



Impact Assessment Agency of Canada



ANALYSIS OF LNG CANADA DEVELOPMENT INC.'S PROPOSED CHANGES TO
THE LNG CANADA EXPORT TERMINAL PROJECT

DECEMBER 2022

Table of Contents

Impact Assessment Agency of Canada	1
Table of Contents	2
1. Introduction.....	3
2. Project History	4
3. Project Changes.....	4
3.1 Agency's Analysis of Changes	6
4. Potential Adverse Environmental Effects from Project Changes	6
4.1 Fish and Fish Habitat	6
4.1.1 Proponent's Assessment	6
4.1.2 Views Expressed.....	7
4.1.3 Agency's Analysis and Conclusions.....	8
4.2 Marine Transportation	8
4.2.1 Proponent's Assessment	8
4.2.2 Views Expressed.....	10
4.2.3 Agency's Analysis and Conclusions.....	11
4.3 Rights of Indigenous Peoples	11
4.3.1 Proponent's Assessment	11
4.3.2 Views Expressed.....	12
4.3.3 Agency's Analysis and Conclusions.....	12
5. Conclusion.....	13

1. Introduction

LNG Canada Development Inc. (the proponent) proposed the construction and operation of the LNG Canada Export Terminal Project (the Project), a natural gas liquefaction facility and marine terminal for the export of liquefied natural gas (LNG) in the District of Kitimat, British Columbia (B.C.). The Project would convert natural gas to LNG, approximately 26 million tonnes per annum, for export to global markets. The Project is expected to have a life of at least 25 years. The Project began construction in 2015.

On August 28, 2019, the *Impact Assessment Act* (IAA) came into force, repealing the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). Section 184 of the IAA provides that Decision Statements issued under CEAA 2012 are deemed to be Decision Statements under the IAA and therefore subject to the provisions of the IAA.

On April 1, 2022 the proponent informed the Impact Assessment Agency of Canada (the Agency) of changes to the Project design to include the construction of a tug berth facility at the existing non-operational jetty and the construction of a diesel and LNG bunkering area at the northeast corner of the materials offloading facility (Figure 1). The proponent's amendment assessment can be found here: [LNG Canada Export Terminal Project - Canada.ca \(iaac-aeic.gc.ca\)](https://www.lngcanada.ca/iaac-aeic.gc.ca). The proponent described the changes, the potential effects of the changes to valued components of the environment, and a summary of engagement with Indigenous groups related to the proposed changes to the Project.

B.C.'s Environmental Assessment Office (EAO) carried out its own amendment process for the changes as they relate to the provincial Environmental Assessment Certificate under B.C.'s *Environmental Assessment Act* for the Project. The EAO convened a Technical Advisory Committee (TAC) to assist with its review. The Agency participated in the TAC along with provincial ministries, federal departments, local and regional governments and representatives from Haisla Nation, Gitga'at First Nation, Gitxaala Nation and Kitsumkalum First Nation. The EAO's Amendment Assessment Report and an overview of its amendment process can be found here: [EPIC \(gov.bc.ca\)](https://www.epic.gov.bc.ca).

For the purpose of the IAA, the Agency conducted an analysis of the Project changes and the potential adverse environmental effects of those changes within areas of federal jurisdiction, and considered comments from federal and provincial governments, and Indigenous groups to assess:

- whether the changes constitute a new or different designated project that may require a new impact assessment; and
- whether any changes (including addition or removal) are required to the key mitigation measures and follow-up requirements included as conditions, and the project description included in the Decision Statement.

This report provides a summary of the Project changes and an analysis of whether these changes may result in adverse environmental effects within areas of federal jurisdiction. In addition, it considers whether existing conditions or the project description in the Decision Statement need to be amended (including addition or removal).

The Agency is of the view that the Project changes do not constitute a new or different designated project that may require a new impact assessment.

The Agency is of the view that the mitigation and follow-up requirements included as conditions and the project description in the Decision Statement remain relevant without any requirement for changes.

2. Project History

The Project was subject to an assessment under CEAA 2012 and B.C.'s *Environmental Assessment Act*. The federal environmental assessment was conducted by means of substitution in accordance with the *Memorandum of Understanding between the Agency and the British Columbia Environmental Assessment Office on Substitution of Environmental Assessments (2013)*.

