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## Confidential Issues Note - ADVICE TO MINISTER

<p style="text-align: center;"><b>CONFIDENTIAL</b> <b>GCPE-MEMPR ISSUE NOTE</b></p> <p>Ministry of Energy, Mines and Petroleum Resources Date: February 14, 2019 - UPDATE Minister Responsible: Hon. Michelle Mungall</p>	<h3>Unist'ot'en Action Camp</h3>
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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 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.

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/1FAIpQLSdNtxbSahBWHsa9WY\\_sEelq8BAEp1mOsiiOzkvq9dE7ryMnGA/viewform ...](https://docs.google.com/forms/d/e/1FAIpQLSdNtxbSahBWHsa9WY_sEelq8BAEp1mOsiiOzkvq9dE7ryMnGA/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 22<sup>nd</sup>.

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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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 archeological 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:

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#### 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:

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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 24<sup>th</sup>). 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.

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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.

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### 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.

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File Created:	Nov. 27, 2018	
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## **News Release**

For Immediate Release

February 22, 2019 – Calgary – National Energy Board

The National Energy Board (NEB) today delivered its Reconsideration report to the Government of Canada, with an overall recommendation that the Trans Mountain Expansion Project (Project) is in the Canadian public interest and should be approved.

The NEB will impose 156 conditions on the Project if it is approved, and has made 16 new recommendations to the Government of Canada. The recommendations relate to matters that fall outside of the NEB's regulatory mandate, but within the authority of the Government of Canada.

The Reconsideration report concludes that Project-related marine shipping is likely to cause significant adverse environmental effects on the Southern resident killer whale and on Indigenous cultural use associated with the Southern resident killer whale. The NEB also found that greenhouse gas emissions from Project-related marine vessels would likely be significant. While a credible worst-case spill from the Project or a Project-related marine vessel is not likely, if it were to occur the environmental effects would be significant. While these effects weighed heavily in the NEB's consideration of Project-related marine shipping, the NEB recommends that the Government of Canada find that they can be justified in the circumstances, in light of the considerable benefits of the Project and measures to minimize the effects.

The considerable benefits of the Project include increased access to diverse markets for Canadian oil; jobs created across Canada; the development of capacity of local and Indigenous individuals, communities and businesses; direct spending on pipeline materials in Canada; and considerable revenues to various levels of government.

The Reconsideration specifically examined the impacts of Project-related marine shipping related to the application of the Canadian Environmental Assessment Act, 2012 and the Species at Risk Act (SARA), as per the Government's direction to the NEB in September 2018. The NEB has completed the Reconsideration within the 155 day timeline required by the Government of Canada.

If the Project is approved by the Government, the company must comply with 156 conditions, covering a wide range of matters including: emergency preparedness and response, protection of the environment; consultation with affected Indigenous communities; socio-economic matters; pipeline safety and integrity; commercial support for the Project prior to construction; and financial responsibility on the part of the company.

In addition, the NEB has made 16 recommendations to the Government of Canada related to Project-related marine shipping, including: cumulative effects management for the Salish Sea, measures to offset increased underwater noise and increased strike risk posted to SARA-listed marine mammal and fish species, marine oil spill response, marine shipping and small vessel safety, reduction of GHG emissions from marine vessels, and the Indigenous Advisory and Monitoring Committee for the Project.

## Quote

“As indicated in the NEB’s report, the NEB has delivered a comprehensive, evidence-based, fair and meaningful review of Project-related marine shipping, within the timeline required by the Government of Canada. The NEB listened to a range of diverse views and carefully considered all of the evidence submitted, the results of which are reflected in the conclusions, conditions and recommendations presented in the report.”

