

EAO's Assessment of an Application for Certificate Amendment Amendment #3

*EAGLE MOUNTAIN – WOODFIBRE
GAS PIPELINE PROJECT*

REQUESTED BY:
FORTISBC ENERGY INC.

DECEMBER 4, 2023

Pursuant to Section 32 of the Environmental Assessment Act, S.B.C. 2018, c.51



EAO

Environmental
Assessment Office

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ACRONYMS AND ABBREVIATIONS

Act	<i>Environmental Assessment Act, 2018</i>
Amendment Application	FortisBC's "Temporary Workforce Accommodation" application to amend Environmental Assessment Certificate E#16-01
CSIMP	Community Services and Infrastructure Management Plan
DoS	District of Squamish
EAC	Environmental Assessment Certificate E#16-01
EAO	Environmental Assessment Office
ECCC	Environment and Climate Change Canada
EGP	Eagle Mountain – Woodfibre Gas Pipeline
EPIC	<u>The EAO's Project Information Centre</u>
FortisBC	FortisBC Energy Inc.
GHG	Greenhouse gas
GBV	Gender-based violence
ha	Hectares
km	Kilometres
LNG	Liquified Natural Gas
Project	Eagle Mountain – Woodfibre Gas Pipeline (EGP)
SNEAA	Squamish Nation Environmental Assessment Agreement
TAC	Technical Advisory Committee
TWA	Temporary Workforce Accommodation
VC	Valued Components
WLNG	Woodfibre LNG
2SLGBTQQA+	Two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual and all other sexual orientations and genders

THE ENVIRONMENTAL ASSESSMENT OFFICE'S ASSESSMENT OF AN APPLICATION FOR CERTIFICATE AMENDMENT

EAGLE MOUNTAIN – WOODFIBRE GAS PIPELINE PROJECT

1.0 OVERVIEW OF PROPOSED AMENDMENT

1.1. Background

The Environmental Assessment Office (EAO) issued the Environmental Assessment Certificate #E16-01 (EAC) for the [Eagle Mountain – Woodfibre Gas Pipeline](#) (EGP) Project (the Project) to FortisBC Energy Inc. (FortisBC) on August 9, 2016, under the *Environmental Assessment Act* (2002). On August 5, 2021, the Chief Executive Assessment Officer extended the deadline in the EAC to August 9, 2026, by which the Project must be substantially started. The Project consists of the construction and operation of an approximately 47-kilometre (km) long natural gas transmission system extending from the existing Eagle Mountain Compressor Station in Coquitlam to the Woodfibre LNG (WLNG) plant, southwest of Squamish. The new 24-inch pipeline system is planned to operate in parallel with FortisBC's existing gas pipeline, to increase capacity in the transmission system that extends to Squamish, Whistler, the Sunshine Coast and Vancouver Island for domestic and export sales.

The Project also includes an expansion of the Eagle Mountain compressor station in Coquitlam, construction of a new Squamish compressor station, and construction of metering facilities (Figure 1).

On November 22, 2021, the EAO approved Amendment 01 allowing the following:

- Stawamus Corridor Expansion – An expansion to the Certified Project Description by an average of 200 metres for approximately seven km;
- Coquitlam Pipeline Twinning – The addition of three km of pipeline from the existing Eagle Mountain Compressor Station to an existing FortisBC pipeline;
- Eagle Mountain Compressor Station – Installation of two 26,000 horsepower electric motor-driven compressor units as an alternative to installing two 20,500 horsepower units; and,
- Squamish Compressor Station – An alternative location and configuration at the northeast portion of the WLNG Project site.

On July 27, 2023, the EAO approved Amendment 02 allowing an expansion of the Certified Pipeline Corridor in one location in the Indian River Valley to allow for a routing change.

1.2. Amendment Request

On April 5, 2022, the EAO received FortisBC's Temporary Workforce Accommodation (TWA) application to amend the EAC (the Amendment Application) under Section 32 of the *Environmental Assessment Act* (2018) (the Act). The EAC allows for a construction camp to a maximum area of 2 hectares (ha), to be located anywhere within or outside of the Certified Pipeline Corridor. The original EAC application assessed a sea or land-based TWA to house 150 to 250 workers within five km of the WLNG site, on the west side of the Squamish River.

An influx of Project workers would increase the demand for short-term accommodation. Housing affordability, rental housing and vacancy rates for tourism are already key issues in the Squamish area. Therefore, FortisBC seeks to amend the Certified Project Description to change the allowable footprint of the TWA from 2 ha to 7 ha to reduce Project-related demand on local accommodation. The Project's total estimated 600 workers is not anticipated to change.

