 2014.

This will be the fourth round of PMV-led consultation regarding the Project and will assist in the development of the Environmental Impact Statement (EIS). Information and consultation topics will include:

- Information on the development of the EIS (as shared with the Working Group earlier this year); and
- Opportunities to feedback regarding preliminary environmental mitigation concepts for some key topics which were raised as areas of interest by participants in previous consultation rounds.

Consultation opportunities will include small group meetings, public open houses, meetings with local government (Technical Liaison Committees and Local Government Elected Roundtable) and online consultation, including an online feedback form and PortTalk. [Please click here to view a copy of the notification email that is going out to our Project Update list later today.](#)

Working Group participants are encouraged to participate in fall consultation, if desired. [More information, including the consultation schedule, can be found here.](#)

PMV will continue to engage directly with Aboriginal groups, regulatory agencies and local government to discuss the content of this round of consultation in further detail in the coming weeks through our existing communications platforms. As PMV is planning to meet with many of your organizations directly, a fall Working Group meeting will not be convened.

PMV remains committed to meeting with the Working Group in 2015 to provide an opportunity to walk Working Group members through the EIS once it has been submitted to the Canadian Environmental Assessment Agency. Further, if any Working Group members have questions regarding the ongoing development of the EIS, PMV would be pleased to engage with individual Working Group members on an ad-hoc basis.

We appreciate your continued engagement in the development process of the proposed Roberts Bank Terminal 2 Project and look forward to upcoming meetings. If you have any comments or concerns, please do not hesitate to contact me directly.

Kind regards,

KYLE ROBERTSON, M.Sc., P.Eng.
Manager, Environmental Assessment & Permitting
Container Capacity Improvement Program



PORT METRO VANCOUVER
100 The Pointe, 999 Canada Place
Vancouver, BC Canada V6C 3T4
Direct: 604.665.9313
Cell: 604.754.4186
Fax: 1.866.284.4271

Portmetrovanancouver.com | [Facebook](#) | [Twitter](#)

Canadaplace.ca | [Facebook](#) | [Twitter](#)

[E-newsletter sign-up](#)

Cavill, Jacqueline FLNR:EX

From: MacKnight, Heather FLNR:EX
Sent: Tuesday, October 7, 2014 10:46 AM
To: Cavill, Jacqueline FLNR:EX
Cc: Rosenboom, Remko FLNR:EX
Subject: Fwd: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Do you know the answer? Has PMV applied for T2?

Heather

Begin forwarded message:

From: "Strueby, Earl TRAN:EX" <Earl.Strueby@gov.bc.ca>
Date: October 7, 2014 at 10:21:54 AM PDT
To: "MacKnight, Heather FLNR:EX" <Heather.MacKnight@gov.bc.ca>, "Anderson, Keith FLNR:EX" <Keith.Anderson@gov.bc.ca>
Subject: FW: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Do you know if PMV ever submitted their Land Act application for the below

From: MacKnight, Heather FLNR:EX
Sent: Monday, August 25, 2014 2:38 PM
To: Crozier, David TRAN:EX
Cc: Anderson, Keith FLNR:EX; Haberl, Kevin J FLNR:EX
Subject: RE: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Hi David,

s.13,s.16

Heather MacKnight
Regional Executive Director, South Coast
Ministry of Forests, Lands and Natural Resource Operations
604-586-2892

From: Crozier, David TRAN:EX
Sent: Monday, August 25, 2014 12:12 PM

To: MacKnight, Heather FLNR:EX

Subject: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Heather,

s.13,s.14,s.16

Thanks,

Dave

David G. Crozier

Project Analyst

Pacific Gateway Branch

Ministry of Transportation and Infrastructure

Email: david.crozier@gov.bc.ca

Phone: 1-250-356-9817

An update on FN letters and the EAO:

s.13,s.14,s.16

The present direction that I ran up the line and through legal was BCEAO stating in their section 14 consultation letter:

s.13,s.14,s.16

From: Crozier, David TRAN:EX
Sent: Friday, August 22, 2014 2:43 PM
To: Berthin, Helen C TRAN:EX
Cc: Strueby, Earl TRAN:EX
Subject: FOR COMMENT: FW: Roberts Bank T2 draft FN consultation letter

Helen,

Please comment on my update below and advise if you would like me to set some time aside on Monday to discuss further.