Following the substituted environmental assessment process, the former Minister of the Environment and Climate Change (the Minister) determined under paragraph 52(1)(a) of CEAA 2012 that the Project would likely cause significant adverse environmental effects, taking into account appropriate mitigation measures. In accordance with subsection 52(2) of CEAA 2012, the decision was referred to Governor in Council on the matter of whether the significant adverse environmental effects were justified. In accordance with paragraph 52(4)(a) of CEAA 2012, Governor in Council decided that the potential significant adverse environmental effects from the Project were justified in the circumstances and the Project may proceed. On June 17, 2015, the former Minister issued a Decision Statement that contains 50 legally-binding conditions, which include mitigation measures and follow-up requirements that the proponent must comply with for the life of the Project.

Changes to the Project have been proposed by the Proponent since 2015, including a change to construct and use up to two 10-metre-wide temporary access trails, as well as the upgrade and use of existing roads as a supplementary haulage route for the trucking of construction materials from the area known as Sandhill to the LNG facility site. However, the Agency concluded that the federal Decision Statement did not require an amendment for this Project change. On April 6, 2021, the federal Decision Statement was amended to address feasibility issues associated with some condition requirements related to marine mammals during construction activities.

3. Project Changes

The purpose of the current Project changes before the Agency relating to tugs were outlined in the proponent's Amendment Assessment Report. The proponent indicated that the Project changes (described below) would support avoidance of any dredging requirements for tug berth development and initial operational use. Also, the planned changes and re-use of existing facilities would reduce the required in-water marine construction work. The tug berth facility is the most proximal location available for limiting tug movements in support of the LNG carrier berthing, arrival and departure. Finally, access to and availability of electrical grid power is also critical to successfully implementing the battery-powered operation of the harbour tugs to reduce associated emissions. The Project changes are outlined in detail below.

Tug Berth Facility

The proponent has requested a change to the Certified Project Area in the province's Certified Project Description to authorize the construction and use of a tug berth facility that accommodates six chartered tugs, i.e. small marine vessels used for escorting, towing and pushing of LNG Carriers that will operate around the Project site. Three tugs would be used to escort LNG Carriers and three tugs would be used in the harbour to assist the LNG Carriers specifically with docking and undocking. The Certified Project Area would require expansion to include the new facility (Figure 1 – Site Map).

The proposed tug berth location for consideration is at the existing non-operational jetty (formerly operated by Methanex and owned by Rio Tinto Canada Inc.). The proposal is to redevelop the former Methanex jetty and marine structures to support the floating tug berths located seaward of the jetty. The tug berth would be adjacent to a floating operations and maintenance facility and a floating breakwater.

The key benefits of the Project changes according to the proponent include:

- The upgrade and reuse of existing facilities substantively reduces in-water marine construction;
- The tug berth being located closer to the LNG carrier berth is more efficient because it reduces vessel movements; and
- The tug berth could receive power from the electrical grid to enable battery-powered tugs instead of gas-powered tugs to reduce associated emissions.

The marine structures associated with the Project changes include:

- 1) Floating tug dock moored to existing trestle, to accommodate the vessels and to provide safe access;
- 2) Marine piling to secure the floating pontoons;
- 3) Access ramp, gangway, and catwalks;
- 4) Floating Operations & Maintenance facility; and
- 5) Floating breakwater to reduce wave loads on structures.

The proponent would remove some existing redundant land-based infrastructure on the jetty to facilitate construction. There would also be upgrades to the existing road along the jetty, the abutments, the roadside barriers, and additional shoreline protection. No in-water work is anticipated beyond installation of piles to support the floating facilities.

Diesel and LNG Bunkering Area

The proponent intends to construct a diesel and LNG bunkering area located at the north-east corner of the Materials Offloading Facility (MOF), which is currently under construction (Figure 1). Diesel would be brought in by truck and transferred directly to the tugs. LNG would be transferred onto LNG carriers for use as fuel through installation of additional pipework on the wharf.