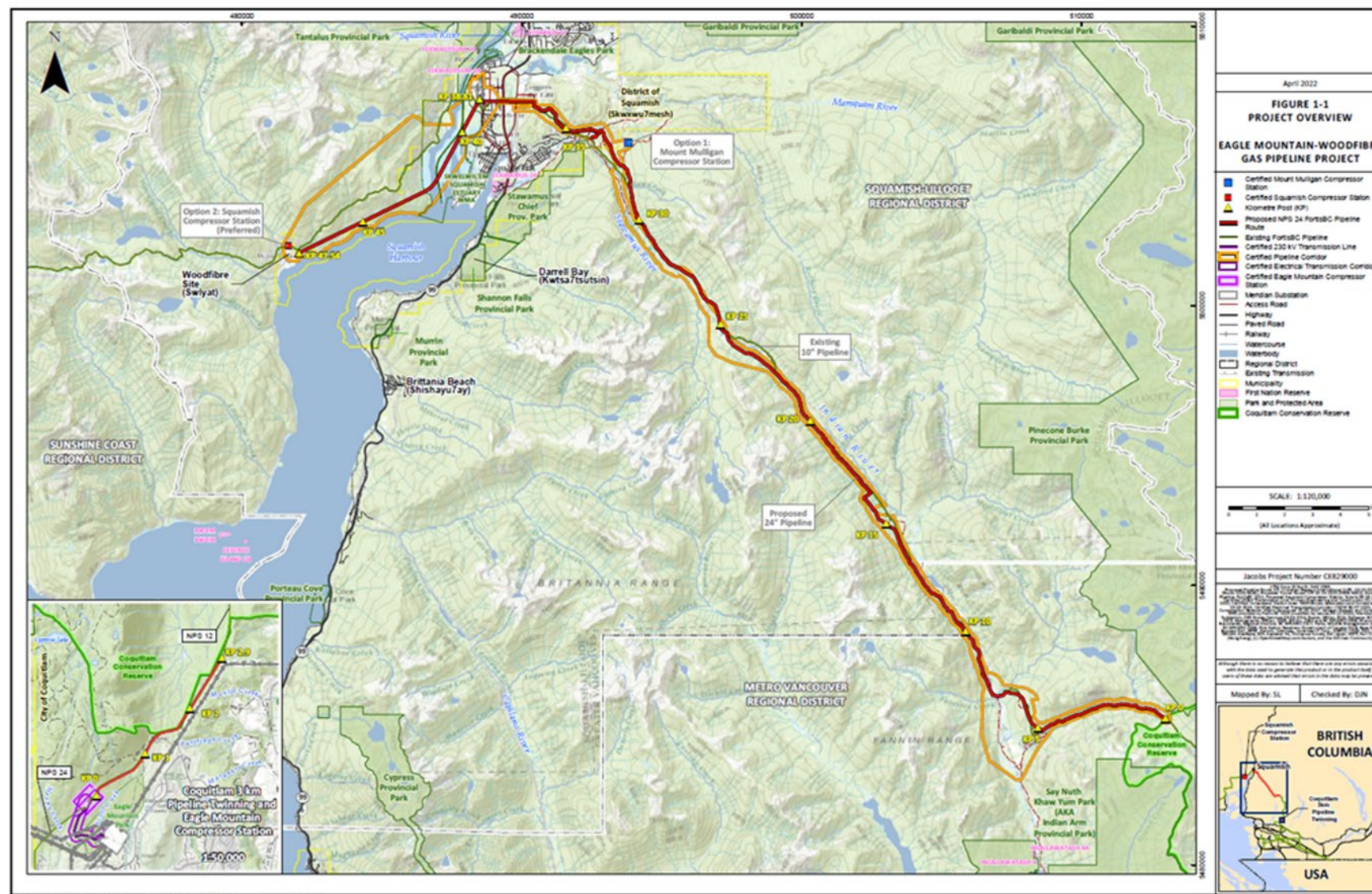


Figure 1: Eagle Mountain Pipeline Project Overview Map

1.3. Amendment Review Process

The EAO determined that the proposed Amendment Application is considered a typical amendment, based on the scale and scope of the proposed changes. The EAO consulted with FortisBC, Indigenous nations, provincial and local agencies and local organization to resolve issues and concerns through the review process. The EAO's collaboration with Squamish Nation, Tsleil-Waututh Nation, the District of Squamish (DoS) and FortisBC spanned nearly a year to develop a new condition related to preventing and addressing gender-based violence associated with industrial camps. The EAO also collaborated internally and with consulted parties on the development of this condition through the concurrent WLNG amendment review process. The following sections outline the consultation and collaboration processes.

1.4. Indigenous Nations and the Technical Advisory Committee

Tsleil-Waututh Nation and Musqueam Indian Band identified as participating Indigenous nations. Kwikwetlem First Nation requested to stay informed of Project activities. Squamish Nation and the EAO amended a Memorandum of Understanding initially signed for Amendment 01 to include the Amendment 02 and Amendment 03 review processes.

The EAO engaged a Technical Advisory Committee (TAC) to assist with the Amendment Application review, with similar participants that guided the Amendment 01 and Amendment 02 Application reviews. The following federal and provincial government agencies, local governments and Indigenous nations provided comments on the Amendment Application, either written or expressed in meetings (key issues raised are summarized in the sections below):

- BC Energy Regulator (BCER, formerly the Oil and Gas Commission);
- District of Squamish (DoS);
- Environment and Climate Change Canada;
- Kwikwetlem First Nation;
- Ministry of Environment and Climate Change Strategy/ Climate Action Secretariat;
- Ministry of Forests (Archaeology Branch);
- Ministry of Water, Land and Resource Stewardship;
- Ministry of Health;
- Musqueam Indian Band;
- Squamish Nation;
- Transport Canada;
- Tsleil-Waututh Nation; and,
- Vancouver Coastal Health Authority.

The EAO circulated a draft workplan for the review of the Amendment Application to Indigenous nations and the TAC for a 30-day review period, through which no requests for changes were received. The workplan was extended through the Amendment review to reflect the additional timeline required to resolve concerns.

On May 24, 2022, the EAO hosted an introductory meeting on the Amendment Application to outline the process, to enable FortisBC to describe the Amendment Application details and to provide an opportunity for questions and discussion. Supplementary information from FortisBC on potential locations of the TWA was circulated to the TAC on May 31, 2022. The EAO sought TAC comments on the Amendment Application between April 29 and June 15, 2022, and the EAO accepted responses into August.

The EAO requested that FortisBC resolve the concerns of TAC members and Indigenous nations. Over several months, the EAO and FortisBC met with Indigenous nations and TAC members to understand, clarify and work to resolve the

concerns. The [TAC Comment Tracking Table](#) captures comments and responses from TAC members and FortisBC. The [Mitigation Tracking Table](#) summarizes how FortisBC's commitments made in the Amendment Application and through issue resolution with TAC members and Indigenous nations describes will be met.

On June 16, 2023, the EAO requested that the TAC review the draft Amendment Assessment Report and the draft Amendment Order, proposing a new condition to address potential gender-based violence effects. Squamish Nation and Tsleil-Waututh Nation provided feedback as well as the DoS and the community groups that DoS engaged. No comments were expressed by Kwikwetlem First Nation, Environment and Climate Change Canada (ECCC), Ministry of Forests and Transport Canada. Please [see here](#) for the TAC Comments and refer to [Section 4.2 Indigenous Nation and TAC Feedback on the Draft Order](#) for a discussion of feedback.

1.5. Non-governmental Organizations

Two community groups, Justice for Girls (a Vancouver-based non-profit that supports low-income girls who experience male violence) and My Sea to Sky (a Squamish-based environmental organization founded to defend, protect, and restore Átl'ka7tsem/Howe Sound), provided comments directly to the EAO during the Amendment Application review. The EAO engaged Pearl Space (formerly known as Howe Sound Women's Centre, a grassroots organization dedicated to preventing violence against women and supporting women, children and youth impacted by violence or abuse) on a draft condition related to gender-based violence – given their relevant expertise. The EAO did not host a public comment period or establish a community advisory committee for the Amendment Application review for several reasons:

- The TWA approach to worker housing is a mitigation measure to reduce negative effects on local accommodations and services;
- The EAO anticipated limited impacts to the public because the proposed Amendment Application applies to the original footprint of the workforce accommodation and with no changes to the overall workforce numbers originally assessed;
- Most comments received during the public comment period for Amendment 01 were similar to comments received during the public consultation of the original Environmental Assessment process. Several commenters requested a reconsideration of the issuance or cancellation of the EAC;
- Consistent with the EAC, the Amendment Application did not specify a location for the TWA; and,
- FortisBC conducted several public engagement activities – [the results are posted on the EAO's Project Information Centre \(EPIC\)](#).

1.6. FortisBC and Woodfibre LNG Outreach Coordination

Through the Amendment Application review period, the DoS expressed concerns over the lack of coordination between EGP and the interconnected WLNG Project. DoS has raised this matter with ministers and with the EAO, stressing the importance of improved collaboration between the projects.