Thanks,
Dave

An update on FN letters and the EAO:
s.13,s.14,s.16

From: Grace, David H EAO:EX
Sent: Friday, August 22, 2014 11:09 AM
To: Crozier, David TRAN:EX
Cc: Strueby, Earl TRAN:EX; Van Hinte, Jeff JAG:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

Thanks for the update David.

Sent from my Windows Phone

From: Crozier, David TRAN:EX
Sent: 2014-08-22 10:50 AM
To: Grace, David H EAO:EX
Cc: Strueby, Earl TRAN:EX; Van Hinte, Jeff JAG:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

David.

Thank you for the email. I will work to have an update and hopefully content for the section 14 by end of day Monday. Let me know if this works for you.

The present direction that I am going to work to run up the line and through legal has BCEAO stating in their section 14:

Thanks,
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From: Grace, David H EAO:EX
Sent: Thursday, August 21, 2014 1:52 PM
To: Strueby, Earl TRAN:EX; Crozier, David TRAN:EX
Cc: Hamilton, Chris EAO:EX; Vinette, Nicole EAO:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

Hello Earl/David,

I hope that you are both well.

I was out of the office s.22 and I am now just following up on the below email chain.

I am trying to finalize the RBT2 FN consultation letters that I shared earlier.

Could you please provide some suggested wording re coordinated consultation on Provincial lands within the Project foot print and as described in the below email chain (see yellow highlight)?

Thanks for your help with this.

Please give me a call if you would like to discuss.

David

From: Grace, David H EAO:EX
Sent: Friday, July 25, 2014 5:07 PM
To: Strueby, Earl TRAN:EX; Crozier, David TRAN:EX
Cc: Hamilton, Chris EAO:EX; Vinette, Nicole EAO:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

If FLNRO is the statutory decision maker on T2 Pod Waterlot (lands within the Project Footprint) and will be conducting consultation on behalf of the province the letter should reflect this.

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From: Strueby, Earl TRAN:EX
Sent: 2014-07-25 4:58 PM
To: Grace, David H EAO:EX; Crozier, David TRAN:EX
Cc: Hamilton, Chris EAO:EX; Vinette, Nicole EAO:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

Just for clarification the T2 Pod Waterlot (lands within the Project Footprint) are "owned" by FLNRO but MOTI is the lead negotiator on the project and they will take lead from us.

In addition FLNRO is taking direction from MOTI on the habitat lands outside the project foot print as well.

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Hi Earl,

Thanks for the chat.

s.13,s.14,s.16

Debbie

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Withheld pursuant to/removed as

s.14;s.16;s.13

Cavill, Jacqueline FLNR:EX

From: MacKnight, Heather FLNR:EX
Sent: Tuesday, October 7, 2014 11:22 AM
To: Cavill, Jacqueline FLNR:EX; Strueby, Earl TRAN:EX
Cc: Rosenboom, Remko FLNR:EX
Subject: Re: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Jacqueline: We'll follow the standard process unless directed otherwise.
Earl: FYI

Heather

On Oct 7, 2014, at 11:18 AM, "Cavill, Jacqueline FLNR:EX" <Jacqueline.Cavill@gov.bc.ca> wrote:

I confirmed with FCBC that we have not yet received an application for Terminal 2.

On the last MOTI call I sat on with Keith in September, I understand that PMV has not yet submitted their Application to the EAO. With EAO waterpower projects, we have typically accepted the Land Act application once the proponent has submitted their Application to the EAO. Will we be following a different process for Terminal 2?