Marine works would include the following:

- An upgrade of the MOF fenders;
- Marine piling and/or berthing/mooring dolphin; and
- Tug mooring infrastructure.

Land-based works would include concrete slabs for the diesel loading area, fencing, and regrading of the area for vehicle maneuvering and parking. There would be electrical works and wet utility installation.

One of the key benefits of this proposed change is how the expected availability of LNG bunkering and the secure marine fueling location would support the emission-reducing capability of escort tug design, as it would enable increased use of lower emitting LNG as the fuel source. The secure marine fueling location is also optimized to allow the periodic fueling of the tugs with diesel as a back-up fuel.

Alternative means of carrying out Project changes

The proponent analyzed alternative options to determine the optimal location for the tug berth. The factors considered were based on the need for dredging and disposal of material, and timing of construction and permitting. Figure 2 – Tug Berth Location Options presents the location of proposed alternative options A through F, with exclusion zones for the phases of the Project. The re-use of the existing area (option F), previously an active wharf operated by Methanex, is the preferred option as it is a disturbed area where existing piles, platform and jetty can be used in the new tug berth design. This option does not require dredging and disposal of dredged sediment.

The proponent also carried out an alternative options analysis for the diesel and LNG bunkering area to determine the optimal fueling system to support the operations. Diesel and LNG fuelling would be located at a single facility at the MOF so that only a single mooring space is required. The MOF location is shown in

Figure 2. The analysis of alternatives focused on LNG fuelling location as this was considered to have a greater potential impact to all valued components as opposed to diesel fuelling. The analysis evaluated the benefits and challenges of six locations for the new facility. The determining factors for the selection were technical (safe operations, logistics, cost, scheduling) and potential effects on the physical environment. The preferred option is considered by the proponent to have the lowest potential for adverse environmental effects, as all construction would take place in the existing industrial area and no additional bunkering storage would be required.

3.1 Agency's Analysis of Changes

The *Physical Activities Regulations* (the Regulations) under the IAA identify the physical activities that constitute designated projects that may require an impact assessment. On its own, the Project changes are not a physical activity described in the Regulations. Consequently, the Agency is of the view that the changes do not constitute a new or different designated project that may require a new impact assessment.

4. Potential Adverse Environmental Effects from Project Changes

The following is an analysis to determine whether any of the changes to the Project would result in environmental effects that require the modification, addition or removal of mitigation measures and follow-up requirements included as conditions in the Decision Statement. The Agency focused the assessment on potential effects to fish and fish habitat, and on marine transportation because effects are not expected on the other Valued Components.

4.1 Fish and Fish Habitat

Effects to fish and fish habitat were assessed during the initial environmental assessment of the Project and mitigation measures and follow-up requirements were developed. The Decision Statement includes related conditions.

4.1.1 Proponent's Assessment

The proponent's assessment of potential effects to fish and fish habitat caused by the Project changes can be found in its Amendment Assessment Report, which can be found at: [LNG Canada Export Terminal Project - Canada.ca \(iaac-aeic.gc.ca\)](https://www.lngcanada.ca/iaac-aeic.gc.ca). The proponent predicted that the Project changes may interact with fish and fish habitat through marine pile installation at the tug berth area. The potential effects outlined by the proponent included:

- Changes in fish habitat;
- Changes in the risk of physical injury or mortality of fish or marine mammals;
- Changes in the behaviour of fish and/or marine mammals; and
- Changes in fish health.

The proponent also outlined the mitigation measures associated with the Project changes that have been incorporated into the design to address potential impacts. These include the location of the piles in an area of existing disturbance with habitat described as low quality, adherence to mitigation measures outlined in the

existing provincial Environmental Assessment Certificate and the federal Decision Statement, a commitment to underwater acoustic and marine mammal monitoring, and the implementation of marine mammal exclusion zones. These mitigation measures are outlined in detail in the conditions of the federal Decision Statement that address potential effects to fish and fish habitat during pile driving (specifically conditions 3.6 – 3.9).

The residual effects from the proposed changes were characterized by the proponent as follows:

- Negligible loss of fish habitat (52 metres²) for subtidal pile installation;
- Negligible disturbance to intertidal habitat (1,500 metres²) from shoreline protection remediation with potential encroachment to subtidal zone (max 2 metres); and
- Negligible and temporary disturbance from Project-generated underwater noise, within guideline thresholds as implemented for work within the Certified Project Area.