The EAO communicated to FortisBC and WLNG the clear need for better coordination between the certificate holders to address the concerns of the DoS, including during the development of the management plans required under their respective EACs. In August 2023, DoS provided comments on the draft Order and draft Assessment Report and reiterated their concerns regarding insufficient coordination. The EAO responded by highlighting that FortisBC and WLNG coordinate internally as well as externally with public information sessions, meetings with community agencies and community investments. The EAO also discussed coordination concerns with FortisBC and WLNG. The EAO reiterated that ultimately the certificate holders are responsible for upholding their EACs and working with and being

responsive to the requirements of DoS.. The EAO recognizes that both FortisBC and WLNG have been meeting with DoS staff regularly and have recently provided capacity funding to DoS. EAO staff will continue to be available to support meaningful engagement between the three parties and to address DoS's concerns related to the EAO's processes.

2.0 SUMMARY OF ISSUES AND EFFECTS

2.1. The Amendment Application Conclusions

FortisBC, in their Amendment Application, concluded that the potential residual adverse effects characterized in the EAC Application have not changed because of the proposed amendment. They further concluded that with the avoidance of adverse effects through site selection and the implementation of mitigation measures, there are no material changes to the conclusions in the EAC Application. "Material change" was defined as a change to the assessment criteria ratings used to determine the significance of an impact on a Valued Component (VC) as described in the EAC Application, including spatial boundary, duration, frequency, reversibility, magnitude, likelihood, and confidence.

Though FortisBC predicted no material changes to the effects assessment conclusion in the EAC Application, the Amendment Application presented new mitigation measures for two VCs: heritage resources and the acoustic environment. For the acoustic environment, in response to a comment from Squamish Nation, FortisBC revised its proposed mitigation measure for noise effects to remove the "where practical" qualifier to "FortisBC will place noise generating equipment and facilities at the TWA's farthest reasonable location away from the closest receptors." FortisBC indicates that it will consult Squamish Nation if the layout of camp utilities renders this impractical. FortisBC also committed to completing an Archaeological Overview Assessment for the TWA site to determine the need for further investigation (and obtain any necessary permits and approvals). FortisBC clarified that the proposed TWA site is within the project area covered by the original Archaeological Overview Assessment; therefore, an additional study is not required. FortisBC identified no change to all other VC effects assessment conclusions in its Amendment Application.

The Amendment Application also presented new mitigation measures to address disproportionate effects on distinct human populations, including populations identified by gender, which is a required assessment matter under *Section 25(2)* of the Act.

Based on the information included in the [TAC Comment Tracking Table](#), the Amendment Application, and FortisBC's [Mitigation Tracking Table](#), the EAO is satisfied that FortisBC has adequately addressed most issues raised through application review. The results of the EAO's consultation indicated that there are concerns with FortisBC's conclusions that the proposed mitigation measures would reduce the likelihood of adverse effects or disproportional effects on distinct human populations identified by Indigenous group and by gender. The EAO is proposing a new Condition 31 – Gender and Cultural Safety Plan to mitigate adverse effects on women, including Indigenous women and girls. Additional concerns were raised through the draft Order review process, outlined below in [section 3.2](#) and [section 4.2](#).

2.2. Required Assessment Matters

[Section 25\(2\)](#) of the Act sets out required assessment matters that must be considered for every assessment. Some of these matters were not considered in the original Environmental Assessment, as it was reviewed under the 2002 *Environmental Assessment Act*. In reviewing the Amendment Application and through engagement with the TAC, the EAO determined that [Section 25\(2\)](#) assessment matters were considered as follows:¹

- a. Positive and negative effects on VCs were considered as part of the assessment of potential effects on VCs. The original TWA was proposed as a key mitigation measure to reduce Project-related demand on accommodation,

¹ In assessing these matters, the EAO considered the potential changes as they relate solely to the Amendment Application, rather than the full EAC that was issued to EGP.

services, and infrastructure in the surrounding communities and a primary consideration for the expansion of the TWA area.

- b. The Amendment would not materially change risks and uncertainties associated with those residual effects that were assessed as part of the EAC Application, as the proposed Amendment would not present a material change to potential adverse residual effects assessed.
- c. The proposed Amendment is not anticipated to result in increased risks of malfunctions or accidents as compared to those assessed in the EAC Application, which included contamination due to construction equipment, spills of hazardous substances and motor vehicle accidents. FortisBC concluded that the increased TWA area does not interact with accidents or malfunctions type, severity or risk.
- d. The larger TWA footprint and associated presence of non-local Project workers in the surrounding communities has the potential to have disproportionate effects on distinct human populations including populations identified by gender. New mitigation measures are proposed, as well as a new condition to address residual adverse effects, as outlined in [section 4.0](#).
- e. Ten biophysical factors that support ecosystem function were identified to have the potential to interact with the proposed amendment. However, the proposed amendment activities are not expected to adversely affect ecosystem function at the ecosystem scale.
- f. An assessment of effects on current and future generations was not included in the Amendment Application due to the temporary nature of the TWA (required during the construction phase only, after which the site will be restored to existing conditions). No information was provided by Indigenous nations and stakeholders indicating the potential for effects on current and future generations. The Effects Assessment Policy requires that only residual effects that were assessed to have a duration that extends into the “long term” should be considered in the assessment of effects on the future generation. Due to the temporary nature of the proposed TWA, no VCs were determined to have long-term residual effects from the Amendment Application.
- g. The site selection process included consideration of relevant land use plans. The DoS is reviewing a temporary use permit application for the site location should the EAO grant the Amendment.
- h. The proposed Amendment may impact greenhouse gas (GHG) emissions due to site preparation activities that require additional vehicles and use of equipment during construction and operation of the TWA that have a potential for localized and short-term effects on air quality. However, the effects on the GHG emissions VC from the proposed Amendment can be addressed by the mitigation measures proposed in the original Environmental Assessment. Therefore, the proposed Amendment does not result in any material change to the assessment of potential adverse effects, mitigation, or characterization of residual effects for the GHG emissions VC during any phase of the Project. As a result, conclusions identified in the EAC Application concerning the GHG Emissions VC remain the same. In terms of cumulative effects, EGP's operational emissions are 0.18 percent of the 2030 Provincial target GHG emissions, 0.28 percent of the 2040 Provincial target GHG emissions, and 0.56 percent of the 2050 Provincial target GHG emissions. Therefore, the proposed amendment is not anticipated to have a meaningful potential effect on the Province's ability to meet its targets under the *Climate Change Accountability Act*.
- i. FortisBC indicated that the proposed TWA does not influence the alternative means of carrying out the overall Project and is expected to reduce housing pressure on the local community, as was identified as a mitigation measure during community consultation.
- j. Effects of potential changes to the Project that may be caused by the environment were assessed in the EAC Application. The increased TWA area is not anticipated to change the potential risk or severity of environmental

factors on the Project (for example, natural seismic events, fire, and extreme weather). Therefore, no new interactions are anticipated and were not assessed further.

