

# **Enbridge Northern Gateway Project**

**Update to Sec. 52 Application**

**Volume 5A: Aboriginal Engagement**

**Volume 5B: Aboriginal Traditional Knowledge**





## **Volume 5A: Aboriginal Engagement**

### **ENBRIDGE NORTHERN GATEWAY PROJECT**

**Update to Sec. 52 Application for the Enbridge Northern Gateway Project**

**June 2011**



## Preface

This binder contains material that updates the Sec. 52 Application to the National Energy Board (NEB), filed on May 27, 2010 (the Application). The updates are for the Update Period (December 31, 2009 to March 31, 2011) and consist of:

- **Update to Volume 5A, Aboriginal Engagement** – group-specific updates for most of the Aboriginal groups listed in the Application, including revised community maps and tables of interests and concerns. New appendices are included, containing samples of correspondence sent during the Update Period.
- **Update to Volume 5B, Aboriginal Traditional Knowledge** – a table showing the status of the Aboriginal groups' Aboriginal traditional knowledge (ATK) studies, and ATK summary tables for the Kelly Lake First Nation and Lake Babine First Nation, for assessment disciplines, Project engineering and the regulatory process



## Table of Contents

### Update to Volume 5A

<b>1</b>	<b>Introduction.....</b>	<b>1-1</b>
<b>2</b>	<b>Design of Aboriginal Engagement Program.....</b>	<b>2-1</b>
2.1	Engagement Approach .....	2-1
2.2	Identification of Aboriginal Groups .....	2-2
2.3	Naming Convention for Aboriginal Groups.....	2-2
<b>3</b>	<b>Post-Filing Engagement.....</b>	<b>3-1</b>
3.1	Post-Filing Engagement Activities.....	3-2
3.1.1	Written Notices and Correspondence.....	3-2
3.1.2	Project Website and Toll-Free Telephone Line.....	3-18
3.1.3	Social Media Websites .....	3-18
3.1.4	Meetings and Events .....	3-18
3.1.4.1	Aboriginal Business Summit .....	3-18
3.1.4.2	Joint Review Panel Sessions .....	3-19
3.1.4.3	Best Practices in Aboriginal Business and Economic Development.....	3-19
3.1.4.4	Technical Sessions and Community Open Houses .....	3-20
3.1.4.5	Community Advisory Board Meetings .....	3-21
3.1.5	Community Investment .....	3-22
3.1.6	Community Skills and Employment Initiatives.....	3-24
3.1.7	Goods and Services Handbook.....	3-25
<b>4</b>	<b>Incorporating Input from Aboriginal Groups .....</b>	<b>4-1</b>
4.1	Aboriginal Economic Benefits Package.....	4-2
4.1.1	Procurement, Employment and Training Initiatives.....	4-5
4.1.2	Aboriginal Procurement Initiative .....	4-5
4.1.3	Aboriginal Employment and Training Initiative .....	4-6
4.1.4	Community Investment Fund.....	4-7
4.1.5	Corporate Branded Programs .....	4-7
4.2	Mitigation of Project Effects on Traditional Use and Resources .....	4-8
4.2.1	Aboriginal Traditional Knowledge .....	4-8
4.2.2	Trapper and Harvester Compensation .....	4-9
4.2.3	Pipeline Integrity and Emergency Preparedness .....	4-9
4.3	Project Refinements in Response to Input .....	4-10
4.3.1	Pipeline Route Refinements .....	4-10
4.3.2	Pump Station Location Refinements.....	4-11
<b>5</b>	<b>Aboriginal Group Information.....</b>	<b>5-1</b>
5.1	Northeast Alberta Region.....	5-3
5.1.1	Beaver Lake Cree Nation .....	5-3
5.1.2	Whitefish Lake (Whitefish Lake First Nation #128).....	5-5



5.1.3	Saddle Lake (Saddle Lake Cree Nation).....	5-9
5.1.4	Kehewin Cree Nation .....	5-14
5.1.5	Métis Settlements General Council .....	5-18
5.1.6	Buffalo Lake Métis Settlement.....	5-19
5.1.7	Kikino Métis Settlement .....	5-20
5.1.8	Métis Nation of Alberta Region 1 .....	5-22
5.1.9	Métis Nation of Alberta Region 2 .....	5-23
5.2	Edmonton Region.....	5-25
5.2.1	Enoch Cree Nation .....	5-25
5.2.2	Alexander (Alexander First Nation) .....	5-31
5.2.3	Métis Nation of Alberta .....	5-39
5.2.4	Métis Regional Council Zone IV of the Métis Nation of Alberta .....	5-40
5.2.5	Grande Cache Métis Local #1994 .....	5-44
5.2.6	Gunn Métis Local #55 .....	5-47
5.2.7	Blueridge Métis .....	5-48
5.2.8	Yellowhead Tribal Council .....	5-48
5.3	Central Alberta Region.....	5-49
5.3.1	Paul (Paul First Nation) .....	5-49
5.3.2	Alexis Nakota Sioux Nation .....	5-56
5.3.3	Maskwacis Cree Nation.....	5-68
5.3.3.1	Samson (Samson Cree Nation) .....	5-69
5.3.3.2	Ermineskin Tribe (Ermineskin Cree Nation) .....	5-71
5.3.3.3	Louis Bull (Louis Bull Tribe).....	5-73
5.3.3.4	Montana First Nation .....	5-75
5.3.4	Michel First Nation.....	5-78
5.4	Northwest Alberta Region.....	5-84
5.4.1	Lesser Slave Lake Indian Regional Council.....	5-84
5.4.1.1	Sawridge (Sawridge First Nation).....	5-84
5.4.1.2	Swan River First Nation.....	5-89
5.4.1.3	Driftpile First Nation.....	5-93
5.4.1.4	Kapawe’no First Nation .....	5-99
5.4.1.5	Sucker Creek (Sucker Creek First Nation).....	5-104
5.4.2	Métis Nation of Alberta Region 5 .....	5-109
5.4.3	Western Cree Tribal Council.....	5-111
5.4.3.1	Sturgeon Lake Cree Nation .....	5-111
5.4.3.2	Duncan’s First Nation .....	5-117
5.4.3.3	Horse Lake First Nation .....	5-125
5.4.4	Aseniwuche Winewak Nation .....	5-129
5.4.5	Nose Creek Settlement .....	5-133
5.4.6	Métis Nation of Alberta Region 6 (Region VI Regional Council, Métis Nation of Alberta).....	5-136
5.4.7	Valleyview Métis Local #1929.....	5-140
5.4.8	Grande Prairie Métis Local #1990.....	5-141
5.4.9	East Prairie Métis Settlement .....	5-141



5.5	Northeast British Columbia Region .....	5-143
5.5.1	Kelly Lake Cree Nation.....	5-143
5.5.2	Kelly Lake First Nation.....	5-149
5.5.3	Kelly Lake Métis Settlement Society.....	5-154
5.5.4	Treaty 8 Tribal Association.....	5-162
5.5.4.1	Saulteau First Nations.....	5-167
5.5.4.2	West Moberly First Nations.....	5-172
5.5.4.3	Halfway River First Nation.....	5-175
5.6	Central British Columbia Region.....	5-177
5.6.1	McLeod Lake (McLeod Lake Indian Band).....	5-177
5.6.2	Red Bluff (Red Bluff Indian Band).....	5-186
5.6.3	Lheidli T'enneh First Nation (Lheidli T'enneh Band).....	5-186
5.6.4	Carrier-Sekani Tribal Council.....	5-191
5.6.4.1	Saik'uz First Nation.....	5-192
5.6.4.2	Nak'azdli Band.....	5-196
5.6.4.3	Tl'azt'en Nation.....	5-202
5.6.4.4	Takla Lake First Nation.....	5-209
5.6.4.5	Nadleh Whut'en First Nation.....	5-214
5.6.4.6	Stellat'en First Nation.....	5-217
5.6.4.7	Burns Lake Band (Ts'il Kaz Koh First Nation).....	5-219
5.6.4.8	Wet'suwet'en First Nation.....	5-227
5.6.5	Yekooche (Yekooche First Nation).....	5-232
5.6.6	Lake Babine Nation.....	5-238
5.6.7	Skin Tye Nation.....	5-245
5.6.8	Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band).....	5-252
5.6.9	Cheslatta Carrier Nation.....	5-257
5.7	Northwest British Columbia Region.....	5-263
5.7.1	Office of the Wet'suwet'en.....	5-263
5.7.2	Gitxsan Hereditary Chiefs.....	5-272
5.7.3	Tahltan.....	5-279
5.8	Métis Nation British Columbia.....	5-279
5.8.1	Métis Nation British Columbia.....	5-279
5.8.2	Prince George Métis Community Association.....	5-283
5.8.3	New Caledonia Métis Association (New Caledonia Métis Association [North Central Region]).....	5-284
5.9	Coastal British Columbia Region.....	5-288
5.9.1	Kitsumkalum Band (Kitsumkalum First Nation).....	5-288
5.9.2	Kitselas (Kitselas First Nation).....	5-295
5.9.3	Kitamaat Village Council (Haisla Nation).....	5-309
5.9.4	Hartley Bay Band (Gitga'at Nation).....	5-322
5.9.5	Kitasoo/Xai'xais Nation.....	5-329
5.9.6	Heiltsuk Nation (Heiltsuk Tribal Council).....	5-329
5.9.7	Gitxaala Nation (Kitkatla).....	5-332
5.9.8	Metlakatla First Nation.....	5-348



5.9.9	Lax-Kw'alaams First Nation .....	5-354
5.9.10	Skidegate Band Council (Council of the Haida Nation).....	5-364
5.9.11	Old Masset Village Council (Council of the Haida Nation).....	5-365
5.9.12	Coastal First Nations/Turning Point Initiative/Great Bear Initiative .....	5-366