– Dr. Robert Steedman, Chief Environment Officer, National Energy Board

## Quick Facts:

- The NEB was given 155 days to complete its reconsideration.
- In the Reconsideration hearing, there were:
  - 118 Intervenors who participated, including 52 Indigenous groups and individuals, and 8 federal government departments.
  - 81 Intervenors who filed written evidence
  - 44 Intervenors who asked information requests of other Parties (including of Trans Mountain and federal government departments)
  - 25 individual Oral Traditional Evidence sessions in Calgary, Victoria and Nanaimo
- The Reconsideration hearing offered a fair and meaningful opportunity to Parties to participate and to fully present their case and represent their diverse points of view. This included an opportunity to comment on the scope of the environmental assessment and the design of the hearing process, file evidence, present Indigenous oral traditional evidence, question the evidence of other parties, comment on the draft conditions and recommendations, and present final argument.
- The NEB’s Reconsideration report has now been submitted to the Government of Canada. The report is one of the factors that the Government will consider when making the final decision on whether or not the Project should proceed.

## Associated Links:

- [Reconsideration report](#)
- [Reconsideration video](#)
- [FAQs](#)
- [Introduction and Disposition](#) (an excerpt from the Reconsideration report)
- [Recommendations and conditions overview](#)
- [Explanatory Note](#) for Order in Council P.C. 2018-1177

The National Energy Board is an independent federal regulator of several parts of Canada’s energy industry. It regulates pipelines, energy development and trade in the public interest with safety as its primary concern. For more information on the NEB and its mandate, please visit the [National Energy Board website](#).

Page 22 to/à Page 23

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s.16



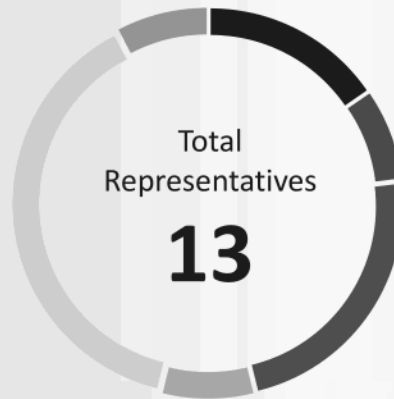
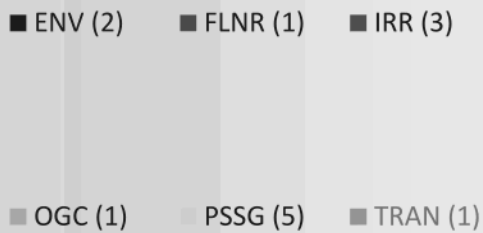
Page 24 to/à Page 25

Withheld pursuant to/removed as

s.16;s.15;s.13

# ADM LIAISON CIVIL UNREST

## Ministry Representatives



\*Secretarial group lead by Ministry of Public Safety and Solicitor General (PSSG)



## February Highlights

s.13,s.15,s.16

s.13,s.15,s.16

**February 28, 2019**



*Next Report:  
March 29, 2019*

Page 27

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s.16;s.15;s.13

## Critical Incident Procedures

March 4, 2019

**Attendees (10):** Tom Steenvoorden, Norm McPhail, Cat Van Swieten, Pop Kanjanakantorn, Ian S. Brown, Cam Filmer, Janice Franklin, Lance Ollenberger, Ed Miska, Dave Attfield

**Absent (4):** Jim Standen, Nathan Braun, Laurel Nash, Ken Paulson

### Meeting notes:

- Administrative update
  - Review of minutes from previous call
- General discussion
  - Clarification/confirmation on pipeline injunction
  - The use of direct-action response (DAR) structure for future
- Operation matters
  - s.15,s.16
  - Coastal GasLink pipeline
    - Mar. 4, 2019 – meeting of government senior officials to streamline and synchronize communications and ensure consistent messages between ministries to public
    - Mar. 4, 2019 – bulletin on archeological sites
    - Mar. 6, 2019 All Chiefs meeting with CGL in Vancouver.
- Actions
  - N/A
- Closing notes
  - Next call on Monday, Mar. 11, 2019 at 9:00 am (PST)