Given the limited potential for effects resulting from the proposed Amendment, the EAO concludes that there would be no or negligible impacts to [Section 25\(2\)](#) matters as a result of the proposed Amendment; with the exception of 25(2)(d): disproportionate effects on populations identified as Indigenous and by gender. This is further discussed in the section below. A proposed condition to mitigate gender-based violence effects is outlined in [section 4.0](#).

2.3. Issues Raised During the Amendment Application Review

The following section describes how any residual effects (effects remaining after the implementation of all mitigation measures) would be addressed, as well as any outstanding concerns and comments raised by the TAC and from the non-profit sector. All TAC concerns and comments and FortisBC's responses are in the [TAC Comment Response Tracking Table](#).

2.3.1. Safety for Women and Girls

FortisBC's assessment of disproportionate effects on distinct human populations identified women, including Indigenous women and girls could be at increased risk of adverse community-worker interactions, compared to the general population. The Amendment Application notes recent studies and publications citing vulnerabilities of Indigenous women and girls and notes that issues related to temporary worker isolation, lack of support or connection, and lack of cultural sensitivity and awareness may contribute to the potential for adverse community interactions.

The EAO notes that concern for the safety of women and girls, particularly Indigenous women and girls due to resource extraction projects is well documented. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls notes "There is an urgent need to consider the safety of First Nations, Métis, and Inuit women in all stages of project planning, assessment, management, and monitoring. This includes gender-based analyses in socio-economic assessments and monitoring reports and provisions to address impacts on the safety of Indigenous women, girls and 2SLGBTQIA² people."³

Squamish Nation, the DoS, Pearl Space and Justice for Girls all expressed concerns about the increased risk of gender-based violence. "These industrial camps are male-dominated, and the interactions with women in communities and at camps may have severe consequences. At the same time, Indigenous women are least likely to participate in the benefits associated with industrial camps."⁴ Vancouver Coastal Health raised issues of quality-of-life effects for the community and workers, citing a Northern Health document,⁵ which identifies issues noted in work camps around mental health, well-being and substance use and recommends having clear conduct expectations for workers.

In its Amendment Application, FortisBC acknowledged the increased capacity of the TWA combined with potential proximity to Indigenous communities highlighting the importance of the safety and security of Indigenous women and girls related to the TWA. FortisBC therefore proposed the following mitigation measures and workforce management

² Represents those who are two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual and all other sexual orientations and genders.

³ Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Canada, 2019. Web Archive. Retrieved from the Library of Congress, <www.loc.gov/item/lcwaN0028038>.

⁴ Indigenous Communities and Industrial Camps: Promoting Healthy Communities in Settings of Industrial Change. Firelight Group, 2017. Retrieved from <firelight.ca/wp-content/uploads/2016/03/Firelight-work-camps-Feb-8-2017_FINAL.pdf>, p.8.

⁵ Understanding the State of Industrial Camps in Northern BC: A Background Paper. BC Northern Health. 2012. Retrieved <www.northernhealth.ca/sites/northern_health/files/about-us/leadership/documents/industrial-camps-bkqrd-p1v1.pdf>, pgs 12-17.

strategies to reduce the likelihood of potential disproportionate adverse incremental effects on women, particularly Indigenous women and girls, including:

- Measures to protect vulnerable community members and procedures for adaptive management in the Community Services and Infrastructure Management Plan (CSIMP) if effects monitoring determines that corrective measures are needed;
- Continue to engage with Squamish Nation and the Community Table regarding the TWA site, potential effects, and corresponding mitigation measures (including potential additional measures to avoid adverse effects on Indigenous women and girls);
- TWA rules set out clear conduct expectations, including matters related to violence and harassment, inclusion and diversity, respectful behaviour, as well as drugs and alcohol, speed limits, firearms and weapons;
- Worker activity is tracked and monitored according to the procedures outlined in the CSIMP. Scheduling and off-duty movements are restricted to reduce the number of workers who may use the land around the TWA. This measure relates to interactions with cultural sites in collaboration with Indigenous nations;
- Cultural awareness training to educate workers on the culture, values, and sensitivities of the Indigenous nations with territories overlapping with the Project;
- A community orientation package, outlining information about the local context, amenities and businesses, clarifies desirable workforce engagement with the surrounding communities;
- Employee assistance programming/appropriately scaled health and medical services, including mental health supports, to support the health and wellness needs of resident workers, and to limit pressure on local health and medical services;
- Modern recreational and leisure facilities (such as a workout room, games room, entertainment and television lounge) for off-duty worker use;
- TWA operator to provide social programming to ensure that residents have appropriate opportunities for leisure and social interactions and connection during off-duty times;
- Wireless network coverage and cell service so workers can maintain family and social connections;
- TWA security measures for a safe and secure living environment and to limit security and police interactions with the local community. The TWA security will address fencing, gates and access control, lighting, vehicle safety, perimeter monitoring and response capacity, and contraband detection and enforcement. Security will be available to walk workers to their dorms or vehicles;
- A confidential reporting line for workers to report concerns or incidents regarding security, conduct or service issues associated with the TWA;
- FortisBC to engage with Indigenous nations, local Royal Canadian Mounted Police and local women's resource organizations during construction and respond to any issues raised; and,
- Promote a diverse workforce by prioritizing local and Indigenous-owned and operated contracting businesses and service providers. FortisBC will also work with selected construction contractors to promote equal opportunity hiring and training, including sharing job and training opportunity information with local women's resource organizations.

In addition, the CSIMP required under EAC Condition 22 outlines roles and responsibilities (Table 2-2); Monitoring Indicators for community services and infrastructure, several of which are specific to the TWA (Table 6-1); and potential corrective measures (section 7.2). The CSIMP also includes the following measures:

- TWA operational details and workforce management strategies to reduce the likelihood of potential disproportionate effects on women and girls;
- Procedures for adaptive management in the CSIMP if effects of the Project are not mitigated to the extent contemplated in the Application or are not predicted in the Application; and
- Continue to engage with Squamish area agencies, Indigenous nations, and service organizations through the Community Table to share Project updates and discuss potential issues, opportunities, and adaptive management strategies.

Squamish Nation identified the safety of women and girls as their primary focus and expressed the need for cultural training, an Elder-in-residence, accountability, preventative actions to avoid adverse effects on Indigenous women and girls and clarity of mitigation measures and reporting structures in the event of an incident.

Justice for Girls highlighted concerns regarding the effectiveness of measures proposed by FortisBC to prevent violence against women and girls, in particular, the use of private security; the utility of a code of conduct and training; and an anonymous tip-line (which FortisBC refers to as a “confidential reporting line”).

Tsleil-Waututh Nation provided comments on the draft Amendment Application and recommended workforce lodging health, medical services plan and alcohol and drug management strategies to address adverse community interactions, including providing space for supportive meetings; wellness practitioners to assist with stress or crises; creating an employee “champion” program to build a culture of recovery; and making access to support information readily available.