### List of Tables

Table 3-1	Notices Sent to Alberta Aboriginal Groups during the Update Period.....	3-3
Table 3-2	Notices Sent to British Columbia Aboriginal Groups during the Update Period .....	3-7
Table 3-3	Correspondence Sent to Alberta Aboriginal Groups during the Update Period .....	3-10
Table 3-4	Correspondence Sent to British Columbia Aboriginal Groups during the Update Period.....	3-14
Table 3-5	Alberta Community Investment Contributions, 2010 and 2011 .....	3-22
Table 3-6	British Columbia Community Investment Contributions, 2010 and 2011 .....	3-23
Table 5-1	Crossing Methods at Athabasca River and Smoky River .....	5-99
Table 5-2	Crossing Method at Wapiti River .....	5-139
Table 5-3	Crossing Methods at Simonette River, Wapiti River and Imperial Creek.....	5-145
Table 5-4	Crossing Methods at Murray River.....	5-171
Table 5-5	Crossing Methods at Little Wedeene River .....	5-361

### List of Figures

Figure C-1	Aboriginal Groups - Alberta East.....	C-5
Figure C-2	Aboriginal Groups - Alberta South .....	C-7
Figure C-3	Aboriginal Groups - Alberta North .....	C-9
Figure C-4	Aboriginal Groups - Alberta West .....	C-11
Figure C-5	Aboriginal Groups - Kelly Lake: Cree Nation, First Nation, & Métis Settlement Society.....	C-15
Figure C-6	Aboriginal Groups - Treaty 8 Tribal Association British Columbia .....	C-17
Figure C-7	Aboriginal Groups - Saulteau First Nations .....	C-19
Figure C-8	Aboriginal Groups - West Moberly First Nations.....	C-21
Figure C-9	Aboriginal Groups - Halfway River First Nation.....	C-23
Figure C-10	Aboriginal Groups - McLeod Lake (McLeod Lake Indian Band) .....	C-25
Figure C-11	Aboriginal Groups - Lheidli T'enneh First Nation (Lheidli T'enneh Band).....	C-27
Figure C-12	Aboriginal Groups - Saik'uz First Nation.....	C-29
Figure C-13	Aboriginal Groups - Nak'azdli Band .....	C-31
Figure C-14	Aboriginal Groups - Tl'azt'en Nation .....	C-33
Figure C-15	Aboriginal Groups - Takla Lake First Nation .....	C-35
Figure C-16	Aboriginal Groups - Nadleh Whut'en First Nation.....	C-37

Figure C-17	Aboriginal Groups - Stelat'en First Nation.....	C-39
Figure C-18	Aboriginal Groups - Burns Lake Band (Ts'il Kaz Koh First Nation).....	C-41
Figure C-19	Aboriginal Groups - Wet'suwet'en First Nation .....	C-43
Figure C-20	Aboriginal Groups - Yekooche (Yekooche First Nation) .....	C-45
Figure C-21	Aboriginal Groups - Lake Babine Nation .....	C-47
Figure C-22	Aboriginal Groups - Skin Tyee Nation .....	C-49
Figure C-23	Aboriginal Groups - Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) .....	C-51
Figure C-24	Aboriginal Groups - Cheslatta Carrier Nation.....	C-53
Figure C-25	Aboriginal Groups - Office of the Wet'suwet'en.....	C-55
Figure C-26	Aboriginal Groups - Gitxsan Hereditary Chiefs.....	C-57
Figure C-27	Aboriginal Groups - Kitselas (Kitselas First Nation).....	C-59
Figure C-28	Aboriginal Groups - Kitsumkalum Band (Kitsumkalum First Nation).....	C-61
Figure C-29	Aboriginal Groups - Kitamaat Village Council (Haisla Nation).....	C-63
Figure C-30	Aboriginal Groups - Hartley Bay Band (Gitga'at Nation).....	C-65
Figure C-31	Aboriginal Groups - Kitasoo / Xai'xais Nation .....	C-67
Figure C-32	Aboriginal Groups - Heiltsuk Nation (Heiltsuk Tribal Council).....	C-69
Figure C-33	Aboriginal Groups - Gitxaala Nation (Kitkatla First Nation).....	C-71
Figure C-34	Aboriginal Groups - Metlakatla First Nation .....	C-73
Figure C-35	Aboriginal Groups - Lax-Kw'alaams First Nation .....	C-75
Figure C-36	Aboriginal Groups - Skidegate Band Council (Council of the Haida Nation).....	C-77
Figure C-37	Aboriginal Groups - Old Massett Village Council (Council of the Haida Nation).....	C-79

## List of Appendices

*(There are no updates to Appendices A, B, and D through N)*

Update to Appendix C	Maps of Aboriginal Groups .....	C-1
Update to Appendix O	Concordance Tables.....	O-1
Appendix P (New)	Sample Versions of Notices Sent to Aboriginal Groups Regarding Regulatory Process.....	P-1
Appendix Q (New)	Sample Versions of Correspondence Regarding Updates and Additional Information .....	Q-1



## Abbreviations

ACCS	Alberta Culture and Community Spirit
ATK	Aboriginal traditional knowledge
BC	British Columbia
BP	British Petroleum
BTEX	benzene, toluene, ethylbenzene and xylene
CAB	Community Advisory Board
CCAA	confined channel assessment area
CEA Agency	Canadian Environmental Assessment Agency
COPC	chemical of potential concern
DFO	Fisheries and Oceans Canada
DNV	Det Norske Veritas
EPMP	Environmental Protection and Management Plan
ESA	environmental and socio-economic assessment
FSC	food, social and ceremonial
HDD	horizontal directional drilling
HHRA	human health risk assessment
IMO	International Maritime Organization
INAC	Indian and Northern Affairs Canada
IRC	Industry Relations Corporation
JRP	Joint Review Panel
KP	kilometre post
LNG	liquefied natural gas
MNA	Métis Nation of Alberta
MOU	memorandum of understanding
NEB	National Energy Board
Northern Gateway	Northern Gateway Pipelines Limited Partnership
OWA	open water area
PAH	polycyclic aromatic hydrocarbons
PHRCC	Petroleum Human Resource Council of Canada
Project, the	Enbridge Northern Gateway Project
QRA	quantitative risk assessment
RIC	Resource Inventory Committee
RoW	right-of-way
SCADA	Supervisory Control and Data Acquisition
Summit, the	Northern Gateway Aboriginal Business Summit
SWAT	Strategic Watercourse Assessment Team
TDR	technical data report
TERMPOL	Technical Review Process of Marine Terminal Systems and Trans-shipment Sites
TLE	treaty land entitlement



Update Period .....	December 31, 2009 to March 31, 2011
VEC .....	valued environmental component
VLCC .....	very large crude carrier

# 1 Introduction

This Update covers the period between December 31, 2009 and March 31, 2011 (the Update Period) and supplements the information previously provided by Northern Gateway Pipelines Limited Partnership (Northern Gateway) in Volume 5A of its Application for Certificate of Public Convenience and Necessity in respect of the Enbridge Northern Gateway Project (the Project), which was filed with the National Energy Board (NEB) on May 27, 2010 (the Application).

Although engagement activities after March 31, 2011 are not described herein, Northern Gateway's Aboriginal engagement program will remain ongoing throughout all phases of the Project.

During the Update Period, Aboriginal groups continued to provide important feedback, which has informed and tailored Northern Gateway's response to the interests and concerns raised during engagement with Aboriginal groups potentially affected by the Project. For example, many meetings during the Update Period were the result of requests by Aboriginal groups for a better understanding of:

- pipeline routing and construction
- watercourse crossing strategies
- environmental spill response logistics
- economic development opportunities
- Aboriginal and treaty rights

Northern Gateway has received information through ongoing engagement activities and through the Aboriginal traditional knowledge (ATK) and traditional use study (TUS) programs. This information has been shared with the engineering and environmental disciplines for incorporation into the design and planning of the Project. For the Project refinements that have been made to date in response to Aboriginal group input, see Section 4 of this Update.

This Update first summarizes the information that Northern Gateway provided to Aboriginal groups through various communication tools and the key engagement activities that have occurred with Aboriginal groups during the Update Period. Then, for specific Aboriginal groups, the updates provide information about:

- the engagement activities that have occurred with the Aboriginal group during the Update Period
- the interests and concerns that the Aboriginal group has expressed to Northern Gateway
- Northern Gateway's commitments and mitigation measures in response to those concerns
- an update on the status of ATK and TUS study programs, where applicable

In response to a request from the Government of Canada, Northern Gateway has structured this Update to present, for each Aboriginal group, a listing of key concerns and interests. This includes those expressed both before and during the Update Period.





## 2 Design of Aboriginal Engagement Program

As stated in the Application, Volume 5A, Section 2, Aboriginal engagement refers broadly to the contact, communication and consultation efforts with Aboriginal groups. During the Update Period, Northern Gateway's Aboriginal engagement program was designed to continue to build and maintain effective working relationships with Aboriginal groups potentially affected by the Project.