The proponent defined Negligible as being “small in comparison to what was assessed for the original Certificate Application” and having “no measurable change” to the valued component. It concluded that, with the application of mitigation measures required by the Federal Decision Statement, the proposed changes are not anticipated to change the characterization of residual effects to marine and freshwater fish and fish habitat, including the risks of physical injury or mortality, changes in behaviour, and changes in fish health from the original environmental assessment. Further, the anticipated residual effects would not change the cumulative effects assessment conclusions provided in the original environmental assessment. The risks and uncertainties related to this assessment are considered by the proponent to be negligible because the proposed changes are temporary and localized.

4.1.2 Views Expressed

Fisheries and Oceans Canada

A Fisheries and Oceans Canada (DFO) Request for Review (RFR) has been submitted by the proponent (file # 22 HPAC-00897). It is anticipated that DFO will provide a Letter of Advice outlining avoidance and mitigations for the construction activities. The draft RFR outlines measures to mitigate serious harm to fish as well as adaptive management measures including: an underwater acoustic monitoring program, establishment and monitoring of a marine mammal exclusion zone, use of a combination of vibratory and impact hammer to reduce overall noise, soft start procedures for piling, a turbidity monitoring program based on visual observations with compliance monitoring completed as needed, use of an environmental monitor, and standard best management practices for concrete work near water.

Environment and Climate Change Canada

Environment and Climate Change Canada (ECCC) expressed concerns regarding lack of mitigation measures to minimize sediment dispersion in relation to the re-suspension of contaminants during pile driving. The proponent responded with a commitment to review and make changes deemed necessary following the conclusion of the amendment assessment process. The proponent also provided ECCC with the existing Construction Environmental Management Plan, the Erosion and Sediment Control Plan, the Marine Activities Plan and the Dredge Environmental Management Plan.

ECCC also expressed concern regarding potential effects to surface water quality caused by the Project changes. The proponent responded that the potential interaction with non-marine resources has been estimated to be negligible and that there are effective mitigations in place from the original environmental assessment. It is the opinion of the proponent that the proposed changes in footprint and construction activity (including in-water and land-based activities) are not anticipated to impact surface water quality. Management and monitoring of Project-related effects for similar activities during construction and operations are well developed at the LNG facility. With the application of mitigation measures, only a negligible change to surface water quality is anticipated.

Gitxaala Nation

Gitxaala Nation expressed concern regarding the disturbance and dispersion of sediments during pile driving during the construction of the new tug berth facility, and the potential for related impacts to country foods. Specifically, they questioned the proponent's rationalization of excluding the Human Health VC (specific to marine country foods) from the assessment of proposed changes. The proponent responded that they had completed extensive monitoring to assess potential effects on country foods and human health as a result of marine sediment mobilization during dredging. The monitoring results provide substantial evidence that the potential effects and risk to human health associated with sediment mobilization for sediments in proximity to the location of the proposed tug berth were not observable. Therefore, the proponent's view that by avoiding dredging and limiting the marine pile installation associated with the changes to the Project, the resulting effects would be minimized. The proponent stated that this view is sufficiently supported by the findings of the original environmental assessment and therefore further assessment is not warranted.

Gitxaala Nation also expressed concern regarding the fact that the area proposed for the construction of the tug berth facility was not part of the original Certified Project Area, and therefore was not included in the original environmental assessment. Their concern focused on the assessment of sediment dispersion and the preservation of water quality during construction activities. The proponent responded that the proposed mitigation measures outlined in the Decision Statement for managing sediment dispersion and water quality have been demonstrated to be effective, and the proponent would continue to follow the advice of Fisheries and Oceans Canada in this regard. The proponent also noted that an Environmental Monitor would be on site to monitor the construction activities and implement modifications to the activities or additional mitigations, as required.