Vancouver Coastal Health noted that the socioeconomic factors on distinct populations were missing 2SLGBTQQA+⁶ from susceptibility to crime and social factors. FortisBC responded that there is a lack of disaggregated data to provide sufficient baseline information from which to base the assessment and that applicable mitigation measures would be implemented to reduce the likelihood of potential adverse effects on Indigenous peoples, women, girls, and 2SLGBTQQA+ people through the CSIMP.

In addition to those noted above, the TAC members recommended the following mitigation measures to address concerns raised through the Amendment review, (see all comments in the [TAC Comment Tracking Table](#)):

- Camp worker, contractor and FortisBC accountability, both on and off the work site;
- A work camp culture that does not tolerate harmful impacts on women and girls;
- Transparency and accountability in any incident response process, which includes a clear process for reporting an issue and assurance that there would be no internal retaliation for making disclosures; assurance that reports will be treated fairly with appropriate consequences;
- Accountable oversight – private security at TWA is not considered sufficient to ensure a safe space for all;
- Clarity regarding the proposed code of conduct and training, including implementation and enforcement;
- Social workers and other appropriate staff to be knowledgeable about gender-based violence matters;

⁶ Two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual and all other sexual orientations and genders.

- Camp workers engaged in healthy habits and structured opportunities to socialize to avoid isolation and potential gender-based violence-related incidents and for counselling resources to support workers before crises occur;
- Adaptive management of the proposed Gender and Cultural Safety Plan to provide flexibility based on realized effects, beyond the measures outlined in the CSIMP; and,
- A mechanism that ensures timely communication and accountability on the implementation of mitigation measures concerning adverse effects on women and girls, and a request that these be coordinated between FortisBC and WLNG.

A new condition is proposed to address concerns of gender-based violence and is discussed in [Section 4.0: Summary of Proposed Changes to the Certificate](#).

2.3.2. Other Issues Raised by Tsleil-Waututh Nation

Tsleil-Waututh Nation requested that FortisBC consider building housing in partnership with civil society and Indigenous housing providers that would be converted to low-income and at-risk housing once no longer occupied as TWA. Tsleil-Waututh Nation suggested that such legacy housing would enable the approved 2 ha TWA footprint to be sufficient to house the workers when paired with the use of local accommodations in the hospitality sector. They suggested that this would provide a direct positive benefit to the Squamish community by supporting local businesses and creating construction jobs, in addition to building additional long-term housing. FortisBC responded that the TWA proposal is in response to community feedback regarding impacts on an area experiencing housing shortages. FortisBC expressed that they would consider options for collaborating with civil society organizations and Indigenous housing providers and Tsleil-Waututh Nation. No further details were submitted.

Other interests and concerns Tsleil-Waututh Nation raised included: potential malfunctions and accidents due to an increased TWA area; best management practices, strategies and net-zero emissions goals for additional GHG emissions; as well as planning for extreme weather events. FortisBC responded that they concluded that the addition of a TWA did not result in any material change to the assessment as identified in the EAC Application and that these issues can be managed through mitigation measures implemented in the condition management plans. Tsleil-Waututh Nation assessed FortisBC's responses as adequate.

2.3.3. Other Issues Raised by Squamish Nation

Squamish Nation sought clarity on how adherence to areas designated as off-limits to workers would be monitored and/or enforced. FortisBC indicated that these would be determined through the Squamish Nation Environmental Assessment Agreement (SNEAA) process.

Squamish Nation raised other issues that were determined by FortisBC to not be materially changed as a result of the proposed Amendment, including the scope of the proposed Amendment; noxious and invasive weeds; and GHG impacts. Squamish Nation indicated that they would engage further on FortisBC's compiled list of new proposed mitigation measures specific to the TWA through the SNEAA amendment process and implementation of management plans.

2.3.4. Issues Raised by Kwikwetlem First Nation

Kwikwetlem First Nation confirmed their participation in the Amendment Application review as a participating Indigenous nation; however, they did not provide comments on the Amendment Application to FortisBC or the EAO.

2.3.5. Issues Raised by Musqueam Indian Band

Musqueam Indian Band expressed concerns related to human health, fish and fish habitat and access to resources and traditional food sources. Musqueam Indian Band's territory is heavily developed and members' access to traditional foods, medicine and plants is limited. Members' access may be reduced by facility construction, site servicing and personnel transportation during operations. Increased traffic and the presence of non-Indigenous people may dissuade Musqueam members from accessing those areas. Musqueam previously expressed Project-related concerns for sensitive salmon spawning habitat in the Indian River and potential impacts on the fish life cycle throughout Musqueam's territory. FortisBC responded that the preferred candidate was a disturbed site with no watercourses or fish habitat potential and located in the Mamquam River region. Sites near the Indian River are not under consideration for the TWA. Musqueam Indian Band indicated that they have no further comment.

2.3.6. Issues Raised by Environment and Climate Change Canada

ECCC raised concerns related to the federal *Species at Risk Act*, *Migratory Birds Convention Act*, wetlands, site selection, Spotted Owl Wildlife Habitat Area avoidance, buffers for wetlands and watercourses, the Recovery Strategy for Marbled Murrelet and relayed comments previously made on management plan engagement. ECCC indicated that their concerns were satisfactorily addressed by FortisBC on September 15, 2022, through final site design and selection and consideration in the Construction Environmental Management Plan, Wetland Management Plan and other wildlife management plans. The EAO is satisfied that FortisBC has adequately addressed ECCC's concerns.

2.4. Issues Raised by Non-Profit Organizations

Although the EAO did not invite public input by way of an official public comment period, Justice for Girls and My Sea to Sky provided written submissions on the Amendment Application, summarized below with the EAO's responses. Their comments were used to inform the review process and development of a draft condition. Their submissions and the EAO's responses are also posted on [EPIC](#).

2.4.1. Justice for Girls

Based on the concerns for gender-based violence and concern for proposed mitigation measures as described above, Justice for Girls requested that the Chief Executive Assessment Officer deny the Amendment Application and cancel the EAC. The EAO responded with the scope of the decision before the Chief Executive Assessment Officer and clarified that the authority to cancel the EAC does not apply in this circumstance. The EAO noted that gender-based violence was being considered during the amendment assessment.

2.4.2. My Sea to Sky

My Sea to Sky provided written comments to the EAO, expressing concern for the lack of a public comment period for the Amendment Application given there was a three-week comment period in the original Environmental Assessment for the Addendum specific to the TWA proposal and often overlapping public comment periods. My Sea to Sky requested that the EAO hold a public comment period for the Amendment Application, contending that public engagement conducted by the Holder is not inclusive and creates a conflict of interest in reporting. They encouraged the EAO to acknowledge the difficulty for the public to engage in a complex process that requires familiarity and understanding of significant amounts of technical materials. They highlighted the nuance of an EAC authorizing a TWA with no specified location. My Sea to Sky stated there are often inadequate timelines for review. My Sea to Sky was unable to provide comments on the Amendment Application, due to lack of capacity.