Jacqueline

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To: Cavill, Jacqueline FLNR:EX
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Thanks for the chat.

s.13,s.14,s.16

Page 17 to/à Page 18

Withheld pursuant to/removed as

s.14;s.16;s.13

Cavill, Jacqueline FLNR:EX

From: Anderson, Keith FLNR:EX
Sent: Friday, November 7, 2014 2:27 PM
To: Haberl, Kevin J FLNR:EX; Lee, Susan FLNR:EX; Cavill, Jacqueline FLNR:EX
Subject: FW: FYI Sample Letter FN - Proposed Roberts Bank Terminal 2 Project
Attachments: Tsawwassen_Sec10_RBT2_Final_6Nov14.pdf; RBT2_Sec_10(1)(a) Order_FINAL.pdf; draft sec 14 Order RBT2 Sept22_2014.pdf

fyi

From: Strueby, Earl TRAN:EX
Sent: Friday, November 7, 2014 11:29 AM
To: MacKnight, Heather FLNR:EX; Anderson, Keith FLNR:EX
Subject: FYI Sample Letter FN - Proposed Roberts Bank Terminal 2 Project

Note reference to "other" agencies in the letter

From: Grace, David H EAO:EX
Sent: Thursday, November 6, 2014 5:42 PM
To: Strueby, Earl TRAN:EX
Cc: Hamilton, Chris EAO:EX; Walton, Lindsay EAO:EX
Subject: FW: Letter to Tsawwassen First Nation re. Proposed Roberts Bank Terminal 2 Project

Hi Earl,

The FN letters went out today - attached is one example.

The sec 10 is also now posted on our website.

As per your request, I will provide the distribution list for all notification letters when I am back in the office tomorrow.

David

Sent from my Windows Phone

From: Kennedy, Iesha EAO:EX
Sent: 06/11/2014 03:03 PM
To: 'info@tsawwassenfirstnation.com'
Cc: 'cward@tsawwassenfirstnation.com'; 'abak@tsawwassenfirstnation.com'; 'Analise.Saely@ceaa-acee.gc.ca'; Grace, David H EAO:EX; Hamilton, Chris EAO:EX
Subject: Letter to Tsawwassen First Nation re. Proposed Roberts Bank Terminal 2 Project

Dear Chief Williams:

Please find attached a letter from Chris Hamilton regarding the proposed Roberts Bank Terminal 2 Project (RBT2). As per the letter, you will also find attached a Section 10 Order and a draft Section 14 Order for RBT2.

A copy of the letter will follow by mail.

Thank you,

Iesha

Iesha Kennedy

Administrative Assistant | Environmental Assessment Office
836 Yates Street, 2nd Floor | Victoria, BC V8W 9H8 | 250-387-2419



File: 30300-20/RBT2-04-01

Ref: 104545

November 6, 2014

SENT VIA EMAIL

Chief Bryce Williams
and Councillors
Tsawwassen First Nation
1926 Tsawwassen Drive
Delta BC V4M 4G2
info@tsawwassenfirstnation.com

Dear Chief Williams and Councillors:

I am writing Chief and Council regarding the proposed Roberts Bank Terminal 2 Project (RBT2). Port Metro Vancouver (Proponent) proposes to build a new container terminal at Roberts Bank in Delta, British Columbia (BC). RBT2 will involve creating additional land area on the seaward end of the existing Roberts Bank causeway and widening that causeway.

The Honourable Leona Aglukkaq, Minister of Environment and Minister responsible for the Canadian Environmental Assessment Agency (CEAA), announced January 7, 2014, the referral of RBT2 for an environmental assessment (EA) by an independent review panel. Information on the federal EA can be found at the following link:
<http://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=80054>.

RBT2 constitutes a reviewable project pursuant to Part 8 of the Reviewable Projects Regulation (BC Reg. 370/02), under the BC *Environmental Assessment Act* (Act) since it is a new marine port facility that involves dredging and filling more than two hectares of submerged land. As such, and pursuant to section 10(1)(a) of the Act, the Executive Director has ordered that RBT2 be referred to the Provincial Minister for a determination of the assessment's scope, procedures and methods under section 14 of the Act.

I have attached the signed section 10 Order for your information; in addition, the signed section 10 Order is now posted on the Environmental Assessment Office's (EAO) website and can be accessed at the following link <http://www.eao.gov.bc.ca/>.