Northern Gateway remains committed to the Aboriginal engagement program objectives stated in the Application, Volume 5A, Section 2. Two additional objectives of the Aboriginal engagement program during the Update Period were to:

- respond and provide considered feedback on concerns and interests provided by Aboriginal groups in earlier phases of the Aboriginal engagement program
- introduce Northern Gateway's Aboriginal Economic Benefits Package and enter into economic participation arrangements with interested Aboriginal groups

### 2.1 Engagement Approach

Northern Gateway modified its Aboriginal engagement program during the Update Period, specifically by:

- transitioning new members into its Aboriginal engagement teams
- creating additional positions on its Aboriginal engagement teams to support participation by both Northern Gateway and Aboriginal groups in the regulatory process
- designing engagement strategies to reflect Aboriginal interests and concerns generated once the Application was formally filed with the NEB in May 2010

The engagement strategies included tailoring meetings and correspondence to address key differences between the marine and terrestrial environments asserted to be traditional territory by Aboriginal groups across the proposed pipeline right-of-way (RoW) or adjacent to shipping routes to be used by Project-related tankers calling on the Kitimat Terminal. For example, correspondence and meetings held with coastal Aboriginal groups addressed environmental issues and concerns or potential economic development opportunities unique to the geography of coastal British Columbia (BC), including:

- marine transportation safety
- the proposed construction of berths and a tank terminal
- potential opportunities specific to coastal BC in employment, training, procurement and equity participation

Similarly, correspondence and meetings held with Aboriginal groups in terrestrial BC and Alberta addressed environmental issues and concerns and potential economic development opportunities unique to the geography of terrestrial BC and Alberta, including:

- pipeline safety and integrity

- location of pump stations and block valves
- potential opportunities, specific to terrestrial BC and Alberta, for employment, training, procurement and equity participation

## **2.2 Identification of Aboriginal Groups**

The Application, Volume 5A, Table 2-1 identified the Aboriginal groups that Northern Gateway had engaged up to December 31, 2009. Northern Gateway continued to engage with the same Aboriginal groups during the Update Period, with the following exceptions:

- in Alberta, Northern Gateway is no longer actively engaged with the Métis Nation of Alberta Region 1, the East Prairie Métis Settlement, the Blueridge Métis or the Maskwacis Cree
- in BC, Northern Gateway is no longer actively engaged with Red Bluff (Red Bluff Indian Band) or the Tahltan

The reasons for this are provided in the individual Aboriginal group updates (see Section 5 of this Update).

## **2.3 Naming Convention for Aboriginal Groups**

In this Update, the Aboriginal group names follow the naming convention used in the Application, Volume 5A. The Aboriginal group names are as shown on the Indian and Northern Affairs Canada (INAC) website (<http://www.ainc-inac.gc.ca/index-eng.asp>), and where names were not available on the INAC website, the names are as shown on the website of a particular Aboriginal group. Names were also sourced from the Alberta and BC Métis Internet sites. Alternate names of Aboriginal groups appear in brackets.

### 3 Post-Filing Engagement

Northern Gateway is committed to continuing the engagement with Aboriginal groups during the regulatory process and the engineering, construction, operation and decommissioning phases of the Project. The engagement activities may include:

- building on existing relationships and creating new relationships to increase Northern Gateway's awareness and understanding of Aboriginal people
- providing opportunities for Aboriginal groups to identify their interests and concerns about the Project and for Northern Gateway to understand and be responsive to Aboriginal group interests and concerns
- continuing Northern Gateway's participation in Elder-specific meetings and presentations
- providing further opportunities for Aboriginal groups to learn about the Project and pipeline operations
- providing opportunities for Aboriginal groups to review and comment on the environmental and socio-economic assessment (ESA) and, in some cases, facilitating meetings to conduct an informed review of the ESA
- negotiating relationship protocol agreements with interested Aboriginal groups, and providing opportunities for traditional knowledge to be used in Project planning
- continuing to update Aboriginal group profiles and providing opportunities for Northern Gateway to learn more about the Aboriginal groups involved in Northern Gateway's Aboriginal engagement program
- providing members of Aboriginal groups with opportunities to participate in biophysical fieldwork
- identifying economic opportunities for Aboriginal groups, including training, employment and contracting, and potential equity investment opportunities
- providing opportunities for Aboriginal groups to maximize their involvement in potential Project contracting opportunities, by reviewing group-specific economic business plans and offering to contribute to the development of such plans
- contributing to Aboriginal community investment opportunities
- providing community meetings and workshops to Aboriginal groups on employment and training opportunities
- introducing and discussing the interests and priorities of Aboriginal groups in relation to Northern Gateway community benefits agreements or programs
- identifying the capacity of Aboriginal contractors along the Project corridor in relation to Project-specific contracting opportunities
- conducting Aboriginal group open houses in Alberta and BC

- conducting a gap analysis of participating Aboriginal groups' existing business capacity
- determining the level of potential participation in Project economic development and participation opportunities
- reviewing the detailed route for the pipeline during post-certificate planning, design and detailed engineering

The following subsections describe the Aboriginal engagement activities undertaken during the Update Period.

### **3.1 Post-Filing Engagement Activities**

During the Update Period, Northern Gateway's engagement activities with Aboriginal groups included the following:

- written notices and correspondence
- Project website and toll-free telephone line
- social media websites
- meetings and events
  - Aboriginal Business Summit
  - best practices in Aboriginal business and economic development
  - technical sessions and community open houses
  - Community Advisory Board meetings
- community investment
- community skills and employment initiatives
- Goods and Services Handbook

Each of these engagement activities is described below.

#### **3.1.1 Written Notices and Correspondence**

Northern Gateway has provided written notices to Aboriginal groups that identified key steps in the regulatory process (see Tables 3-1 and 3-2). For sample versions of these notices, see Appendix P (New) of this Update. Columns P.1 to P.14 in Tables 3-1 and 3-2 relate to the contents of Appendix P.

In particular, Northern Gateway notified Aboriginal groups by telephone that the Application had been filed, and followed this with a letter, enclosing an electronic copy of the Application on CD. In the letter, Northern Gateway offered to provide a hard copy of the Application upon request. Hard copies were hand delivered to Aboriginal groups that requested a hard copy.

During the Update Period, Northern Gateway also provided additional Project information in writing (see Tables 3-3 and 3-4). For sample versions of this correspondence, see Appendix Q (New) of this Update. Columns Q.1 to Q.13 in Tables 3-3 and 3-4 relate to the contents of Appendix Q.

**Table 3-1 Notices Sent to Alberta Aboriginal Groups during the Update Period**

	<b>P.1<sup>1</sup></b> <b>Notification of NEB JRP Announcement and Panel Information (March 23, 2010) (Mail)</b>	<b>P.2</b> <b>Notification of NEB Application Filing (May 27, 2010) (Phone and Fax)</b>	<b>P.3</b> <b>Notification of NEB Application Filing with CD Copy (May 27, 2010) (Mail)</b>	<b>P.4</b> <b>JRP Procedural Direction for the Project (July 12, 2010) (Mail and Fax)</b>	<b>P.5</b> <b>Update to the Application, Volume 3 (HDD Reports) (August 23, 2010) (Mail)</b>	<b>P.6</b> <b>Update to the Application, Volume 6C Section 4.4 and TDRs (November 1, 2010) (Mail)</b>	<b>P.7</b> <b>Update to the Application, Volumes 1, 3, 6A and 6C (December 21, 2010) (Mail)</b>
Alexander (Alexander First Nation) <sup>2</sup>	•	•	•	•	•	•	•
Alexis Nakota Sioux Nation	•	•	•	•	•	•	•
Aseniwuche Winewak Nation	•	•	•	•	•	•	•
Beaver Lake Cree Nation	•	•	•	•	•	•	•
Blueridge Métis	•	•	•	•	•	•	•
Buffalo Lake Métis Settlement	•	•	•	•	•	•	•
Driftpile First Nation	•	•	•	•	•	•	•
Duncan's First Nation	•	•	•	•	•	•	•
East Prairie Métis Settlement	•	•	•	•	•		
Enoch Cree Nation	•	•	•	•	•	•	•
Ermineskin Tribe (Ermineskin Cree Nation)	•	•	•	•	•	•	•
Grande Cache Métis Local #1994	•	•	•	•	•	•	•
Grande Prairie Métis Local #1990	•	•	•	•	•	•	•
Gunn Métis Local #55	•	•	•	•	•	•	•
Horse Lake First Nation	•	•	•	•	•	•	•
Kapawe'no First Nation	•	•	•	•	•	•	•
Kehewin Cree Nation	•	•	•	•	•	•	•
Kikino Métis Settlement	•	•	•	•	•	•	•

**Table 3-1 Notices Sent to Alberta Aboriginal Groups during the Update Period (cont'd)**

	<b>P.1 Notification of NEB JRP Announcement and Panel Information (March 12, 2010) (Mail)</b>	<b>P.2 Notification of NEB Application Filing ((May 27, 2010) (Phone and Fax)</b>	<b>P.3 Notification of NEB Application Filing with CD Copy (May 27, 2010) (Mail)</b>	<b>P.4 JRP Procedural Direction for the Project (July 12, 2010) (Mail and Fax)</b>	<b>P.5 Update to the Application, Volume 3 (HDD Reports) (August 23, 2010) (Mail)</b>	<b>P.6 Update to the Application, Volume 6C Section 4.4 and TDRs (November 1, 2010) (Mail)</b>	<b>P.7 Update to the Application, Volumes 1, 3, 6A and 6C (December 21, 2010) (Mail)</b>
Lesser Slave Lake Indian Regional Council	•	•	•	•	•	•	•
Louis Bull (Louis Bull Tribe)	•	•	•	•	•	•	•
Métis Nation of Alberta	•	•	•	•	•	•	•
Métis Nation of Alberta Region 1	•	•	•	•	•	•	
Métis Nation of Alberta Region 2	•	•	•	•	•	•	•
Métis Regional Council – Zone IV of the Métis Nation of Alberta (Métis Regional Council Zone IV of the Métis Nation of Alberta)	•	•	•	•	•	•	•
Métis Nation of Alberta Region 5 (Region V Regional Council, Métis Nation of Alberta )	•	•	•	•	•	•	•
Métis Nation of Alberta, Region 6 (Region VI Regional Council, Métis Nation of Alberta)	•	•	•	•	•	•	•
Métis Settlements General Council	•	•	•	•	•	•	•
Michel First Nation	•	•	•	•	•	•	•
Montana First Nation	•	•	•	•	•	•	•
Nose Creek Settlement	•	•	•	•	•	•	•
Paul (Paul First Nation)	•	•	•	•	•	•	•