The EAO responded to My Sea to Sky by confirming details of public consultation undertaken during the original Environmental Assessment process and that the EAO seeks advice from members of the TAC, which includes federal and

provincial agencies, local governments, and Indigenous nations during each assessment. The EAO responded to other comments on process matters; My Sea to Sky had no further comments.

3.0 INDIGENOUS NATION ENGAGEMENT AND SECTION 25 (1) MATTERS

3.1. FortisBC engagement

Throughout the original Environmental Assessment and the Amendment Application review, the EAO consulted Kwikwetlem First Nation, Musqueam Indian Band, Tsleil-Waututh Nation and Squamish Nation. Section 25(1) of the Act requires that every assessment must assess the effects of a project on Indigenous nations and rights recognized and affirmed by Section 35 of the *Constitution Act*, 1982. FortisBC also engaged with Indigenous nations before submitting the Amendment Application and throughout the review.

FortisBC concluded that with the implementation of mitigation measures, the proposed amendment does not result in any material change to the assessment of potential adverse effects, mitigation measures, or residual effects for VCs. Therefore, no VCs were carried forward into the assessment of effects on Indigenous nations and their rights. However, FortisBC recognized that Indigenous interests may potentially be affected by a broader range of factors than those corresponding to the potential residual effects of the assessed VCs, including:

- Project-related traffic concentrated near and within the TWA site:
 - Although TWA-related traffic is expected to be concentrated at the TWA site, the additional traffic will result from the construction phase and will conclude within one year of the operation phase. Some Indigenous Peoples may avoid the areas around the TWA and access roads due to Project amendment-related traffic and resulting noise, dust, and concerns for safety; and,
 - TWA-related traffic near and at the site may also potentially affect wildlife, and therefore affect subsistence hunting;
- The potential increase in access by the workforce for recreational activities to areas used by Indigenous Peoples for Traditional Land Use practices, which may result in the avoidance of these areas by Indigenous Peoples; and,
- The potential for changes to Indigenous Peoples' experiences of using the land due to the increased traffic, marine traffic and resulting noise.

FortisBC anticipates that these effects would be reduced through mitigation measures identified in the EAC. FortisBC intends to implement additional mitigation measures to further reduce potential effects: multi-passenger vehicles to reduce traffic movements near any traditional use sites (and as discussed above, reduce potential adverse effects on Indigenous women and girls) and to work with Indigenous nations to determine potential areas designated as off limits for workers.

3.2. EAO engagement

Throughout the EAO's Amendment Application review, the EAO engaged in consensus-seeking activities with Indigenous nations. The EAO is satisfied that the collaboration to reach consensus on the proposed condition has resulted in the resolution of issues.

Squamish Nation

Squamish Nation considered a parallel amendment application for the SNEAA and worked collaboratively with the EAO to develop and refine a potential condition to address adverse effects on women and girls and avoid duplication of conditions. The EAO and Squamish Nation have also endeavoured to coordinate the announcement of their respective decisions.

FortisBC indicates through the SNEAA process, they will also work with Squamish Nation to establish appropriate communication protocols to keep each other informed of activities in the area, whether construction-related or for cultural purposes.

Tsleil-Waututh Nation

Tsleil-Waututh Nation is also in regular contact with FortisBC regarding work occurring in the Indian River Watershed. Tsleil-Waututh Nation has already observed community members' avoidance of traditional use sites for hunting purposes because of EGP construction.

Through the draft order review process, Tsleil-Waututh Nation expressed serious concerns with a construction camp and the potential for an additional 600 recreational users damaging and/or disturbing the Indian River Watershed, an important location for Tsleil-Waututh Nation to exercise their Indigenous rights and of deep significance. Tsleil-Waututh Nation is concerned about risks to their restoration plans in the Watershed as their restoration sites have already been damaged by off-road vehicles. Tsleil-Waututh Nation requested that the EAO impose new conditions prohibiting workers from leaving the work camp on evenings and weekends and/or ensuring closures of the Indian River Forest Service Road to recreational users (with 24-hour enforcement).

The EAC application concluded that increased public access to the Indian River Valley may result in residual adverse effects, with a high probability that construction and operations will result in increased access to previously inaccessible areas. Tsleil-Waututh Nation expressed that in their view, increased public access in the Valley *will* result in such effects. Condition management plans outline mitigation measures for minimizing public access and monitoring the effectiveness of these measures. The EGP Worker Code of Conduct prohibits workers from hunting, fishing and trapping, and gathering plants within or along the pipeline rights-of-way and Project sites. Policy R-150, cited in the Construction Environmental Management Plan and several other EGP management plans, prohibits the recreational use of all-terrain vehicles or snowmobiles by construction personnel on the EGP Project Footprint or at associated EGP Project facility sites. This policy will be communicated to all Project workers through their orientation.

The EAO understands that FortisBC is continuing to work with the Ministry of Forests on a closure of the forestry road for public access purposes. A draft letter has been provided by the Ministry and will soon be finalized. The adaptive management provision in condition management plans provide opportunities for requiring updates to address additional adverse effects related to public access. The EAO acknowledges that the Indian River Forest Service Road User Group and the Working Group for the Indian River Watershed Integrated Stewardship Plan are means for working to resolve access management issues, noting Tsleil-Waututh Nation's broader concerns of protecting the Watershed from increased public access.

Tsleil-Waututh Nation also considered an approval of the proposed Amendment and is satisfied with the proposed conditions and resolution of their concerns.

3.3. EAO Conclusion

As described above, the EAO views that the potential residual community effects may be disproportionately experienced by women, including Indigenous women and girls, and has proposed a new condition to mitigate effects. The EAO concurs with FortisBC's conclusions that existing conditions and potential adverse effects on Indigenous interests are otherwise comparable to those identified in the EAC Application, including the federal *Constitution Act* Section 35 rights.

Based on the review of the Amendment Application, as well as input by Indigenous nations and considering the proposed new conditions described in [section 4](#) (and Attachment A of the draft Amendment Order), the EAO considers that any incremental or additional effects to Indigenous nations or their rights as a result of the proposed Amendment have been avoided and minimized to the extent possible for the Amendment assessment.

4.0 SUMMARY OF PROPOSED CHANGES TO THE CERTIFICATE

The EAO agrees with the views expressed by Indigenous nations, the DoS and community groups that disproportionate adverse effects have a potential likelihood to be experienced by women, including Indigenous women and girls. Despite the implementation of mitigation measures proposed by FortisBC, it is the EAO's view that the risk of harassment and violence at the TWA increases with larger numbers of workers and there is greater potential for interactions between vulnerable community members and camp workers, as indicated by the literature cited in [Section 2.3.1: Safety for Women and Girls](#).

The EAO is proposing two new conditions:

Condition 31 addresses potential gender-based violence effects and would require FortisBC to develop a plan for addressing gender-based violence at the TWA (referred to as a 'construction camp' in the Certified Project Description) and in surrounding communities.