...2

Environmental
Assessment
Office

Mailing Address:
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Location:
1st & 2nd Fl – 836 Yates Street
Victoria

The majority of anticipated effects and mitigation measures are within federal jurisdiction. It is anticipated that during the course of the federal review panel process, sufficient information for the provincial assessment may be produced through the Proponent's Environmental Impact Statement, panel public hearings and comments provided by government agencies, First Nations, interested parties and experts, the general public, the Panel Report and federal Ministerial decision.

As such, and in order to avoid duplication and to ensure an efficient and effective EA, the Province intends to rely principally on the federal EA by review panel for the information needed for assessment, including consultation conducted by CEAA with First Nations whose asserted or established Aboriginal rights or Treaty rights (Aboriginal Interests) are potentially affected.

Towards this end, I have attached a draft section 14 Order outlining the scope, procedures and methods for the EA for RBT2 that the Honourable Mary Polak, Minister of Environment, is considering.

As you will be already aware, the federal panel process includes: a five month pre-panel phase; 14 month panel phase; and a five month post-panel phase. The intention of the draft section 14 Order is to direct the Executive Director of EAO to consider the panel's EA report and other additional information that he determines to be required to complete his review during the five month post-panel phase and to inform his recommendation to the Provincial Ministers.

The Executive Director would coordinate consultation with CEAA, where possible, to summarize his understanding of the issues including how Aboriginal Interests may be impacted and how those impacts may be addressed, and would provide this information to First Nations for comment prior to making a recommendation to Ministers. The Executive Director would make a recommendation to provincial Ministers within 30 days of receiving notice of the decision of the federal Minister of Environment pursuant to section 52 of the *Canadian Environmental Assessment Act, 2012*, including any extension to the date under that Act.

I am writing seeking your comments and I ask that you please review the draft section 14 Order, in particular, section 4.1.3 which outlines the proposed Provincial approach to consultation with potentially affected First Nations. It is envisioned that the Province would attend federal consultation meetings with First Nations as appropriate.

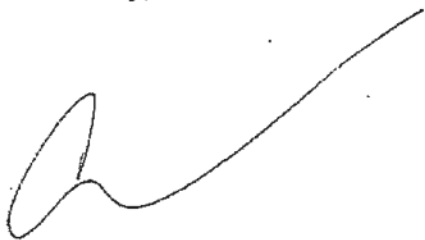
Should Tsawwassen First Nation wish to provide comments on this approach, I would ask that you please provide correspondence to me by November 20, 2014.

...3

Further, should the Proponent seek authorizations from other provincial agencies in relation to RBT2, EAO will endeavour to coordinate consultation activities with other provincial agencies.

If Tsawwassen First Nation has any questions, requires further information, or would like to meet to discuss the proposed approach, please contact me at 250 387-1032 or Chris.Hamilton@gov.bc.ca. You can also reach David Grace, Project Assessment Manager, at 250 387-1417 or David.Grace@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to be 'Chris Hamilton', written over a horizontal line.

Chris Hamilton
Executive Project Director

Enclosures: Signed Section 10 Order

Draft Section 14 Order

cc: Colin Ward, Director of Public Services
Tsawwassen First Nation
cward@tsawwassenfirstnation.com

Andrew Back, Territory Management Officer
Tsawwassen First Nation
abak@tsawwassenfirstnation.com

Analise Saely, Senior Advisor
Canadian Environmental Assessment Agency
Analise.Saely@ceaa-acee.gc.ca

David Grace, Project Assessment Manager
Environmental Assessment Office
David.Grace@gov.bc.ca

IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43
(ACT)

AND

AN ENVIRONMENTAL ASSESSMENT OF THE
ROBERTS BANK TERMINAL 2 PROJECT (PROPOSED PROJECT)

ORDER UNDER SECTION 10(1)(a)

WHEREAS:

- A. The Vancouver Fraser Port Authority, doing business as Port Metro Vancouver (Proponent), proposes to build a new three-berth marine container terminal at Roberts Bank in Delta, British Columbia, approximately 35 km south of Vancouver. The proposed Project would involve widening and creating additional land area at the seaward end of the existing causeway.
- B. The proposed Project constitutes a reviewable project pursuant to Part 8 of the Reviewable Projects Regulation (B.C. Reg. 370/02), since the proposed Project is a new marine port facility that involves dredging and filling more than two hectares of submerged land.
- C. Under section 10(1)(a) of the Act, the Executive Director is authorized to refer a proposed Project to the Minister for a determination of the assessment's scope, procedure and methods under section 14 of the Act.