**Table 3-1 Notices Sent to Alberta Aboriginal Groups during the Update Period (cont'd)**

	<b>P.1 Notification of NEB JRP Announcement and Panel Information (March 12, 2010) (Mail)</b>	<b>P.2 Notification of NEB Application Filing (May 27, 2010) (Phone and Fax)</b>	<b>P.3 Notification of NEB Application Filing With CD Copy (May 27, 2010) (Mail)</b>	<b>P.4 JRP Procedural Direction for the Project (July 12, 2010) (Mail and Fax)</b>	<b>P.5 Update to the Application, Volume 3 (HDD Reports) (August 23, 2010) (Mail)</b>	<b>P.6 Update to the Application, Volume 6C Section 4.4 and TDRs (November 1, 2010) (Mail)</b>	<b>P.7 Update to the Application, Volumes 1, 3, 6A and 6C (December 21, 2010) (Mail)</b>
Saddle Lake (Saddle Lake Cree Nation)	•	•	•	•	•	•	•
Samson (Samson Cree Nation)	•	•	•	•	•	•	•
Sawridge (Sawridge First Nation)	•	•	•	•	•	•	•
Sturgeon Lake Cree Nation	•	•	•	•	•	•	•
Sucker Creek (Sucker Creek First Nation)	•	•	•	•	•	•	•
Swan River First Nation	•	•	•	•	•	•	•
Valleyview Métis Local #1929	•	•	•	•	•	•	•
Western Cree Tribal Council	•	•	•	•	•	•	•
Whitefish Lake (Whitefish Lake First Nation #128)	•	•	•	•	•	•	•
Yellowhead Tribal Council	•	•	•	•	•	•	•
<p>NOTES</p> <p><sup>1</sup> Column numbers P.1 to P.7 relate to the contents of Appendix P.</p> <p><sup>2</sup> Aboriginal group names are as shown on the Indian and Northern Affairs Canada (INAC) website (<a href="http://www.ainc-inac.gc.ca/index-eng.asp">http://www.ainc-inac.gc.ca/index-eng.asp</a>), and where names were not available on the INAC website, the names are as shown on the website of a particular Aboriginal group. Names were also sourced from the Alberta and BC Métis Internet sites. Alternate names of Aboriginal groups appear in brackets.</p> <p>JRP – Joint Review Panel                      HDD – horizontal directional drilling                      TDR – technical data report</p>							

**Table 3-2 Notices Sent to British Columbia Aboriginal Groups during the Update Period**

	P.8 <sup>1</sup> Notification of NEB JRP Announcement and Panel Information (March 12, 2010) (Mail)	P.9 Notification of NEB Application Filing (May 27, 2010) (Phone and Fax)	P.10 Notification of NEB Application Filing with CD Copy (June 2, 2010) (Mail)	P.11 JRP Procedural Direction for the Project (July 12, 2010) (Mail and Fax)	P.12 Update to the Application, Volume 3 (HDD Reports) September 1, 2010) (Mail)	P.13 Update to the Application, Volume 6C Section 4.4 and TDRs (November 8, 2010) (Mail)	P.14 Update to the Application, Volumes 1, 3, 6A and 6C (December 17, 2010) (Mail)
Burns Lake Band (Ts'il Kaz Koh First Nation) <sup>2</sup>	•	•	•	•	•	•	•
Carrier Sekani Tribal Council	•	•	•	•	•	•	•
Cheslatta Carrier Nation	•	•	•	•	•	•	•
Coastal First Nations, Turning Point/Great Bear Initiative	•	•	•	•	•		
Council of the Haida Nation	•	•	•	•	•		•
Gitxaala Nation (Kitkatla)	•	•	•	•	•	•	•
Gitxsan Hereditary Chiefs	•	•	•	•	•	•	•
Halfway River First Nation	•	•	•	•	•	•	•
Hartley Bay Band (Gitga'at Nation)		•	•	•	•	•	•
Heiltsuk First Nation							•
Kitamaat Village Council (Haisla Nation)	•	•	•	•	•	•	•
Kelly Lake Cree Nation	•	•	•	•	•	•	•
Kelly Lake First Nation	•	•	•	•	•	•	•



**Table 3-2 Notices Sent to British Columbia Aboriginal Groups during the Update Period (cont'd)**

	<b>P.8 Notification of NEB JRP Announcement and Panel Information (March 12, 2010) (Mail)</b>	<b>P.9 Notification of NEB Application Filing (May 27, 2010) (Phone and Fax)</b>	<b>P.10 Notification of NEB Application Filing with CD Copy (June 2, 2010)</b>	<b>P.11 JRP Procedural Direction for the Project (July 12, 2010) (Mail and Fax)</b>	<b>P.12 Update to the Application, Volume 3 (HDD Reports) September 1, 2010)</b>	<b>P.13 Update to the Application, Volume 6C Section 4.4 and TDRs (November 8, 2010) (Mail)</b>	<b>P.14 Update to the Application, Volumes 1, 3, 6A and 6C (December 17, 2010) (Mail)</b>
Kelly Lake Métis Settlement Society	•	•	•	•	•	•	•
Kitasoo/Xai'xais Nation	•	•	•	•	•	•	•
Kitselas (Kitselas First Nation)	•	•	•	•	•	•	•
Kitsumkalum Band (Kitsumkalum First Nation)	•	•	•	•	•	•	•
Lake Babine Nation	•	•	•	•	•	•	•
Lax-Kw'alaams First Nation	•	•	•	•	•		•
Lheidli T'enneh First Nation (Lheidli T'enneh Band)	•	•	•	•	•	•	•
McLeod Lake (McLeod Lake Indian Band)	•	•	•	•	•	•	•
Métis Nation British Columbia: Including North East Métis Association, North West BC Métis Association, Prince George Métis Community Association, New Caledonia Métis Association, Tri-River Métis Association	•	•	•	•	•	•	•
Metlakatla First Nation	•	•	•	•	•		•

**Table 3-2 Notices Sent to British Columbia Aboriginal Groups during the Update Period (cont'd)**

	<b>P.8 Notification of NEB JRP Announcement and Panel Information (March 12, 2010) (Mail)</b>	<b>P.9 Notification of NEB Application Filing (May 27, 2010) (Phone and Fax)</b>	<b>P.10 Notification of NEB Application Filing with CD Copy (June 2, 2010)</b>	<b>P.11 JRP Procedural Direction for the Project (July 12, 2010) (Mail and Fax)</b>	<b>P.12 Update to the Application, Volume 3 (HDD Reports) September 1, 2010)</b>	<b>P.13 Update to the Application, Volume 6C Section 4.4 and TDRs (November 8, 2010) (Mail)</b>	<b>P.14 Update to the Application, Volumes 1, 3, 6A and 6C (December 17, 2010) (Mail)</b>
Nadleh Whut'en First Nation	•	•	•	•	•	•	•
Nak'azdli Band	•	•	•	•	•	•	•
Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band)	•		•	•	•	•	•
Office of the Wet'suwet'en	•	•	•	•	•	•	•
Old Masset Village Council	•	•	•	•	•	•	•
Saik'uz First Nation	•	•	•	•	•	•	•
Saulteau First Nations	•		•	•	•	•	•
Skidegate Band Council (Council of the Haida Nation)	•	•	•	•	•	•	•
Skin Tye Nation	•	•	•	•	•	•	•
Stellat'en First Nation		•	•	•	•	•	•
Takla Lake First Nation	•	•	•	•	•	•	•
Tl'azt'en Nation	•	•	•	•	•	•	•
Treaty 8 Tribal Association	•	•	•	•	•	•	•
West Moberly First Nations	•	•	•	•	•	•	•
Wet'suwet'en First Nation	•	•	•	•	•	•	•
Yekooche (Yekooche First Nation)	•	•	•	•	•	•	•

**NOTES**

<sup>1</sup> Columns P.8 to P.14 relate to the contents of Appendix P.

<sup>2</sup> Aboriginal group names are as shown on the Indian and Northern Affairs Canada (INAC) website (<http://www.ainc-inac.gc.ca/index-eng.asp>), and where names were not available on the INAC website, the names are as shown on the website of a particular Aboriginal group. Names were also sourced from the Alberta and BC Métis Internet sites. Alternate names of Aboriginal groups appear in brackets.