4.1.3 Agency's Analysis and Conclusions

Taking into account the proponent's analysis, and the views expressed as outlined above, the Agency concludes that the proposed Project changes would not result in any change to the characterization of adverse environmental effects to fish and fish habitat beyond those assessed during the original environmental assessment. Existing key mitigation measures and follow-up requirements from the original environmental assessment would adequately address any effects under CEAA 2012 resulting from the Project changes, including mitigation measures related to the protection of freshwater and marine fish and fish habitat, as described in the Decision Statement. These include measures to minimize effects to fish and fish habitat and human health as a result of sediment dispersion during in-water construction activities (condition 3.7, 3.8 and 6.3). Freshwater fish and fish habitat and water quality would be protected through existing erosion control measures, isolation methods and revegetation measures (condition 3.1, 3.2 and 3.3). The Agency is therefore of the view that no changes are required to the key mitigation measures and follow-up requirements identified in the initial environmental assessment and set out as conditions in the Decision Statement, as existing conditions would be sufficient to address any residual effects to fish and fish habitat caused by the Project changes.

4.2 Marine Transportation

Effects related to marine transportation were assessed during the initial environmental assessment of the Project and mitigation measures and follow-up requirements were developed and included as conditions in the Decision Statement.

4.2.1 Proponent's Assessment

The proponent's assessment of potential effects related to marine transportation caused by the Project can be found in the Amendment Assessment Report. The proponent's assessment did not consider effects from LNG carriers and escort tugs, as there are no proposed changes to this activity.

The proponent predicted that the Project changes may interact with marine transportation. The potential effects outlined by the proponent during construction and decommissioning of the changed components, and from the changes to tug movements during operations included:

- Interference with marine navigation;
- Interference with marine fisheries and shoreline harvesting; and
- Interference with marine recreation and tourism.

The proponent noted that the construction of the tug berth facility would not increase the frequency of tug movements within the harbour over what was considered in the original environmental assessment, but would result in a localized change in how tugs move within the harbour and therefore potentially interfere with marine navigation in that specific area. While the tug berth location is outside of the original Certified Project Area, it is within the larger Marine Transportation Local Study Area described in the original environmental assessment to support the conclusions and mitigation measures.

The proponent outlined the mitigation measures that have been incorporated into the Project change to address potential impacts. The mitigation measures include a Marine Activities Plan, Marine Access Traffic Plan, and Marine Response Plan as required in the original environmental assessment. These plans are currently being developed in-line with the Proactive Vessel Management initiative lead by Transport Canada. The plans include vessel safety zones, communication protocols and navigational aids. In addition, the plans must identify: activities that may impact navigation; existing and traditional fishing areas and harvesting areas; Indigenous groups' use and any fisheries timing windows; actions to inform stakeholders and Indigenous groups of potential interference with marine navigation, and actions to reduce disruption of marine navigation. The Marine Response Plan will also include protocols to address fuelling risks and accidental spills associated with the tug fuelling facility.

In summary, no additional mitigation measures are proposed to manage potential effects of the Project changes related to marine transportation.

In the proponent's assessment of residual effects to marine transportation, it noted that overall tug traffic volume in the Port of Kitimat would not change over what was considered in the original environmental assessment, but that there would be localized residual effects from changes to tug movements around the former Methanex jetty. The proponent determined that these effects would be negligible because:

- Tug movements are only required between the LNG Canada berth and the proposed tug berth;
- Tug movement in the harbour would be physically restricted to the area immediately adjacent to the proposed tug berth due to the presence of an elevated area between the two dredged areas; and
- Tug use is common in the Port of Kitimat and the persistence of industrial marine activity in the area suggests that local mariners are accustomed to their presence.

The proponent concluded that with the application of mitigation measures outlined in the original environmental assessment and subsequent amendments, the Project changes are not anticipated to change the characterization of residual effects to marine transportation. Further, the anticipated residual effects will not change the cumulative effects assessment conclusions provided in the original environmental assessment.

4.2.2 Views Expressed

Transport Canada

Transport Canada expressed that a safety zone around the tug berth should be established in order to ensure the safety of marine traffic during construction and operation, in addition to the use of the navigational warning system (“NAVWARNS”). While this is not an element of the Decision Statement, the proponent acknowledged that both of these mitigations would be implemented for the Project.

