



Summary of Engagement between the Crown
Consultation Coordinator and the VFPA for the Roberts
Bank Terminal 2 Project
2017

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Summary

This document provides an overview of the Vancouver Fraser Port Authority's (VFPA) engagement with the Canadian Environmental Assessment Agency's (CEA Agency) Crown Consultation Coordinator Analise Saely.

The document summarizes the in-person meetings between the port authority and the Crown Consultation Coordinator that took place in 2017. These one-on-one meetings were put in place to discuss the ongoing consultation process for the Roberts Bank Terminal 2 Project and associated marine shipping.

In 2017, four meetings between the port authority and the CEA Agency crown consultation coordinator took place:

- CEA Agency/VFPA – February 16, 2017
- CEA Agency/VFPA – April 13, 2017
- CEA Agency/Transport Canada/VFPA – May 18, 2017
- CEA Agency/Transport Canada/VFPA – July 25, 2017

Meetings will continue to be summarized on an annual basis, and posted to the Roberts Bank Terminal 2 project website.

1.0 Crown consultation coordinator

The Government of Canada consults with Aboriginal peoples as part of the environmental assessment (EA) process for a variety of reasons, including: statutory and contractual obligations, policy and good governance, and the common law duty to consult.

The Government of Canada takes a "Whole of Government" approach to Aboriginal consultation in the context of EAs to ensure that Aboriginal groups are sufficiently consulted when the Crown (federal government) contemplates action(s) that may adversely impact potential or established Aboriginal or treaty rights. These rights are recognized and affirmed in Section 35 of the *Constitution Act, 1982*.

The *Canadian Environmental Assessment Act, 2012* provides for EAs by a responsible authority and EAs by a review panel (including by a joint review panel). The Canadian Environmental Assessment Agency (the Agency) conducts most EAs and provides support to review panels.

The Agency acts as the crown consultation coordinator to integrate the Government of Canada's Aboriginal consultation activities into the EA process to the greatest extent possible. This applies to all EAs for which the Agency is the responsible authority, including review panels.¹

Analise Saely was appointed as the crown consultation coordinator for Aboriginal groups on the Roberts Bank Terminal 2 Project.

2.0 Summary of meetings between the port authority and the CEA Agency Crown Consultation Coordinator

Four meetings took place between representatives of the port authority and the Crown Consultation Coordinator in 2017. Summaries of the key themes from each meeting are found below in chronological order.

February 16, 2017 – Aboriginal consultation check-in meeting

Summary and key themes

- The port authority provided an update of activities with Aboriginal groups, including one-on-one meetings, issues resolution, workshops, WSÁNEĆ All Chiefs Meeting, etc.
- The port authority indicated that the WSÁNEĆ Chiefs expressed interest in a Voyage of a Vessel presentation
- CEA Agency discussed activities around the Oceans Protection Plan (OPP) that are occurring in parallel to the RBT2 process
- Discussion regarding participation funding provided to Aboriginal groups for RBT2
- Discussion regarding information sharing with the Panel/ Crown Consultation Coordinator regarding matters relating to Section 35, CEA Agency's role, the duty to consult, and any new information regarding the panel process, impacts, and

¹ Government of Canada

- mitigation
- CEA Agency indicated that the port authority should continue engaging with Aboriginal groups regarding Marine Shipping, and provide any new information to the Panel
- The port authority provided an update on the ECHO program² and new incentives, and indicated that a presentation would be provided to interested Aboriginal groups

April 13, 2017 – Aboriginal consultation check-in meeting

Summary and key themes

- CEA Agency and VFPA discussed follow-up items from the previous meeting:
 - VFPA reply to CEA Agency letter
 - Marine Shipping consultation with Aboriginal groups
 - Voyage of a Vessel presentations to Aboriginal groups
 - OPP follow-up
 Discussed process for providing updated consultation information to CEA Agency and the Panel
- VFPA also provided updates to CEA Agency since the last meeting:
 - Lyackson letter to CEA Agency - VFPA to provide a marine shipping presentation to Lyackson
 - CEA Agency update regarding high depth consultation – meetings scheduled with Cowichan Nation Alliance, and offered to Lyackson and Lake Cowichan First Nations
 - Legacy funding – VFPA is beginning discussions with Aboriginal groups to get inputs on priorities for legacy funding

May 18, 2017 – RBT2 marine shipping process discussion with CEA Agency and Transport Canada

Summary and key themes

- CEA Agency requested that VFPA continue meeting with Aboriginal groups regarding marine shipping to better understand their perspectives with respect to their assessment of impacts and to develop solutions to address these concerns
- VFPA requested involvement from CEA Agency and Transport Canada in future marine shipping meetings with Aboriginal groups in order to identify mitigation opportunities

July 25, 2017 – RBT2 marine shipping process discussion with CEA Agency and Transport Canada

² The Enhancing Cetacean Habitat and Observation (ECHO) Program is a Vancouver Fraser Port Authority-led initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of British Columbia.

Summary and key themes

- Both CEA Agency and VFPA indicated they would contact Aboriginal groups in August to discuss marine shipping related to RBT2
- CEA Agency and VFPA consultation regarding marine shipping would be coordinated upon request by Aboriginal groups
- Discussion regarding measures to promote transparency for CEA Agency/VFPA meetings, such as posting meeting summaries online
- CEA Agency discussed how they are reviewing Principles respecting the Government of Canada's relationship with Indigenous People to determine how it applies to RBT2
- VFPA indicated they are working on a report for the Panel that will summarize all new additional issues raised by Aboriginal groups since the submission of the EIS

3.0 Next steps

The port authority will continue to engage with the CEA Agency Crown Consultation Coordinator during the remainder of the environmental assessment for the RBT2 Project. CEA Agency and the port authority will continue to meet to discuss Aboriginal group concerns and consultation coordination.