**Table 3-3 Correspondence Sent to Alberta Aboriginal Groups during the Update Period**

	Q.1 <sup>1</sup> Aboriginal Newsletter, 5th Edition (January 7, 2010) (Mail)	Q.2 Invitation to Northern Gateway Aboriginal Business Summit in Vancouver (February 15 and March 10, 2010) (Mail)	Q.3 Michigan Spill Response Notification (July 29, 2010) (Mail and Fax)	Q.4 President's Project and Michigan Oil Spill Update (August 24, 2010) (Fax)	Q.5 Northern Gateway Newsletter March 2011 (March 28, 2011) (Mail)
Alexander (Alexander First Nation) <sup>2</sup>	•	•	•	•	•
Alexis Nakota Sioux Nation	•	•	•	•	•
Aseniwuche Winewak Nation	•	•	•	•	•
Beaver Lake Cree Nation	•		•	•	•
Blueridge Métis	•		•		
Buffalo Lake Métis Settlement	•		•	•	•
Driftpile First Nation	•	•	•	•	•
Duncan's First Nation	•	•	•	•	•
East Prairie Métis Settlement	•		•		
Enoch Cree Nation	•	•	•	•	•
Ermineskin Tribe (Ermineskin Cree Nation)	•	•	•	•	•
Grande Cache Métis Local # 1994	•		•	•	•
Grande Prairie Métis Local #1990	•		•	•	•
Gunn Métis Local #55	•		•	•	•
Horse Lake First Nation	•	•	•	•	•
Kapawe'no First Nation	•	•	•	•	•
Kehewin Cree Nation	•		•	•	•
Kikino Métis Settlement	•	•	•	•	•

**Table 3-3 Correspondence Sent to Alberta Aboriginal Groups during the Update Period (cont'd)**

	Q.1 Aboriginal Newsletter, 5th Edition (January 7, 2010) (Mail)	Q.2 Invitation to Northern Gateway Aboriginal Business Summit in Vancouver (February 15 and March 10, 2010) (Mail)	Q.3 Michigan Spill Response Notification (July 29, 2010) (Mail)	Q.4 President's Project and Michigan Oil Spill Update (August 24, 2010) (Fax)	Q.5 Northern Gateway Newsletter March 2011 (March 28, 2011) (Mail)
Lesser Slave Lake Indian Regional Council	•			•	•
Louis Bull (Louis Bull Tribe)	•	•	•	•	•
Métis Nation of Alberta	•	•	•	•	•
Métis Nation of Alberta Region 1	•		•		
Métis Nation of Alberta Region 2	•		•	•	•
Métis Regional Council – Zone IV of the Métis Nation of Alberta (Métis Regional Council Zone IV of the Métis Nation of Alberta)	•	•	•	•	•
Métis Nation of Alberta Region 5 (Region V Regional Council, Métis Nation of Alberta )	•	•	•	•	•
Métis Nation of Alberta, Region 6 (Region VI Regional Council, Métis Nation of Alberta)	•	•	•	•	•
Métis Settlements General Council	•			•	•
Michel First Nation	•		•	•	•
Montana First Nation	•	•	•	•	•
Nose Creek Settlement	•		•	•	•
Paul (Paul First Nation)	•	•	•	•	•
Saddle Lake (Saddle Lake Cree Nation)	•	•	•	•	•

**Table 3-3 Correspondence Sent to Alberta Aboriginal Groups during the Update Period (cont'd)**

	Q.1 Aboriginal Newsletter, 5th Edition (January 7, 2010) (Mail)	Q.2 Invitation to Northern Gateway Aboriginal Business Summit in Vancouver (February 15 and March 10, 2010) (Mail)	Q.3 Michigan Spill Response Notification (July 29, 2010) (Mail)	Q.4 President's Project and Michigan Oil Spill Update (August 24, 2010) (Fax)	Q.5 Northern Gateway Newsletter March 2011 (March 28, 2011) (Mail)
Samson (Samson Cree Nation)	•	•	•	•	•
Sawridge (Sawridge First Nation)	•	•	•	•	•
Sturgeon Lake Cree Nation	•	•	•	•	•
Sucker Creek (Sucker Creek First Nation)	•	•	•	•	•
Swan River First Nation	•	•	•	•	•
Valleyview Métis Local #1929	•			•	•
Western Cree Tribal Council	•			•	•
Whitefish Lake (Whitefish Lake First Nation #128)	•	•	•	•	•
Yellowhead Tribal Council	•			•	•
<p>NOTES:</p> <p><sup>1</sup> Column numbers Q.1 to Q.5 relate to the contents of Appendix Q.</p> <p><sup>2</sup> Aboriginal group names are as shown on the Indian and Northern Affairs Canada (INAC) website (<a href="http://www.ainc-inac.gc.ca/index-eng.asp">http://www.ainc-inac.gc.ca/index-eng.asp</a>), and where names were not available on the INAC website, the names are as shown on the website of a particular Aboriginal group. Names were also sourced from the Alberta and BC Métis Internet sites. Alternate names of Aboriginal groups appear in brackets.</p>					

**Table 3-4 Correspondence Sent to British Columbia Aboriginal Groups during the Update Period**

	Q.6 <sup>1</sup> Aboriginal Newsletter, 5th Edition (January 7, 2010) (Mail)	Q.7 Announcement of Northern Gateway Aboriginal Business Summit in Vancouver (January 6, 2010) (Mail)	Q.8 Invitation to Northern Gateway Aboriginal Business Summit in Vancouver (March 10, 2010) (Mail)	Q.9 Thank you Letter to Participants of Northern Gateway Aboriginal Business Summit (March 15, 2010) (Mail)	Q.10 Michigan Spill Response Notification (July 29, 2010) (Mail and Fax)	Q.11 President's Project and Michigan Oil Spill Update (August 24, 2010) (Fax)	Q.12 Letter About Northern Gateway Organizational Changes (Sept. 2, 2010) (Mail and Fax)	Q.13 Northern Gateway Newsletter March 2011 (March 28, 2011) (Mail)
Burns Lake Band <sup>2</sup>	•	•	•	•	•	•	•	•
Carrier Sekani Tribal Council	•				•	•	•	•
Cheslatta Carrier Nation		•	•	•	•	•	•	•
Coastal First Nations, Turning Point/Great Bear Initiative					•	•	•	•
Council of the Haida Nation					•	•	•	•
Gitxaala Nation (Kitkatla)				•	•	•	•	•
Gitxsan Hereditary Chiefs	•	•	•	•	•	•	•	•
Halfway River First Nation		•	•		•	•	•	•
Hartley Bay Band (Gitga'at Nation)					•	•	•	•
Heiltsuk First Nation								•
Kelly Lake Cree Nation		•	•	•	•	•	•	•
Kelly Lake First Nation		•	•	•	•	•	•	•
Kelly Lake Métis Settlement Society		•	•	•	•	•	•	•

**Table 3-4 Correspondence Sent to British Columbia Aboriginal Groups during the Update Period (cont'd)**

	<b>Q.6 Aboriginal Newsletter, 5th Edition (January 7, 2010) (Mail)</b>	<b>Q.7 Announcement of Northern Gateway Aboriginal Business Summit in Vancouver (January 7, 2010) (Mail)</b>	<b>Q.8 Invitation to Northern Gateway Aboriginal Business Summit in Vancouver (March 10, 2010) (Mail)</b>	<b>Q.9 Thank you Letter to Participants of Northern Gateway Aboriginal Business Summit (March 15, 2010) (Mail)</b>	<b>Q.10 Michigan Spill Response Notification (July 29, 2010) (Mail)</b>	<b>Q.11 President's Project and Michigan Oil Spill Update (August 24, 2010) (Fax)</b>	<b>Q.12 Letter About Northern Gateway Organizational Changes (Sept. 2, 2010) (Mail and Fax)</b>	<b>Q.13 Northern Gateway Newsletter March 2011 (March 28, 2011) (Mail)</b>
Kitamaat Village Council) (Haisla Nation)					•	•	•	•
Kitasoo/Xai'xais Nation					•	•	•	•
Kitselas First Nation		•	•	•	•	•	•	•
Kitsumkalum Band		•	•	•	•	•	•	•
Lake Babine Nation	•	•	•	•	•	•	•	•
Lax-Kwalaams First Nation					•	•	•	•
Lheidli T'enneh First Nation (Lheidli T'enneh Band)	•	•	•	•	•	•	•	•
McLeod Lake (McLeod Lake Indian Band)		•	•	•	•	•	•	•
Métis Nation British Columbia: Including North East Métis Association, North West BC Métis Association, Prince George Métis Community Association, New Caledonia Métis Association, Tri-River Métis Association		•	•	•	•	•	•	•
Metlakatla First Nation					•	•	•	•
Nadleh Whut'en First Nation	•		•		•	•	•	•

**Table 3-4 Correspondence Sent to British Columbia Aboriginal Groups during the Update Period (cont'd)**

	Q.6 Aboriginal Newsletter, 5th Edition (January 7, 2010) (Mail)	Q.7 Announcement of Northern Gateway Aboriginal Business Summit in Vancouver (January 7, 2010) (Mail)	Q.8 Invitation to Northern Gateway Aboriginal Business Summit in Vancouver (March 10, 2010) (Mail)	Q.9 Thank you Letter to Participants of Northern Gateway Aboriginal Business Summit (March 15, 2010) (Mail)	Q.10 Michigan Spill Response Notification (July 29, 2010) (Mail)	Q.11 President's Project and Michigan Oil Spill Update (August 24, 2010) (Fax)	Q.12 Letter About Northern Gateway Organizational Changes (Sept. 2, 2010) (Mail and Fax)	Q.13 Northern Gateway Newsletter March 2011 (March 28, 2011) (Mail)
Nak'azdli Band	•		•	•	•	•	•	•
Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band)		•	•	•	•	•	•	•
Office of the Wet'suwet'en		•	•		•	•	•	•
Old Masset Village Council					•	•	•	•
Saik'uz First Nation	•		•		•	•	•	•
Saulteau First Nations		•	•	•	•	•	•	•
Skidegate Band Council (Council of the Haida Nation)					•	•	•	•
Skin Tye Nation		•	•	•	•	•	•	•
Stellat'en First Nation	•		•		•	•	•	•
Takla Lake First Nation	•		•		•	•	•	•
Tl'azt'en Nation	•	•	•	•	•	•	•	•
Treaty 8 Tribal Association		•	•	•	•	•	•	•
West Moberly First Nations		•	•		•	•	•	•
Wet'suwet'en First Nation			•		•	•	•	•
Yekooche (Yekooche First Nation)	•	•	•	•	•	•	•	•

NOTES:

<sup>1</sup> Column numbers Q.6 to Q.13 relate to the contents of Appendix Q.

<sup>2</sup> Aboriginal group names are as shown on the Indian and Northern Affairs Canada (INAC) website (<http://www.ainc-inac.gc.ca/index-eng.asp>), and where names were not available on the INAC website, the names are as shown on the website of a particular Aboriginal group. Names were also sourced from the Alberta and BC Métis Internet sites. Alternate names of Aboriginal groups appear in brackets.