NOW THEREFORE:

Pursuant to section 10(1)(a) of the Act, the Executive Director orders that the proposed Project be referred to the Minister for a determination under section 14 of the Act.



Doug Caul
Associate Deputy Minister and Executive Director
Environmental Assessment Office

Dated November 5, 2014

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Withheld pursuant to/removed as

s.16;s.13

SCHEDULE A TO ORDER UNDER SECTION 14 OF THE ACT

**SCOPE, PROCEDURES AND METHODS FOR THE ENVIRONMENTAL
ASSESSMENT OF THE PROPOSED ROBERTS BANK TERMINAL 2 PROJECT**

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3. SCOPE OF THE ASSESSMENT4

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4. ASSESSMENT PROCEDURES.....5

PART A – GENERAL PROVISIONS

1. DEFINITIONS

"Aboriginal Groups" means those First Nations who have Aboriginal Interests that may be affected by the Project and that are identified by the Agency in the Guidelines.

"Aboriginal Interests" means the First Nations' asserted or determined Aboriginal rights, including title, and treaty rights.

"Agency" means the Canadian Environmental Assessment Agency.

"Guidelines" refers to the Agency-approved "Guidelines for the Preparation of an Environmental Impact Statement for the Roberts Bank Terminal 2 Project, January 7, 2014 identifying the information that must be included in the Proponent's Environmental Impact Statement made to the panel.

"Ministers" means the Minister of Environment and the Minister of Transportation and Infrastructure.

"Project" means the project as scoped under section 2.

"Proponent" has the same meaning as on page 1 of this order.

"Report" means the document that will be produced by the federal panel following the close of its hearings concerning the proposed Project.

PART B – SCOPE OF THE PROPOSED PROJECT

2. SCOPE OF THE PROJECT

- 2.1 The scope of the proposed Project is the same as the scope determined by the Agency as described in the Guidelines.

PART C – SCOPE OF THE ASSESSMENT

3. SCOPE OF THE ASSESSMENT

- 3.1 The scope of the assessment for the proposed Project will include consideration of:
 - 3.1.1 The scope of factors established by the Federal Minister of Environment in the terms of reference issued to the federal review panel;
 - 3.1.2 Potential adverse environmental, economic, social, heritage, and health effects of the proposed Project, including cumulative effects, and practicable means to mitigate such potential adverse effects; and

- 3.1.3 Potential adverse effects of the proposed Project on an Aboriginal Group's Aboriginal Interests, and, to the extent appropriate, ways to mitigate or otherwise accommodate such potential adverse effects.

PART D – ASSESSMENT PROCEDURES

4. ASSESSMENT PROCEDURES

4.1 Overall approach

- 4.1.1 The Executive Director will rely principally on the federal review panel environmental assessment of the proposed Project for the information needed for his assessment.
- 4.1.2 If the Executive Director determines that additional information or assessments are required to complete his review, he will require the Proponent to provide this additional information or will otherwise ensure the information has been provided in advance of the referral of this project to the provincial Ministers.
- 4.1.3 The Executive Director will rely on consultation conducted by the Agency with Aboriginal Groups whose Aboriginal Interests are potentially affected; and will also ensure that the following information is obtained in advance of the referral of this project to the provincial Ministers:
- identification of specific Aboriginal Interests that may be impacted by the proposed Project;
 - the nature of the potential impact on Aboriginal Interests;
 - how the potential impacts can be avoided or mitigated;
 - Aboriginal Groups' views of avoidance or mitigation measures;
 - residual impacts on Aboriginal Interests;
 - any measures to address those residual impacts; and
 - any other concerns raised by Aboriginal Groups regarding the proposed Project.

Upon receipt of this information, the Executive Director will summarize his understanding of the issues and will provide this information to Aboriginal Groups for comment prior to making a recommendation to Ministers.