Transport Canada also expressed their view that the construction and use of a tug berth facility, including those proposed in the changes to the Project, is consistent with the Technical Review Process of Marine Terminal Systems and Transshipment Sites (TERMPOL) review conducted in 2015. The recommendation provided at that time was that a suitable berth location for tug vessels should be provided near the Project berths to improve operational safety through closer availability and access to maintenance. Transport Canada concurred with the proponent’s view that the Project changes would not result in an increase in the movements of LNG carriers and escort tugs entering and exiting the port of Kitimat.

Gitxaala Nation

Gitxaala Nation expressed concerns related to the fact that the proponent’s assessment of the cumulative effects associated with the Project changes relied on those from the original environmental assessment, and as a result did not consider the proposed Cedar LNG Project. Gitxaala Nation requested to know how overlapping construction windows were considered, and how an update to the cumulative effects assessment might be incorporated. The proponent responded that based on the consideration of the limited construction information available, the Marine Transportation valued component residual effects were assessed to have very minor changes in vessel traffic in the port of Kitimat. The proponent stated that no other potential effects in the Marine Transportation valued component assessment were assessed to have any residual effects. The effects are anticipated to be localized in the direct vicinity of the port of Kitimat, and therefore would not overlap in time or space with the proposed Cedar LNG Project. The Cedar LNG Project area is more than 2 kilometres southwest of these activities. The proponent further responded that the operation of the tugs was previously assessed during the original environmental assessment, as well as during the TERMPOL review, and therefore any cumulative effects assessment of these Project interactions are included in the assessment of Projects being proposed and assessed since 2015. The proponent asserts that there are no additional cumulative effects to be considered for the Project changes and further asserts that negligible effects are expected.

Kitsumkalum First Nation

Kitsumkalum First Nation expressed concern regarding the transportation of diesel fuel to the bunkering area, and the potential for related spills, as part of the Project changes. Kitsumkalum First Nation sought confirmation on the number of trucks associated with the delivery of diesel fuel to the site. The proponent confirmed that the estimate in its submission of one to two diesel trucks is for both the onshore and the marine fueling diesel needs combined, and is not in addition to what was originally anticipated. The proponent expressed their confidence that the commitment to plan and implement measures in accordance with Transport Canada’s regulations and standards, along with the current provisions of the federal Decision Statement (and associated conditions outlined in section 10) sufficiently address the potential effects resulting from the Project changes, in relation to the prevention of, and response to accidental spills of diesel either onshore or in the marine environment.

Kitsumkalum First Nation also raised concerns that the proponent’s emergency response plans does not explicitly include marine fueling and suggested that there be changes to the conditions to require environmental management and response plans be updated to include marine fueling activities. The proponent stated that emergency response planning for marine fueling would be included in commercial arrangements with qualified vendors and would meet the federal and provincial requirements. The proponent is of the view that conditions with section 10 of the Decision Statement are sufficient in addressing the Nation’s concerns and do not require amendments. The Agency notes that section 10 of the Decision

Statement references the Certified Project Description and would cover all components including any new fuel bunkering activities that would be updated in the EAO's Certified Project Description.

4.2.3 Agency's Analysis and Conclusions

It is the Agency's view that the existing conditions in the Decision Statement, specifically those related to marine navigation (section 10 – Accidents or Malfunctions) and communication protocols with Indigenous groups (condition 7.1) would be sufficient to address any residual effects on marine transportation caused by the Project changes. With regards to concerns about the cumulative effects assessment, the Agency considered the proponent's rationale that, since residual effects would be localized, and do not occur in the same place and at the same time, no additional assessment is necessary.

Taking into account the proponent's analysis, and the views expressed as outlined above, the Agency concludes that the Project changes would not result in any change to the characterization of adverse environmental effects related to marine transportation beyond those assessed during the original environmental assessment. Existing key mitigation measures and follow-up requirements from the original environmental assessment would adequately address any effects under CEAA 2012 resulting from the Project changes. The Agency is therefore of the view that no changes are required to the key mitigation measures and follow-up requirements identified in the initial environmental assessment and set out as conditions in the Decision Statement.