### **3.1.2 Project Website and Toll-Free Telephone Line**

Aboriginal groups are encouraged to visit the Northern Gateway website for the most recent Project information. During the Update Period, the Northern Gateway website ([www.northerngateway.ca](http://www.northerngateway.ca)) was updated with Project information, including news releases, frequently asked questions and the latest updates on the regulatory process, including access to the Application. Through the website, Aboriginal groups are able to email their inquiries directly to Northern Gateway ([info@northerngateway.ca](mailto:info@northerngateway.ca)) or call the toll-free telephone line (1-888-434-0533). The information email account and toll-free line are monitored daily by Northern Gateway representatives.

### **3.1.3 Social Media Websites**

Understanding the increasingly influential role of social media in communication, Northern Gateway continues to maintain profiles on Facebook, Twitter, MySpace, Flickr and YouTube. These profiles are regularly provided with new or updated content, and all content uploaded to these pages directs users back to the main Project website. This provides viewers with the option to learn about other aspects of the Project. Direct-link icons to each of Northern Gateway's social media networks are at the foot of each page on the main Project website.

Northern Gateway's website includes a blog that is used to communicate Project information and news releases to stakeholders and to receive comments. During 2010, 25 blogs were posted, on topics such as 'Seafaring Safeguards,' 'Public Input Important to Northern Gateway,' and 'CEO Pat Daniel Speaks about the Importance of Northern Gateway'.

Through these different media outlets, Northern Gateway is providing increased access to information for users of all levels. For further details, see the March 2011 Update to the Application, Volume 4, Section 10.

### **3.1.4 Meetings and Events**

During the Update Period, Northern Gateway communicated directly with Aboriginal groups by meeting with them in their communities, or at mutually convenient locations.

Northern Gateway also held routine meetings with the Canadian Environmental Assessment (CEA) Agency and various government departments and agencies to provide updates on the Project and Aboriginal engagement activities.

#### **3.1.4.1 Aboriginal Business Summit**

On March 22 and 23, 2010, Northern Gateway hosted the Northern Gateway Aboriginal Business Summit (the Summit) in Vancouver, BC, with a focus on business opportunities potentially available to Aboriginal groups in Alberta and terrestrial BC. The Summit was the first of its kind for Northern Gateway and was attended by Aboriginal groups representing 42 different communities along the proposed RoW. The Summit was held to:

- provide a forum for Aboriginal groups to learn about, and discuss, potential business opportunities related to construction and other services associated with the Project

- foster a networking environment between Aboriginal groups and industry proponents, to facilitate collaboration that would lead to businesses and joint ventures that could take advantage of procurement opportunities related to Project construction
- act on Northern Gateway's commitment to Aboriginal groups along the Project corridor to assist in building business capacity to maximize their potential to compete for Project-related contracting opportunities

Positive comments were received from Aboriginal groups and from the Aboriginal and non-Aboriginal companies that attended the Summit. Some Aboriginal groups indicated that they had forged new relationships with established companies because of attending the Summit. Several mentioned that they had begun discussions to form joint ventures to pursue current business activity and to prepare for future Project-related contracting opportunities.

As a follow-up activity to the Summit, Northern Gateway began assessing the capacity of Aboriginal communities along the proposed Project corridor. The purpose is to determine what businesses exist in these communities and the interest of these businesses to prequalify with Northern Gateway as a potential supplier. The assessments to date are preliminary and will provide the Aboriginal groups visited with a general understanding of the kind of business opportunities that will become available because of the Project.

In March 2011, Northern Gateway polled some of the Aboriginal groups to determine the level of interest for a second Aboriginal business summit. All Aboriginal groups contacted expressed a strong interest. Therefore, Northern Gateway is planning to host a second Aboriginal business summit in 2011.

#### **3.1.4.2 Joint Review Panel Sessions**

Northern Gateway observed oral presentations, reviewed written submissions, and provided considered response where appropriate to expressions of interest from Aboriginal groups to the Joint Review Panel (JRP) Procedural Direction issued on July 5, 2010. For the list of participants, see the NEB website at: <https://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=624822&objAction=browse>. For a copy of Northern Gateway's response, see the NEB website: <https://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=679034&objAction=browse>.

#### **3.1.4.3 Best Practices in Aboriginal Business and Economic Development**

Compared with many Alberta First Nations, many BC First Nations are not as familiar with the energy and pipeline sectors. Therefore, Northern Gateway sponsored representatives from the following BC communities to participate in a forum entitled Best Practices in Aboriginal Business and Economic Development, which was held at the Banff Centre in January 2011:

- Cheslatta Carrier Nation
- Skin Tyee Nation
- Tl'azt'en Nation
- West Moberly First Nations
- Yekooche (Yekooche First Nation)

The forum examined the fundamental issues of governance, such as the creation of culturally appropriate government institutions and the role of Aboriginal leaders in effectively planning, creating and promoting economic policy for self-determined Aboriginal development. Northern Gateway paid for the travel, accommodation, and meals for the Aboriginal participants who had been sponsored to attend the forum.

The topics examined and explored at the forum included:

- the Harvard Project on American Indian Economic Development
- nation-building: tools, policies, and leadership for Aboriginal governments
- rethinking Aboriginal economic policy: insights and implications
- case-study presentations of ‘best practices’ in Aboriginal economic policy and Aboriginal governance, made by invited representatives
- nation-building components: asserting self-governance, building institutions, setting strategic direction, and taking action through strong leadership
- separating politics and business – a community necessity
- community economics model from an Aboriginal perspective
- all aspects of community economic development and business planning
- financing Aboriginal economic ventures

#### **3.1.4.4 Technical Sessions and Community Open Houses**

During the Update Period, technical sessions were held with Aboriginal groups in the engagement area. Technical sessions focused on addressing Aboriginal groups’ interests and concerns, which were identified during ATK and TUS studies and raised through the course of general engagement activities. Additionally, open houses were held with Aboriginal groups to provide Project information and to address issues and concerns. For more details about the technical sessions and open houses, see Section 5 of this Update.

##### ***November 17, 2010 Regional Meeting in Prince George***

On November 17, 2010, the following Aboriginal communities attended an all-day meeting at the Ramada Hotel in Prince George:

- Cheslatta Carrier Nation
- Skin Tyee Nation
- Yekooche (Yekooche First Nation)
- Lheidli T’enneh (Lheidli T’enneh Band)
- McLeod Lake (McLeod Lake Indian Band)
- Tl’azt’en Nation

The meeting was organized by Northern Gateway in the terrestrial heartland of BC to address three principal issues:

1. To answer the question “how will Northern Gateway build and operate the proposed pipeline safely?”
2. To present and discuss an Aboriginal Economic Benefits Package, which includes an equity offer component, and employment, training and procurement opportunities to Aboriginal communities in terrestrial BC.
3. To provide technical information about the Project, followed by a question-and-answer component to enable the Aboriginal attendees to voice their interests and concerns and to have Northern Gateway’s engineers and other discipline experts respond.

#### **3.1.4.5 Community Advisory Board Meetings**

Community Advisory Board (CAB) meetings are an example of diverse groups, including Aboriginal groups that choose to participate in the CAB process, being able to come together to share varied viewpoints and experiences. The regional CAB meetings are designed to be an inclusive, respectful and safe process, where community voices can be heard concerning the Project. The CAB meetings are intended to be a place where ideas, not people, are challenged. Meaningful dialogue is encouraged, opportunities for learning are created, and mutually beneficial relationships, which respect the interests and integrity of all the parties involved in the CAB, are developed.

Although CAB meetings are funded by Northern Gateway, CAB meeting agendas and operational guidelines are driven by the CAB membership and are facilitated by a third-party moderator. To date, Northern Gateway representatives or external experts have given presentations on topics such as:

- marine and shipping safety
- oil spill liability and response
- community socio-economic effects and benefits
- Aboriginal traditional use
- the engagement process
- Project legacy

Each presentation was followed by a question-and-answer session. Participation by Aboriginal groups in the CAB process does not equate with support for the Project.

In 2010, an attempt was made to re-engage participants who had not attended since Round 1 in 2009. In response to a specific request by CAB members at the British Columbia North Coastal CAB meeting in Round 5, Northern Gateway, on their behalf, sent invitations to 52 attendees from the inaugural British Columbia North Coastal CAB meeting. This included the following Aboriginal groups, who had withdrawn from the CAB process after Round 1 in 2009:

- Kitselas (Kitselas First Nation)
- Coastal First Nations/Great Bear Initiative (formerly Turning Point Initiative)

- Kitasoo/Xai'xais Nation
- Gitxaala Nation (Kitkatla)

Two responses to the invitations were received, but both responders declined to re-engage. No responses to the survey were received. For details about the CAB process during 2010, see the March 2011 Update to the Application, Volume 4.

### 3.1.5 Community Investment

During the Update Period, Northern Gateway continued to follow the objectives previously established for the community investment program, which focus on four building blocks of sustainable development (see the Application, Volume 4, Section 3.1.3).

Northern Gateway's community investment approach remained focused on developing, building, enhancing and maintaining strong community relations and responding to Aboriginal community needs and interests. Northern Gateway seeks to support community investment opportunities where the benefit extends to large groups of people.

Northern Gateway provided sponsorships and support to various education and training initiatives, annual general assemblies, pow wows, community programs and achievement foundations (see Tables 3-5 and 3-6).