Condition 32 to require the Holder to compel Project workers to reside at the camp to address the effects of additional demand by Project workers on local housing and tourist accommodations.

These conditions are intended to be complementary to new Squamish Nation conditions proposed in the SNEAA, related to an Elder-in-Residence program, cultural training and others.

4.1 FortisBC Feedback on the Draft Order

The EAO circulated several revisions of the proposed Condition 31 to FortisBC for feedback and comment. The following summarizes concerns raised by FortisBC and the EAO's respective views:

- A zero-tolerance standard would be unachievable as FortisBC is not the employer of most camp workers and each situation must be considered individually. The EAO agrees that it may be difficult for an employer to implement at this stage in the Project, while acknowledging that the zero-tolerance approach is recommended in the associated literature.
- Details of the harassment and violence prevention program are unnecessary. The EAO recognizes that WorkSafeBC requires employers to implement programs to prevent and minimize workplace harassment and violence. Details of such a program are proposed to be included in the gender and cultural safety plan, which outlines a comprehensive and clear approach to ensuring a safe camp experience.
- Conditions can only be imposed on the Holder and not a contractor or subcontractor; FortisBC cannot direct workers who are not direct employees. Employers are responsible for responding to reports about their employees and FortisBC may not investigate contractor reports or violations, and noted collective agreements. The EAO's view is that the Holder may compel the actions of a contractor or subcontractor through the terms outlined in the respective contract. Adherence to workplace standards and establishing a culture of safety is only achievable if the terms are universally applicable to all Project personnel.
- Including response mechanisms related to gender-based violence by camp workers off-duty is unnecessary, given the TWA is a mitigation of such potential effects. There are limits to an employer's responses to off-duty worker conduct and FortisBC cannot commit to investigations and enforcement responses, as FortisBC is not the employer for most camp workers, in addition to privacy and collective bargaining agreement conflicts. The EAO's view is that there is substantial evidence linking industrial work camps and violence against women and girls by off-duty workers. The EAO agrees that there are limitations on the Holder's ability to hold employees accountable for actions off-duty and encourages FortisBC to foster a work culture that does not tolerate gender-based violence anywhere. The proposed Condition 31 includes provision for Fortis to establish a work

environment that holds workers accountable for their off-duty conduct to protect the women in surrounding communities.

- FortisBC cannot share details of disclosures and is considering methods for receiving reports at the TWA but cannot commit to any particular path, including a third-party reporting line. The EAO acknowledges the concerns expressed by TAC members and Indigenous nations in a trustworthy reporting process, which may be enhanced if the information is collected and reported through a neutral third party. The EAO concurs that the use of a third party to receive and report on disclosures may address these concerns, in addition to increasing the experience of impartiality for disclosures.
- FortisBC has concerns regarding employment laws and the type of information it may disclose, and cannot commit to minimum standards of reporting of number, type and frequency of reported disclosures. FortisBC is determining how reporting such disclosures may impact their ability to obtain insurance. The EAO's view is that FortisBC may adhere to legal obligations and report data regarding reports and the associated responses, without providing any information that would be personally identifying of any parties involved.

4.2. Indigenous Nation and TAC Feedback on the Draft Order

The EAO received the following summary of feedback on draft referral documents – please refer to [the TAC Comments on TWA Draft Conditions](#) for comments and FortisBC's responses:

- Tsleil-Waututh Nation raised concerns about the linkage between work camps on Indigenous communities and the associated increases in violence, particularly sexual violence. The EAO responded by working with Tsleil-Waututh Nation on the proposed Condition 31 regarding safety of women and girls;
- The DoS requested that, should the EAO grant the amendment, despite their recommendations to reject the application or require major revisions to the application, that additional conditions be attached to the certificate to ensure that FortisBC is held accountable to the community for the following identified concerns and risks:
 - *Require temporary workforce to reside at the camp and use camp services, with limited access to Squamish, rather than providing the camp as merely an option for the workforce.* The requirement for Project workers to reside at the TWA is proposed in a new Condition 32, noting opportunities for justified exceptions, including local residency, cultural and other matters. As cited above, FortisBC proposes to provide recreational and leisure facilities (such as workout rooms, a games room, and an entertainment and television lounge) at the TWA to limit pressure on local recreational facilities;
 - *Prohibit parking/storage of personal vehicles at camp.* In response to feedback, FortisBC revised their parking plans for personal vehicles and will use the Construction Laydown Yard (250 vehicle parking capacity) for primary personal vehicle parking and the Temporary Workforce Lodge for overflow parking (325 vehicle parking capacity). Shuttles will transport workers to travel between the Temporary Workforce Lodge and the Construction Laydown Yard. This may further reduce worker recreational travel via personal vehicle;

The EAO also considers that the CSIMP is an appropriate means of addressing such concerns, which includes provisions for adaptive management. If the adverse effects are not mitigated to the extent contemplated in the application, then revision to the plan may be required;

- *Require mass transit to/from camp at shift changes rather than personal vehicles.* Multi-passenger vehicles are a proposed mitigation measure in the CSIMP to limit traffic and parking congestion;

- *Especially if conditions do not prohibit personal vehicles and community access, staggered work schedules should be required to:*
 - i) *Avoid large numbers of workers travelling to/from the camp at the same time;*
 - ii) *limit the number of workers accessing the community for personal reason; and,*
 - iii) *schedule workers to limit personal vehicle use and limit associated risks and impacts on the community (i.e., schedules that promote return-to-home community while not working and the use of proponent transportation only).*

The EAO has limited ability to prescribe the movement of workers off-duty. Therefore, a new component was added to the gender and cultural safety plan to require FortisBC to implement mitigation measures to address the potential effects of up to 600 workers entering into nearby communities on a shared day of rest;

- *Conditions concerning sexual violence, substance use, etc., by temporary workers be addressed regardless of where problems occur (i.e., within the TWA camp, work site, or community).* The draft Condition 31 was revised to introduce measures for FortisBC to hold camp workers accountable for Gender-based violence (GBV) conduct at the camp and in surrounding communities, noting that policing agencies are responsible for responding to criminal conduct. Condition 31 also requires mental health provisions to provide support for workers concerning substance use;
- *That acceptance of mitigations concerning sexual violence, substance use, etc., rely on evidence-based research demonstrating their effectiveness.* The draft Condition 31 includes provisions for FortisBC to track incidents of GBV related to camp worker conduct and share this information with community partners to provide feedback and address residual effects;
- *That the EAO requires plans to ensure an increased TWA camp size does not create more waste, sewage, and GHGs than the 2 ha TWA camp (given that all these cause residual impacts that are consequential locally for even a 2 ha camp).* The TWA waste management contractor will be required to implement a site-specific waste management plan per the Construction Environmental Management Plan. GHG emissions were assessed in the Amendment Application, which concluded that the impact on the GHG emissions from the expansion may be addressed through the existing mitigation measures. Therefore, the proposed amendment does not alter the conclusions identified in the EAC Application; and,
- Additionally, the inclusion of a requirement for the Holder to provide mental health services at the TWA is also appreciated. In addition to these requirements, the DoS requests the inclusion of conditions similar to that of WLNG's Amendment #3 Condition 27 "Worker Health and Wellness" and 28 "Floatel and Culture Committee". Condition 27 requires the development/implementation of training and the provision of medical services to be provided at the TWA while Condition 28 requires the development of a Workplace Culture Committee. Our community already faces significant pressures in relation to healthcare services and requires the assurance that healthcare services will be delivered to this temporary workforce via the certificate Holder. The proposed mental health and wellness condition was revised to reflect the WLNG mental health wellness provisions.