4.3 Rights of Indigenous Peoples

Analysis of adverse effects of changes to the environment on current use of lands and resources for traditional purposes, health of Indigenous peoples, physical and cultural heritage, and biophysical resources informed the assessment of impacts on the rights of Indigenous Peoples as recognised and affirmed in section 35 of the *Constitution Act, 1982* during the original environmental assessment. Mitigation measures and follow-up requirements were developed and the Decision Statement includes related conditions.

4.3.1 Proponent's Assessment

The proponent stated within its amendment assessment that the Project changes have the potential to interact with the ability of Indigenous nations to exercise their Aboriginal rights as recognized and affirmed by section 35 of the *Constitution Act, 1982* and interests.

The following Indigenous nations participated in the Technical Advisory Committee reviewing the proponent's Project changes:

- Haisla Nation;
- Gitga'at First Nation;
- Gitxaala Nation; and
- Kitsumkalum First Nation.

In addition, the following Indigenous groups were notified of the amendment assessment process by the proponent, the EAO and the Agency:

- Kitselas First Nation;
- Lax Kw'alaams Band;
- Metlakatla First Nation; and
- Métis Nation BC.

Given the localized nature of the potential interactions presented in the proponent's amendment assessment, and the fact that the Project changes are limited to occurring solely in the traditional territory of the Haisla Nation, the proponent anticipates that the proposed changes would only have potential to interact with

interests related to Haisla Nation. Aboriginal rights and interests include traditional practices such as hunting, fishing, trapping, and plant gathering; access to traditionally harvested resources; effects to sites of traditional use; and effects to the cultural experience of traditional resource and land use.

The proponent stated that no effect is expected in relation to potential changes to cultural identity and traditional governance systems, and changes to use of sacred or culturally important sites and landscape features and/or spiritual places. The proponent's assessment therefore focused on potential changes to fishing.

The proponent anticipated that there would be no changes to the characterization of residual effects to Aboriginal rights and interests from the original environmental assessment. The limited extent of the Project changes is anticipated to be managed through existing mitigation measures, and therefore the Project changes would not alter the analysis from the original environmental assessment on the rights and interests of Haisla Nation. The proponent understands and recognizes nonetheless that the dynamic nature of Indigenous groups' interests may change over time and location and it will continue to respond to questions and concerns from Haisla Nation and other interested Indigenous nations through ongoing consultation efforts.

4.3.2 Views Expressed

Gitxaala Nation

Gitxaala Nation also expressed concerns related to the proponent's conclusion in their Amendment Assessment that the effects from the Project changes would be limited to occurring within Haisla territory, and therefore are likely to only interact with interests and rights related to Haisla Nation. However, it is the view of Gitxaala Nation that marine resources and marine use valued components were assessed, which indicates that there may be an interaction with Gitxaala interests. The proponent responded that they have assessed the potential effects of the Project changes, and are of the view that effects would be localized and short-term due to the proximity of the location of the berth and fueling facilities. The proponent committed to further discussions with Gitxaala Nation to seek additional information on how these effects would interact with Gitxaala interests and address concerns raised.

Environmental Assessment Office

The participating Indigenous groups (outlined above), as part of the EAO's consideration of the Project changes, were invited to participate in the Technical Advisory Committee, and as such were invited to regular meetings during the course of the amendment assessment. Based on the input received from participating Indigenous groups, and the information provided by the proponent (outlined above), the EAO is of the view that there would be no incremental or additional impacts to Indigenous groups or their rights as a result of the Project changes.

4.3.3 Agency's Analysis and Conclusions

The Agency anticipates that the Project changes would not change the residual effects assessment on environmental effects within federal jurisdiction, and is therefore satisfied that there would be no additional impacts to Rights of Indigenous Peoples beyond those assessed in the original environmental assessment.

5. Conclusion

The Agency is of the view that all potential adverse environmental effects within areas of federal jurisdiction from the Project changes would be adequately addressed by existing key mitigation measures and follow-up requirements, including those required through the Decision Statement. As such, no changes are required to the key mitigation measures and follow-up requirements identified in the original environmental assessment and set out as conditions in the Decision Statement.



Figure 1 – Site Map



Figure 2 – Tug Berth Option Locations (yellow circles indicate Exclusion Zones)