**Table 3-5 Alberta Community Investment Contributions, 2010 and 2011**

Aboriginal Group	Event	Date
<b>2010</b>		
Alexander (Alexander First Nation)	Community golf tournament	May 2010
Alexis Nakota Sioux Nation	Alexis Nakota Sioux Nation pow wow	July 9-11, 2010
	Summer student employment funding	July - August 2010
	Alexis Nakota Sioux Nation – Christmas 2010 hampers and gifts for community members	December 2010
Grande Prairie Métis Local # 1990	Métis Nation of Alberta Talent Show – funds raised for community programs	November 13, 2010
Horse Lake First Nation	Horse Lake First Nation Industry Relations Corporation – golf tournament	July 22, 2010
Lesser Slave Lake Indian Regional Council	Lesser Slave Lake Indian Regional Council – annual golf tournament	June 25, 2010
Métis Nation of Alberta	Métis Nation of Alberta, Annual General Assembly	August 6-8, 2010
Sturgeon Lake Cree Nation	10th Annual 'Just for Fun' golf tournament	July 30, 2010
Sucker Creek (Sucker Creek First Nation)	Treaty 8 First Nations of Alberta – Annual Elders Gathering	July 11-16, 2010
Treaty 8 First Nations of Alberta	Treaty 8 First Nations of Alberta – Christmas Gala 2010	December 3, 2010

**Table 3-5 Alberta Community Investment Contributions, 2010 and 2011 (cont'd)**

Aboriginal Group	Event	Date
<b>2011</b>		
Buffalo Lake Métis Settlement	Community investment or sponsorship	April 14, 2011
Duncan's First Nation	Community investment or sponsorship	February 23, 2011
Kapawe'no First Nation	Community investment – youth and Elder programs	March 14, 2011
Kikino Métis Settlement	Community investment – community rodeo	February 23, 2011
Sucker Creek (Sucker Creek First Nation)	Community investment – youth and Elders	March 14, 2011
Whitefish Lake (Whitefish Lake First Nation #128)	Community investment – Annual Treaty Days	February 11, 2011

**Table 3-6 British Columbia Community Investment Contributions, 2010 and 2011**

Organization or Aboriginal Group	Event	Date
<b>2010</b>		
BC Achievement Foundation	BC Aboriginal Business Awards	December 1, 2010
BC Métis Elders	3rd Annual Riverside Festival	August 6-8, 2010
Canadian Council for Aboriginal Business	Business Session	September 16, 2010
Canadian Council for Aboriginal Business	Gala Dinner	September 16, 2010
Cheslatta Carrier Nation	Chief Louie Paddle Company; Language Project; Christmas Hamper Project	ongoing
Classic Rock CFNR	All Native Basketball Tournament	February 14-20, 2010
Doig River First Nation	10th Annual Doig River Rodeo	July 17-18, 2010
Gitxsan Treaty Office	Gitxsan Open 2010 Golf Tournament	August 21, 2010
Industry Council for Aboriginal Business	"On Common Ground" Dinner	August 27, 2010
Kitamaat Village Council	Annual Golf Scramble	August 6, 2010
Lake Babine First Nation	Community Program	January 1, 2010
Lheidli T'enneh Nation	Christmas Community Dinner	December 8, 2010
McLeod Lake Indian Band	Annual General Assembly	August 5 -6, 2010
National Aboriginal Achievement Foundation	Blue Print for the Future	May 11, 2010
Northeast Native Advancing Society	Go Karts for Girls	July 26-August 7
Northwest BC Métis Association	Annual Christmas Party	December 12, 2010
Saulteau First Nation	Christmas Celebration	December 10, 2010
Skin Tyee First Nation	Education and Training Program	ongoing
Treaty 8 Tribal Association	Spirit of the Peace Powwow Society	June 18-20, 2010

**Table 3-6 British Columbia Community Investment Contributions, 2010 and 2011 (cont'd)**

Organization or Aboriginal Group	Event	Date
<b>2010 (cont'd)</b>		
Treaty 8 Tribal Association	Community Economic Development Strategy	ongoing
Yekooche First Nation	Children's Christmas Celebration	December 17, 2010
Yekooche First Nation	Traditional Dance and Song Program	ongoing
<b>2011</b>		
Prince George Aboriginal Youth Hockey	15th Annual Youth Hockey Championships	March 25-27, 2011

### 3.1.6 Community Skills and Employment Initiatives

During the Update Period, Northern Gateway continued to seek opportunities to partner with colleges and training programs to enhance skills development and employment initiatives for the Project. Northern Gateway met with three colleges in northern BC (College of New Caledonia, Northern Lights College and Northwest Community College) and with Northern Lakes College in Alberta to align and forecast training needs with current and future college programs. Northern Gateway also toured the Marine Campus of the British Columbia Institute of Technology.

Northern Gateway has been a supporter of Women Building Futures, an Alberta-based, not-for-profit training organization focused on helping women access trades and technology careers. In 2010, Northern Gateway partnered with the University of Alberta's Canadian Indigenous Language and Literacy Development Institute and Women Building Futures to offer a week-long introduction to the trades to the Young Women's Circle of Leadership summer program.

Northern Gateway is a member of Skill Builders, a training group in northern BC that includes partners from the oil and gas, pipeline and hydroelectric sectors. The primary goal of Skill Builders is to collaborate with communities on educational and training initiatives in communities. Skill Builders supports pre-employment training for Aboriginal people, and is a forum for sharing industry training and employment information and practices for engaging Aboriginal employees.

Northern Gateway supported a Workforce Transition Project in partnership with the Petroleum Human Resource Council of Canada (PHRCC) and Human Resources Development Canada. PHRCC works with the career and educational resources in Kitimat, Terrace and Prince George, to provide information and tools to assist displaced or vulnerable workers making the transition to other occupations across sectors. This work has led to Northern Gateway's participation in a Government of British Columbia initiative that targets cross-sector human resource planning and involves forestry, oil and gas, mining and construction.

Northern Gateway is leading a Training Advisory Committee initiative with four craft unions, in partnership with the Canadian Pipeline Advisory Committee. The group began meeting in 2010 and will continue to collaborate on maximizing training and employment opportunities for Aboriginal people during Project construction.

### **3.1.7 Goods and Services Handbook**

Northern Gateway completed a review of all goods and services required for major pipeline construction projects. The purpose was to identify the goods and services required and to prepare a handbook describing those services. Northern Gateway intends to publish a handbook and make it available to Aboriginal service providers and entrepreneurs to aid them in determining whether to be a supplier to the Project. Of the 80 goods and services identified, more than half have relatively low capitalization cost and straightforward development requirements. Northern Gateway plans to publish the handbook in 2011 for distribution to Aboriginal businesses and entrepreneurs.



## 4 Incorporating Input from Aboriginal Groups

In the Application, Volume 5A, Section 4, Northern Gateway categorized, in broad terms, the interests and concerns commonly expressed by Aboriginal groups as of December 2009, as follows:

- general Project information, including Project timeline, description of the Project, need for the Project, construction and operation of the pipelines, pump station locations, route selection, tanker navigation in specific water channels, cost of the Project, number of jobs created by the Project, ownership of the pipelines, and Northern Gateway's approach to Project sustainability
- effects on the environment, including wildlife, groundwater, cumulative effects, increased tanker traffic and proximity of shipping routes to fishing and marine areas, air quality, fisheries, coastal marine life and communities, environmental standards, watercourse crossings, and increased access to sensitive areas
- logistics, safety and emergency response, including pipeline integrity, emergency response, mitigation measures and compensation
- effects on land use, including reserve lands traversed by the Project, traditional and non-traditional use, Aboriginal and treaty rights, traplines and trapper issues, routing of the pipeline corridor and proximity of construction camps
- traditional knowledge and participation of Aboriginal groups in ATK studies, including Elder participation to complete such studies; historical, archaeological and paleontological materials and resources; and confidentiality of traditional information
- process issues, including capacity funding, participation in the regulatory and environmental review process, Aboriginal and treaty rights, Keyoh holders, Crown consultation, third-party technical review, and long-term Aboriginal engagement
- community and economic development, including economic opportunities, employment and training, business and procurement contracts, community investment, equity investment and Project legacy

During the Update Period, the interests and concerns expressed by Aboriginal groups generally fell within the broad categories listed above. Some new interests and concerns were also expressed. For the interests and concerns of each Aboriginal group, as expressed at the time of the Application and during the Update Period, see Section 5 of this Update. In addition, the Application, Volume 5, Appendix O provided a summary table of Aboriginal issues and concerns with corresponding references to the Application and Northern Gateway's additional comments. See the Update to Appendix O for a revised version of the appendix.

During the Update Period, Northern Gateway began work on the following initiatives in response to the interests and concerns that have been expressed by Aboriginal groups:

- an Aboriginal Economic Benefits Package, to be made available to eligible Aboriginal groups along the pipeline route, as well as to Coastal First Nations with interests in or adjacent to shipping routes used by tankers calling on the Kitimat Terminal
- mitigation measures for identifying and reducing effects of Project construction on traditional use during detailed design and route selection

In developing these initiatives, Northern Gateway has taken into account the need for flexibility in dealing with Aboriginal groups that have varying capacities. Northern Gateway also had regard for environmental practices used by adjacent linear projects, such as the proposed Kitimat Summit Lake Looping Project (also known as the Pacific Trails Project) and the proposed Kitimat liquefied natural gas (LNG) Project.

#### **4.1 Aboriginal Economic Benefits Package**

During the Update Period, Northern Gateway developed an Aboriginal Economic Benefits Package, which was introduced to eligible Aboriginal groups. In particular and in respect to the equity participation component of the Package, groups having similar characteristics in relation to the Project were assessed for eligibility in a similar manner.

While acknowledging certain differences that exist between Alberta and BC groups, Alberta groups having similar characteristics and a similar history of engagement in relation to the Project and BC groups having similar characteristics and a similar engagement history in relation to the Project were assessed for eligibility in the following ways:

1. For Alberta and BC, groups with communities located within the Project engagement area who had expressed an interest in economic opportunities arising from the Project and to whom Northern Gateway had committed to offer economic opportunities related to the Project were assessed as eligible.
2. For Alberta, certain other Aboriginal groups with communities located outside the Project engagement area but whose traditional territory would be traversed by the pipeline corridor and who had expressed an interest in opportunities arising from the Project and to whom Northern Gateway had committed to offer economic opportunities related to the Project, were assessed as eligible.
3. For BC, in addition to communities fulfilling the criteria noted under Point 1. above, groups having a reserve land base within 80 km to either side of the pipeline ROW or marine tanker route were assessed as eligible to receive offers of economic participation (including equity), whether or not the record of engagement to date showed an interest in economic opportunities arising from the Project and whether or not, prior to or during the Update Period, Northern Gateway had committed to offer economic opportunities once same were developed.