- 4.1.4 The Executive Director will consider in the assessment relevant information created by the Gateway Transportation Collaboration Forum to the extent such information is available prior to referral to provincial Ministers for decision as described in section 4.2.

4.2 Ministerial Referral and Decision

4.2.1 The Executive Director will review the information generated under section 4.1 during the 150 days (5 months) timeline for the federal Minister's decision statement (post-panel phase) from the date of submission of the federal review panel's report to the federal Minister.

4.2.2 The Executive Director must make a recommendation to provincial Ministers within 30 days of receiving notice of the decision of the federal Minister of the Environment pursuant to section 52 of the *Canadian Environmental Assessment Act, 2012*, including any extension to the date under that Act.

MacKnight, Heather FLNR:EX

From: Anderson, Keith FLNR:EX
Sent: Thursday, January 22, 2015 2:57 PM
To: Strueby, Earl TRAN:EX
Cc: MacKnight, Heather FLNR:EX
Subject: RE: T2 Areas tenured Jan 2015

From: Strueby, Earl TRAN:EX
Sent: Thursday, January 22, 2015 2:41 PM
To: Anderson, Keith FLNR:EX
Cc: MacKnight, Heather FLNR:EX
Subject: RE: T2 Areas tenured Jan 2015

I think we are making some progress - please see my comments in red.

From: Anderson, Keith FLNR:EX
Sent: Thursday, January 22, 2015 11:16 AM
To: Strueby, Earl TRAN:EX; MacKnight, Heather FLNR:EX
Subject: RE: T2 Areas tenured Jan 2015

Hi Earl

s.13,s.16,s.17

Keith

From: Strueby, Earl TRAN:EX
Sent: Thursday, January 22, 2015 10:20 AM
To: MacKnight, Heather FLNR:EX; Anderson, Keith FLNR:EX
Subject: T2 Areas tenured Jan 2015

I was not sure who to send this so sent to both of you.

We are looking at some timelines regarding this chart as it relates to T2, what steps are taken and long each step would take to be approved, including OIC's, what would FLRN prefer as an option???

Can we chat for about 15 minutes at 3:15 today (or 11:00 am) on this ??? And I can tell you what we are looking for.

MacKnight, Heather FLNR:EX

From: Cavill, Jacqueline FLNR:EX
Sent: Tuesday, October 7, 2014 11:19 AM
To: MacKnight, Heather FLNR:EX
Cc: Rosenboom, Remko FLNR:EX
Subject: RE: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

I confirmed with FCBC that we have not yet received an application for Terminal 2.

On the last MOTI call I sat on with Keith in September, I understand that PMV has not yet submitted their Application to the EAO. With EAO waterpower projects, we have typically accepted the Land Act application once the proponent has submitted their Application to the EAO. Will we be following a different process for Terminal 2?

Jacqueline

From: MacKnight, Heather FLNR:EX
Sent: Tuesday, October 7, 2014 10:46 AM
To: Cavill, Jacqueline FLNR:EX
Cc: Rosenboom, Remko FLNR:EX
Subject: Fwd: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Do you know the answer? Has PMV applied for T2?

Heather

Begin forwarded message:

From: "Strueby, Earl TRAN:EX" <Earl.Strueby@gov.bc.ca>
Date: October 7, 2014 at 10:21:54 AM PDT
To: "MacKnight, Heather FLNR:EX" <Heather.MacKnight@gov.bc.ca>, "Anderson, Keith FLNR:EX" <Keith.Anderson@gov.bc.ca>
Subject: FW: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Do you know if PMV ever submitted their Land Act application for the below

From: MacKnight, Heather FLNR:EX
Sent: Monday, August 25, 2014 2:38 PM
To: Crozier, David TRAN:EX
Cc: Anderson, Keith FLNR:EX; Haberl, Kevin J FLNR:EX
Subject: RE: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Hi David,

s.13,s.16

s.13,s.16

Heather MacKnight

Regional Executive Director, South Coast
Ministry of Forests, Lands and Natural Resource Operations
604-586-2892