## Critical Incident Procedures

March 11, 2019

**Attendees (7):** Norm McPhail, Pop Kanjanakantorn, Cam Filmer, Lance Ollenberger, Nini Long (for Ed Miska) Dave Attfield, Ryan Jordan

**Absent (8):** Tom Steenvoorden, Cat Van Swieten, Jim Standen, Nathan Braun, Ian S. Brown, Laurel Nash, Janice Franklin, Ed Miska

### Meeting notes:

- Administrative update
  - Review of minutes from previous call
- General discussion
  - OGC: artifacts and traplines investigations update
- Operation matters
  - s.15,s.16
  
- Coastal GasLink pipeline
  - s.13
  
- Actions
  - s.15,s.16
  
- Closing notes
  - Next call on Monday, Mar. 18, 2019 at 9:00 am (PST)

**From:** [McPhail, Norman PSSG:EX](#)  
**To:** [Butterworth-Carr, Brenda PSSG:EX](#)  
**Cc:** [Steenvoorden, Tom PSSG:EX](#); [Enger, Tonia PSSG:EX](#); [Rideout, Wayne PSSG:EX](#); [Armstrong, Gayle PSSG:EX](#)  
**Subject:** OCG Update: Archaeology CGL Site 9A  
**Date:** Friday, March 8, 2019 2:58:03 PM  
**Attachments:** [IB 2019-xx CGL Archaeological Examination v11.pdf](#)  
**Importance:** High

---

Further to roll up report of today, I just received the OCG report on this matter. RCMP have been provided a copy of this report for situational awareness.

If questions please call.

Regards

Norm

Norman McPhail  
Project Lead  
Ministry of Public Safety and Solicitor General  
Policing & Security Branch  
10<sup>th</sup> Floor, 1001 Douglas Street, PO Box 9285  
Stn Prov Govt, Victoria, BC V8W 9J7  
Ph. s.17

March 8, 2019

### Commission Follows Up on Archaeological Complaint

The BC Oil and Gas Commission (Commission) received a complaint from the Dark House/Unist'ot'en of the Wet'suwet'en First Nation at 3:51 a.m. on Thursday, Feb. 14, 2019 regarding cultural artifacts at a work site where construction was underway for an industrial camp (Camp 9A); part of the Coastal GasLink (CGL) Pipeline Project. Camp 9A is situated southwest of Houston, B.C.

The complaint stated two "lithic stone tools" had been found and recovered from Camp 9A by Unist'ot'en supporters and additional artifacts were observed but left in place.

The Commission immediately responded, dispatching a team to the site to determine if CGL was operating in compliance with its permits as well as the broader regulatory framework under the Oil and Gas Activities Act and the Heritage Conservation Act. The team included a senior archaeologist and compliance and enforcement officer from the Commission, supported by an archaeological specialist from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). Given the complexities of mobilization as well as security and safety considerations, the team arrived at the site on the afternoon of Friday, February 15.

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 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 artifacts referred to in the complaint as "recovered" were not present.

Initial examination of the artifacts is complete. Additional work is ongoing but 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 Commission's permit for Camp 9A includes a condition governing the steps to be taken should artifacts be discovered during the course of work. This permit condition requires CGL to stop work if heritage objects are found and notify the Commission. The permit further requires CGL to file a

Mitigation Plan acceptable to the Archaeology Branch of FLNRORD before work can resume – that Plan has now been accepted by the Archaeology Branch and the Commission.

The Plan 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.