The following other recommendations were included in the revised proposed condition:

- Transparency in how reports of GBV/ workplace harassment and violence are investigated and responded to;
- A neutral third party for receiving GBV reports to address conflict of interest in reporting. The proposed condition includes a requirement for the party receiving disclosures to be a qualified person;
- Promote accountability for workers' behaviour to deter gender-based violence in the surrounding communities; and,

- GBV training for all project workers – Squamish Nation commented that the risk of inappropriate behaviour is reduced if conditions/ training applies to all workers and not only camp residents, given the connection between the Project culture and social implications of the construction camp. If a worker residing at the camp who received such training reports inappropriate behaviour to a supervisor who did not receive the training, the response is unlikely to be adequate unless everyone is trained and knowledgeable about behaviour and response expectations.

Furthermore, Recommendation 10 from the federal House of Commons report, [*Responding to the Calls for Justice: Addressing Violence Against Indigenous Women and Girls in the Context of Resource Development Projects*](#) states that:

The Government of Canada, with the goal of preventing and addressing incidences of violence and harassment against Indigenous women, girls, and Two-Spirit individuals by individuals employed for resource development projects, respecting the jurisdictions of and in consultation with provinces, territories, municipalities, Indigenous peoples, and Indigenous communities, require companies conducting these projects to implement mandatory training for all employees on gender-based and sexual violence, anti-racism, cultural safety, diversity and inclusion, as well as the effects of colonization on Indigenous peoples.

DoS requested that the site should avoid environmental encroachment and impacts to riparian and other key ecological areas, including roads, buildings, and storage sheds. This was not included in the revised draft condition, as these may be addressed through subsequent site-specific regulatory processes.

4.3. Proposed Condition 31

The proposed Condition 31 would require the Holder to develop and implement a gender and cultural safety plan to address the increased risk of adverse effects on women, including Indigenous women and girls. The plan must be developed in consultation with Squamish Nation, Tsleil-Waututh Nation and the DoS and approved by the EAO before the Holder occupies the TWA. The Holder must retain one or more qualified professionals to develop the plan with training and experience in human resources, gender and cultural safety and industrial camps. The condition defines requirements for:

- Objectives to:
 - i) prevent and mitigate harassment and violence at the construction camp,
 - ii) prevent and mitigate gender-based violence in the DoS and surrounding communities; and,
 - iii) establish reporting and response protocols for GBV disclosures;
- How the Holder will deliver a training program for all Project Employees developed by a qualified person(s) about anti-racism and preventing gender-based violence. This will be required for all project employees, as a training program is unlikely to be successful unless all personnel are knowledgeable of expectations for proper conduct;
- Details of the construction camp harassment and violence prevention program;
- How conduct rules will be implemented and followed by Camp Workers and include standards of behaviour to deter workplace harassment and violence and gender-based violence in surrounding communities, as well as consequences and corrective actions for infractions when Camp Worker conduct rules are not followed;

- Details of how the Holder will address disclosures of harassment and violence at the construction camp including procedures for receiving, investigating and responding to reports of harassment and violence at the camp and potential procedures for responding to disclosures in surrounding communities; documenting such reports and how the Holder will address and respond to such reports; collecting feedback from workers on GBV issues; and how this information will inform the plan's adaptive management;
- How the Holder will provide on-site mental health support for camp workers when the camp is operational;
- How the Holder will consult with Squamish Nation, DoS, Squamish area social services and justice service organizations, Vancouver Coastal Health, Integrated First Nations Unit, police and WLNG to collect information on adaptive management of GBV effects, including a Terms of Reference for holding meetings, reporting information on reports in the workplace and communities; and,
- Requiring the Holder to define the plan's spatial boundary and develop definitions of harassment, gender-based violence;
- Introduction of new definitions: camp worker, operations of the construction camp, project workplace, project worker and qualified person.

4.4. Proposed Condition 32

The proposed Condition 32 requires the Holder to compel Project workers to reside at the construction while on shift during Operations of the Construction Camp. Exceptions for extenuating circumstances may be granted by the Holder, which may include place of residence, family, Indigenous, cultural and other considerations. The Holder must maintain a record of exceptions with rationale, to the satisfaction of the EAO. The Holder must provide a copy of this record to the EAO upon request.

5.0 CONCLUSIONS

Based on:

- The EAO's review and analysis of the information contained in the Amendment Application and additional information provided by FortisBC during the review of the Amendment Application;
- The EAO and FortisBC's consultation with Kwikwetlem First Nation, Musqueam Indian Band, Tsleil-Waututh Nation and Squamish Nation;
- The EAO's engagement with members of the TAC;
- Efforts by Indigenous nations, the TAC and FortisBC to resolve issues raised as presented in the TAC Comment Tracking Table;
- Comments on the Amendment Application, draft Assessment Report and draft Order from Indigenous nations, the TAC and FortisBC;
- Input received from local community groups and FortisBC's response;
- The requirements under the EAC and subsequent permitting processes; and,
- The implementation of proposed new EAC conditions as outlined above.

The EAO is satisfied that:

- The Amendment Application and supporting information adequately identified and assessed the potential changes to the environmental, economic, social, cultural and health effects of the Project resulting from the proposed Amendment;

- The proposed Amendment, with the implementation of new conditions, is unlikely to change the residual effects predicted in the original Environmental Assessment;
- The clarifications requested by TAC members and Indigenous nations were adequately and reasonably addressed by FortisBC;
- If the proposed conditions are implemented, the changes assessed in the Amendment Application are unlikely to cause incremental or additional negative effects to Indigenous nations or their Section 35 Rights;
- The matters described in Section 25(2) of the Act have been considered and with the implementation of new conditions, no significant adverse effects are anticipated;
- Efforts to seek consensus on the proposed Amendment and Assessment Report conclusions were undertaken, considering the EAO's purpose to support reconciliation with Indigenous peoples in British Columbia as set out in Section 2(2)(b)(ii) of the Act; and,
- The provincial Crown has fulfilled its obligations for consultation and accommodation of Indigenous nations relating to the issuance of an Amendment for the changes proposed.

The EAO recommends that the Chief Executive Assessment Officer allow the requested amendment by issuing an Amended EAC under Section 32 of the Act, upon consideration of the Amendment Application, conclusions in this Assessment Report, the proposed new conditions, and any other relevant factors.