From: Crozier, David TRAN:EX
Sent: Monday, August 25, 2014 12:12 PM
To: MacKnight, Heather FLNR:EX
Subject: FOR COMMENT: FW: Roberts Bank T2 draft EAO FN consultation letter

Heather,
s.13,s.14,s.16

Thanks,
Dave

David G. Crozier
Project Analyst
Pacific Gateway Branch
Ministry of Transportation and Infrastructure
Email: david.crozier@gov.bc.ca
Phone: 1-250-356-9817

An update on FN letters and the EAO:
s.13,s.14,s.16

s.13,s.14,s.16

The present direction that I ran up the line and through legal was BCEAO stating in their section 14 consultation letter:

s.13,s.14,s.16

From: Crozier, David TRAN:EX
Sent: Friday, August 22, 2014 2:43 PM
To: Berthin, Helen C TRAN:EX
Cc: Strueby, Earl TRAN:EX
Subject: FOR COMMENT: FW: Roberts Bank T2 draft FN consultation letter

Helen,

Please comment on my update below and advise if you would like me to set some time aside on Monday to discuss further.

Thanks,
Dave

An update on FN letters and the EAO:
s.13,s.14,s.16

From: Grace, David H EAO:EX
Sent: Friday, August 22, 2014 11:09 AM
To: Crozier, David TRAN:EX
Cc: Strueby, Earl TRAN:EX; Van Hinte, Jeff JAG:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

Thanks for the update David.

Sent from my Windows Phone

From: Crozier, David TRAN:EX
Sent: 2014-08-22 10:50 AM
To: Grace, David H EAO:EX
Cc: Strueby, Earl TRAN:EX; Van Hinte, Jeff JAG:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

David.

Thank you for the email. I will work to have an update and hopefully content for the section 14 by end of day Monday. Let me know if this works for you.

s.13,s.14,s.16

Thanks,
Dave

From: Grace, David H EAO:EX
Sent: Thursday, August 21, 2014 1:52 PM
To: Strueby, Earl TRAN:EX; Crozier, David TRAN:EX
Cc: Hamilton, Chris EAO:EX; Vinette, Nicole EAO:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

Hello Earl/David,

I hope that you are both well.

I was out of the offices.22 and I am now just following up on the below email chain.

I am trying to finalize the RBT2 FN consultation letters that I shared earlier.

Could you please provide some suggested wording re coordinated consultation on Provincial lands within the Project foot print and as described in the below email chain (see yellow highlight)?

Thanks for your help with this.

Please give me a call if you would like to discuss.

David

From: Grace, David H EAO:EX
Sent: Friday, July 25, 2014 5:07 PM
To: Strueby, Earl TRAN:EX; Crozier, David TRAN:EX
Cc: Hamilton, Chris EAO:EX; Vinette, Nicole EAO:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

If FLNRO is the statutory decision maker on T2 Pod Waterlot (lands within the Project Footprint) and will be conducting consultation on behalf of the province the letter should reflect this.

Sent from my Windows Phone

From: Strueby, Earl TRAN:EX
Sent: 2014-07-25 4:58 PM
To: Grace, David H EAO:EX; Crozier, David TRAN:EX
Cc: Hamilton, Chris EAO:EX; Vinette, Nicole EAO:EX
Subject: RE: Roberts Bank T2 draft FN consultation letter

Just for clarification the T2 Pod Waterlot (lands within the Project Footprint) are "owned" by FLNRO but MOTI is the lead negotiator on the project and they will take lead from us.
In addition FLNRO is taking direction from MOTI on the habitat lands outside the project foot print as well.

From: Grace, David H EAO:EX
Sent: Friday, July 25, 2014 4:29 PM
To: Strueby, Earl TRAN:EX; Crozier, David TRAN:EX
Cc: Hamilton, Chris EAO:EX; Vinette, Nicole EAO:EX
Subject: FW: Roberts Bank T2 draft FN consultation letter

Hi Earl,

Thanks for the chat.

s.13,s.14,s.16

Page 38 to/à Page 39

Withheld pursuant to/removed as

s.14;s.16;s.13