**For media inquiries regarding this Information Bulletin, please contact:**

Lannea Parfitt  
Manager, Communications  
BC Oil and Gas Commission  
Lannea.Parfitt@bcogc.ca  
250-980-6081





Page 33 to/à Page 39

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s.14;s.16

**From:** [McPhail, Norman PSSG:EX](#)  
**To:** [Steenvoorden, Tom PSSG:EX](#)  
**Cc:** [Rideout, Wayne PSSG:EX](#); [Enger, Tonia PSSG:EX](#); [Kanjanakantorn, Pop PSSG:EX](#)  
**Subject:** EMPR - Unist'ot'en IN specific to archaeological complaint  
**Date:** Wednesday, February 20, 2019 12:33:20 PM  
**Attachments:** [IN\\_CGL\\_Unist'ot'en\\_Camp\\_archaeological\\_artifacts\\_Feb\\_20.docx](#)  
[ATT00001.htm](#)

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For your situational awareness. RCMP have been briefed.

If any further inquires please call.

Regards

Norm

Norman McPhail  
Project Lead  
Policing and Public Safety Initiatives  
Ministry of Public Safety and Solicitor General  
Work <sup>s.17</sup>  
Cell <sup>s.17</sup>  
Sent from my iPhone

Begin forwarded message:

**From:** "Carr, Michelle EMPR:EX" <[Michelle.Carr@gov.bc.ca](mailto: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](mailto:Laurel.Nash@gov.bc.ca)>, "Filmer, Cam A IRR:EX" <[Cam.Filmer@gov.bc.ca](mailto:Cam.Filmer@gov.bc.ca)>, "Franklin, Janice IRR:EX" <[Janice.Franklin@gov.bc.ca](mailto:Janice.Franklin@gov.bc.ca)>, "Waters, Cory IRR:EX" <[Cory.Waters@gov.bc.ca](mailto:Cory.Waters@gov.bc.ca)>, "Bailey, Scott EAO:EX" <[Scott.Bailey@gov.bc.ca](mailto:Scott.Bailey@gov.bc.ca)>, "Paulson, Ken OGC:IN" <[Ken.Paulson@bcogc.ca](mailto:Ken.Paulson@bcogc.ca)>, "O'Donoghue, Eamon G FLNR:EX" <[Eamon.ODonoghue@gov.bc.ca](mailto:Eamon.ODonoghue@gov.bc.ca)>, "McPhail, Norman PSSG:EX" <[Norman.McPhail@gov.bc.ca](mailto:Norman.McPhail@gov.bc.ca)>, "Coley, Simon J EMPR:EX" <[Simon.Coley@gov.bc.ca](mailto:Simon.Coley@gov.bc.ca)>, "Phillips, Keith J AG:EX" <[Keith.Phillips@gov.bc.ca](mailto:Keith.Phillips@gov.bc.ca)>, "Austin, Matt FLNR:EX" <[Matt.Austin@gov.bc.ca](mailto:Matt.Austin@gov.bc.ca)>, "Shaw, Rachel EMPR:EX" <[Rachel.Shaw@gov.bc.ca](mailto:Rachel.Shaw@gov.bc.ca)>, "Rousselle, Jillian FLNR:EX" <[Jillian.Rousselle@gov.bc.ca](mailto:Jillian.Rousselle@gov.bc.ca)>, "Puggioni, Giovanni IRR:EX" <[Giovanni.Puggioni@gov.bc.ca](mailto:Giovanni.Puggioni@gov.bc.ca)>, "Humber, Emmy EMPR:EX" <[Emmy.Humber@gov.bc.ca](mailto:Emmy.Humber@gov.bc.ca)>, "Braun, Nathan EAO:EX" <[Nathan.Braun@gov.bc.ca](mailto:Nathan.Braun@gov.bc.ca)>, "Craven, Paul EAO:EX" <[Paul.Craven@gov.bc.ca](mailto:Paul.Craven@gov.bc.ca)>, "Zadravec, Don GCPE:EX" <[Don.Zadravec@gov.bc.ca](mailto:Don.Zadravec@gov.bc.ca)>, "O'Hanley, James G" <[James.OHanley@bcogc.ca](mailto:James.OHanley@bcogc.ca)>, "XT:Ollenberger, Lance GCPE:IN" <[Lance.Ollenberger@bcogc.ca](mailto:Lance.Ollenberger@bcogc.ca)>, "Haslam, David GCPE:EX" <[David.Haslam@gov.bc.ca](mailto:David.Haslam@gov.bc.ca)>, "Beaupre, Darren GCPE:EX" <[Darren.Beaupre@gov.bc.ca](mailto:Darren.Beaupre@gov.bc.ca)>, "Plummer, Glen GCPE:EX" <[Glen.Plummer@gov.bc.ca](mailto:Glen.Plummer@gov.bc.ca)>, "Iliffe, Liam GCPE:EX" <[Liam.Iliffe@gov.bc.ca](mailto: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 style="text-align: center;"><b>CONFIDENTIAL</b> <b>GCPE-MEMPR ISSUE NOTE</b></p> <p>Ministry of Energy, Mines and Petroleum Resources Updated: February 20, 2019 Minister Responsible: Hon. Michelle Mungall</p>	<h3>Unist'ot'en Camp – Archaeological Artifacts</h3>
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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 14<sup>th</sup>.**
- **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 14<sup>th</sup>, 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:

<b>2013</b>	FLNR's archaeology branch issued a Heritage Inspection Permit, which authorized Coastal GasLink (CGL) to complete an AIA.
<b>Dec. 2015</b>	CGL submitted its AIA to the FLNR archaeology branch as required.
<b>Jan. 2016</b>	The archaeology branch reviewed and accepted the AIA.
<b>Aug. 2016</b>	CGL submitted a final report AIA addendum.
<b>Sept. 2016</b>	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.
<b>Jan. 2019</b>	<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>
<b>Jan. 29, 2019</b>	An inspection by the OGC determined CGL was in compliance with its OGC permit requirements.
<b>Feb. 1, 2019</b>	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 <sup>s.17</sup>  
 File Created: February 19, 2019  
 File Updated: February 20, 2019

**From:** [McPhail, Norman PSSG:EX](#)  
**To:** [Steenvoorden, Tom PSSG:EX](#)  
**Cc:** [Rideout, Wayne PSSG:EX](#); [Enger, Tonia PSSG:EX](#); [Kanjankantorn, Pop PSSG:EX](#); [Armstrong, Gayle PSSG:EX](#)  
**Subject:** Update with "Omnibus" IN - Unistoten Camp 2019-02-27  
**Date:** Wednesday, February 27, 2019 4:21:28 PM  
**Attachments:** [IN CGL Unist"ot"en Camp Feb 27 230 PM.docx](#)

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For your situational awareness. If any questions or concerns, please advise.

Regards

Norm

Norman McPhail

Project Lead

Ministry of Public Safety and Solicitor General

Policing & Security Branch

10<sup>th</sup> Floor, 1001 Douglas Street, PO Box 9285

Stn Prov Govt, Victoria, BC V8W 9J7

Ph. s.17

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**From:** Carr, Michelle EMPR:EX

**Sent:** Wednesday, February 27, 2019 3:01 PM

**To:** Nash, Laurel IRR:EX ; Puggioni, Giovanni IRR:EX ; Filmer, Cam A IRR:EX ; Waters, Cory IRR:EX ; Franklin, Janice IRR:EX ; Coley, Simon J EMPR:EX ; McPhail, Norman PSSG:EX ; Phillips, Keith J AG:EX ; Austin, Matt FLNR:EX ; O'Donoghue, Eamon G FLNR:EX ; Shaw, Rachel EMPR:EX ; Craven, Paul EAO:EX ; 'O'Hanley, James G' ; Paulson, Ken OGC:IN ; XT:Ollenberger, Lance GCPE:IN

**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

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

### 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 14<sup>th</sup>.**
- **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 7<sup>th</sup>, 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

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	GasLink (CGL) to complete an AIA.
<b>Dec. 2015</b>	CGL submitted its AIA to the FLNR archaeology branch as required.
<b>Jan. 2016</b>	The archaeology branch reviewed and accepted the AIA.
<b>Aug. 2016</b>	CGL submitted a final report AIA addendum.
<b>Sept. 2016</b>	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.
<b>Jan. 2019</b>	<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>
<b>Jan. 29, 2019</b>	An inspection by the OGC determined CGL was in compliance with its OGC permit requirements.
<b>Feb. 1, 2019</b>	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.
<b>Feb. 13, 2019</b>	<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>
<b>Feb. 14 2019</b>	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



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	<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>
<b>Feb. 15, 2019</b>	<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>
<b>Feb. 16, 2019</b>	<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 14<sup>th</sup>, an Order was provided to the investigating staff. The artifacts recovered are currently under the care of the OGC.</p>

### Issue: OGC oversight

<b>Jan. 29, 2019</b>	<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>
<b>Feb. 7, 2018</b>	<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"> <li>• 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);</li> <li>• Commission was subsequently told by CGL that activities on the site started January 22<sup>nd</sup>.</li> </ul> <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

<b>Nov. 2, 2018</b>	TransCanada filed a formal complaint regarding the blockade with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR).
<b>Nov. 20, 2018</b>	<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>
<b>Nov. 26, 2018</b>	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.
<b>Dec. 14, 2018</b>	<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>
<b>Jan. 5, 2019</b>	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
<b>Jan. 6, 2019</b>	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".
<b>Jan. 7, 2019</b>	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.
<b>Jan. 8, 2019</b>	<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 - <a href="https://www.facebook.com/events/2225649537692362/">https://www.facebook.com/events/2225649537692362/</a> .</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>

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<b>Jan. 9, 2019</b>	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.
<b>Jan. 14, 2019</b>	<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>
<b>Jan. 23, 2019</b>	s.16
<b>Jan. 24, 2019</b>	<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>
<b>Jan. 31, 2019</b>	<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>
<b>Feb. 4, 2019</b>	<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>
<b>Feb. 6, 2019</b>	s.16

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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, Witsset (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 Witsset 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, Witsset, 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 Carr <sup>s.17</sup>
File Created:	February 20, 2019
File Updated:	February 27, 2019

**From:** [McPhail, Norman PSSG:EX](#)  
**To:** [Steenvoorden, Tom PSSG:EX](#)  
**Cc:** [Kanjankantorn, Pop PSSG:EX](#); [Enger, Tonia PSSG:EX](#); [Rideout, Wayne PSSG:EX](#)  
**Subject:** GGL Secretariat Update to DMs - Unist'ot'en 2019-02-16  
**Date:** Monday, February 18, 2019 7:55:08 AM  
**Attachments:** s.12

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FYI.

Norman McPhail  
Project Lead  
Policing and Public Safety Initiatives  
Ministry of Public Safety and Solicitor General  
Work <sup>s.17</sup>  
Cell <sup>s.17</sup>  
Sent from my iPhone

Begin forwarded message:

**From:** "Carr, Michelle EMPR:EX" <[Michelle.Carr@gov.bc.ca](mailto:Michelle.Carr@gov.bc.ca)>  
**To:** "Zadravec, Don GCPE:EX" <[Don.Zadravec@gov.bc.ca](mailto:Don.Zadravec@gov.bc.ca)>, "Paulson, Ken OGC:IN" <[Ken.Paulson@bcogc.ca](mailto:Ken.Paulson@bcogc.ca)>, "O'Hanley, James G" <[James.OHanley@bcogc.ca](mailto:James.OHanley@bcogc.ca)>, "XT:Ollenberger, Lance GCPE:IN" <[Lance.Ollenberger@bcogc.ca](mailto:Lance.Ollenberger@bcogc.ca)>, "Craven, Paul EAO:EX" <[Paul.Craven@gov.bc.ca](mailto:Paul.Craven@gov.bc.ca)>, "Bailey, Scott EAO:EX" <[Scott.Bailey@gov.bc.ca](mailto:Scott.Bailey@gov.bc.ca)>, "Shaw, Rachel EMPR:EX" <[Rachel.Shaw@gov.bc.ca](mailto:Rachel.Shaw@gov.bc.ca)>, "Haslam, David GCPE:EX" <[David.Haslam@gov.bc.ca](mailto:David.Haslam@gov.bc.ca)>, "Beaupre, Darren GCPE:EX" <[Darren.Beaupre@gov.bc.ca](mailto:Darren.Beaupre@gov.bc.ca)>, "Plummer, Glen GCPE:EX" <[Glen.Plummer@gov.bc.ca](mailto:Glen.Plummer@gov.bc.ca)>, "Rousselle, Jillian FLNR:EX" <[Jillian.Rousselle@gov.bc.ca](mailto:Jillian.Rousselle@gov.bc.ca)>, "Austin, Matt FLNR:EX" <[Matt.Austin@gov.bc.ca](mailto:Matt.Austin@gov.bc.ca)>, "O'Donoghue, Eamon G FLNR:EX" <[Eamon.ODonoghue@gov.bc.ca](mailto:Eamon.ODonoghue@gov.bc.ca)>, "Phillips, Keith J AG:EX" <[Keith.Phillips@gov.bc.ca](mailto:Keith.Phillips@gov.bc.ca)>, "McPhail, Norman PSSG:EX" <[Norman.McPhail@gov.bc.ca](mailto:Norman.McPhail@gov.bc.ca)>, "Coley, Simon J EMPR:EX" <[Simon.Coley@gov.bc.ca](mailto:Simon.Coley@gov.bc.ca)>, "Humber, Emmy EMPR:EX" <[Emmy.Humber@gov.bc.ca](mailto:Emmy.Humber@gov.bc.ca)>, "Filmer, Cam A IRR:EX" <[Cam.Filmer@gov.bc.ca](mailto:Cam.Filmer@gov.bc.ca)>, "Franklin, Janice IRR:EX" <[Janice.Franklin@gov.bc.ca](mailto:Janice.Franklin@gov.bc.ca)>, "Puggioni, Giovanni IRR:EX" <[Giovanni.Puggioni@gov.bc.ca](mailto:Giovanni.Puggioni@gov.bc.ca)>, "Waters, Cory IRR:EX" <[Cory.Waters@gov.bc.ca](mailto:Cory.Waters@gov.bc.ca)>, "Nash, Laurel IRR:EX" <[Laurel.Nash@gov.bc.ca](mailto:Laurel.Nash@gov.bc.ca)>, "Braun, Nathan EAO:EX" <[Nathan.Braun@gov.bc.ca](mailto:Nathan.Braun@gov.bc.ca)>  
**Subject:** Update

Please see below for update provided to deputies a few minutes ago.

Please note reference to need to confirm appropriate public messaging to update IN and respond to anticipated media requests.

My thanks to Ken, Paul and Eamon for joining us at the MA/PO/GCPE presentation and to the staff who worked last night/this weekend to attend to the site.

Michelle

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Archaeology Site Inspection

An Oil and Gas Commission Compliance and Enforcement Officer as well as the Commission's Senior Archaeologist and a supporting Archaeologist from FLNRORD inspected Camp 9A beginning at 4:00 pm on Friday, February 15.

s.13,s.16

I will work with OGC and FLNR on Tuesday to confirm public messaging/IN update due to the sensitive nature of this matter.

Site Activities

s.15,s.16

Presentation to PO staff, MAs, and GCPE

Yesterday the LNG Canada Secretariat, OGC, FLNR and EAO presented the attached deck to a number of ministerial assistants, GCPE and PO staff. s.12,s.13

s.12,s.13

s.12,s.13

It was well received and this group will meet bi-weekly to obtain updates and ask questions.

Michelle

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Withheld pursuant to/removed as

s.12;s.13