An Aboriginal Economic Benefits Package may consist of:

- an equity participation offer
- procurement, employment and training initiatives
- a community investment fund
- access to corporate branded programs

The Aboriginal engagement program has provided an avenue for Northern Gateway to introduce and discuss the content of an Aboriginal Economic Benefits Package. Alberta Aboriginal groups that have received an Aboriginal Economic Benefits Package as of March 31, 2011 are:

- Alexis Nakota Sioux Nation
- Aseniwuche Winewak Nation
- Buffalo Lake Métis Settlement
- Driftpile First Nation
- Duncan's First Nation
- Enoch Cree Nation
- Horse Lake First Nation
- Kapawe'no First Nation
- Kikino Métis Settlement
- Métis Nation of Alberta
- Paul First Nation
- Saddle Lake Cree Nation
- Sawridge First Nation
- Sturgeon Lake Cree Nation
- Sucker Creek First Nation
- Whitefish Lake First Nation

During engagement activities with the Alexander First Nation in the next few months, Northern Gateway plans to offer the Alexander First Nation an Aboriginal Economic Benefits Package.

BC Aboriginal groups that have received an Aboriginal Economic Benefits Package as of March 31, 2011 are:

- Burns Lake Band
- Cheslatta Carrier Nation
- Gitxaala Nation (Kitkatla)
- Gitksan Hereditary Chiefs
- Kelly Lake Cree Nation
- Kelly Lake First Nation
- Kelly Lake Métis Settlement Society
- Kitselas First Nation
- Lake Babine Nation
- Lheidli T'enneh First Nation
- McLeod Lake Indian Band

- Métis Nation British Columbia, including:
  - North East Métis Association
  - North West BC Métis Association
  - Prince George Métis Community Association
  - New Caledonia Métis Association
  - Tri- River Métis Association
- Nee-Tahi-Buhn Indian Band
- Office of the Wet'suwet'en
- Saulneau First Nations
- Skin Tyee Nation
- Tl'azt'en Nation
- West Moberly First Nations
- Yekooche First Nation

BC Aboriginal groups that have received an offer to meet and discuss an Aboriginal Economic Benefits Package as of March 31, 2011 are:

- Gitga'at Nation (Hartley Bay Band)
- Haisla Nation (Kitamaat Village Council)
- Kitasoo/Xai'xais Nation
- Kitsumkalum Band
- Lax-Kwalaams First Nation
- Metlakatla First Nation
- Nadleh Whut'en First Nation
- Nak'azdli Band
- Old Masset Village Council
- Saik'uz First Nation
- Skidegate Band
- Stelat'en First Nation
- Wet'suwet'en First Nation

An Aboriginal Economic Benefits Package will be introduced to the remaining Aboriginal groups identified for this purpose, including the Coastal First Nations, during the remainder of 2011.

Each of the components of an Aboriginal Economic Benefits Package is described below.

To accept the equity offering, each Aboriginal group must enter into an Aboriginal Ownership Agreement and the Northern Gateway Pipelines Limited Partnership Agreement.

#### **4.1.1 Procurement, Employment and Training Initiatives**

In response to engagement activity during the latter part of the Update Period, Northern Gateway has offered to enter into a memorandum of understanding (MOU) with Aboriginal groups, which will define potential economic opportunities and benefits in the areas of procurement, employment and training in the context of the Aboriginal group in question. These MOUs, and Northern Gateway's Aboriginal Economic Benefits Package as a whole, will incorporate the following initiatives:

- Aboriginal Procurement Initiative
- Aboriginal Employment and Training Initiative

#### **4.1.2 Aboriginal Procurement Initiative**

Northern Gateway is committed to facilitating meaningful contracting opportunities for Aboriginal business and joint ventures. To that end, Northern Gateway has established a target of \$300 million for Aboriginal procurement. These opportunities will consist of:

- direct awards to Aboriginal groups within the engagement area
- direct awards to prime contractors from Aboriginal groups within the engagement area
- joint ventures participation
- services that can be managed by set asides (involving competition among qualified Aboriginal businesses at regionally competitive rates)

In developing the \$300 million procurement target, Northern Gateway identified a number of key participation opportunities for Aboriginal businesses and joint ventures. These include but are not limited to:

- clearing the RoW, logging and salvage
- access roads
- camps and catering
- security
- trucking
- concrete weights
- skids and mats
- stockpiling
- reclamation
- fuel supply
- consumables
- surveying
- janitorial
- air charter

### 4.1.3 Aboriginal Employment and Training Initiative

Northern Gateway is committed to facilitating meaningful Aboriginal employment opportunities during construction and operations of the Project. A cornerstone of this commitment is an underlying commitment to facilitate training initiatives required to enable prospective Aboriginal employees to gain necessary skills. The Northern Gateway Skills and Employment Initiatives team will collaborate with training providers, government sponsors and applicable trade unions so that quality training is available to Aboriginal groups in time to meet Project recruitment requirements. Northern Gateway will also ensure prime contractors implement similar initiatives as part of its contract with them.

Northern Gateway will also work with its service and materials providers to identify and reduce barriers to Aboriginal employment. Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers.

Project operations will directly employ about 104 regional residents. These jobs will relate to operation of pump stations along the route, as well as the Kitimat Terminal. At present, Northern Gateway expects that 15% of these jobs would go to Aboriginal candidates. However, Northern Gateway is prepared to take steps to increase Aboriginal employment opportunities, particularly at the Kitimat Terminal during the early years of operation to enhance Aboriginal benefits in the coastal area as employment capacity is developed.

In the marine service area, Northern Gateway will support training and joint venture opportunities to enhance employment benefits for coastal First Nations. Employment opportunities will be generated by a number of Project-related activities, including:

- escort tugs
- berthing tugs
- mooring boats
- advance spotter boats
- regional first response
- environmental monitoring

Northern Gateway will work with participating Aboriginal groups to identify procurement and employment opportunities in each of these areas. Northern Gateway understands that initiatives are currently underway in this regard in respect of the proposed Kitimat LNG Project, which has established targets for employment of Haisla First Nation members. Northern Gateway is prepared to undertake similar marine services employment and training programs. It will extend such opportunities to members of coastal Aboriginal communities in the region. As development of a marine services portfolio is at a very early stage, specific targets for procurement and employment opportunities have not yet been set.

#### 4.1.4 Community Investment Fund

Each Aboriginal Economic Benefits Package provides a commitment on the part of Northern Gateway to establishing a Community Investment Fund to be funded on an annual basis with 1% of pre-tax profit – a formula similar to that of ‘Imagine Canada.’ (Imagine Canada is a national charitable organization whose cause is Canada’s charities and nonprofit organizations. For more information about Imagine Canada, see its website at [www.imaginecanada.ca](http://www.imaginecanada.ca).) The Community Investment Fund will become operational upon completion of construction and extend over the Project’s lifetime. The annual amount to be contributed to the Community Investment Fund is anticipated to be approximately \$3 million. Proceeds from the Community Investment Fund will be distributed toward programs deemed to be of benefit to Aboriginal and non-Aboriginal groups along the Project corridor.

#### 4.1.5 Corporate Branded Programs

Each Aboriginal Economic Benefits Package provides information on how Aboriginal groups will have the opportunity, because of their respective proximity to the pipelines or Project facilities when construction is complete, to access Enbridge programs existing at the time, such as:

- The Neutral Footprint Program – enables Northern Gateway to work with conservation and environmental partners to counter the impacts to land and trees caused by the Project. The program advances various stewardship and habitat protection initiatives, such as:
  - planting a tree seedling for every tree removed to create the pipeline RoW
  - setting aside an acre of land for habitat conservation for every acre of wilderness permanently affected
  - creating a kilowatt of renewable power for every kilowatt of power used by pipeline operations
- The Natural Legacy Program – demonstrates an ongoing commitment to environmental stewardship, habitat remediation and protection. The program has a successful record of working with organizations such as the Nature Conservancy of Canada, Ducks Unlimited, Trout Unlimited, Pacific Salmon and Tree Canada, as well as local schools, educators and volunteers.
- The Safe Community Program – enables Northern Gateway to provide substantial monetary grant support for first responders, police agencies, fire-fighters, emergency medical services and other related health providers who respond to emergency situations in communities along the pipeline RoW.
- The School Plus Program – enables Northern Gateway to work in partnership with the Assembly of First Nations to support enrichment programming and extracurricular activities in First Nation schools near the pipeline route. The overall goal of the program is to encourage First Nations youth to stay in school, enabling them to pursue higher education and secure better jobs in the future.

## 4.2 Mitigation of Project Effects on Traditional Use and Resources

During the Update Period, Northern Gateway continued to offer Aboriginal groups the opportunity to prepare ATK studies, or to finalize those that were in progress. Northern Gateway has also undertaken a review of environmental assessments performed in respect of other projects to determine how effects of pipeline and terminal operations in the region on traditional uses have been addressed, and how the strength of claim of First Nations along the western portion of the proposed route (i.e. from Summit Lake to Kitimat) have been described.

Effects of the Project on traditional use will be mitigated by three primary methods:

- implementing sound engineering, environmental and construction practices.
- incorporating a model of work class standards for spill prevention, and emergency response capability, training and execution.
- working with participating Aboriginal groups before, during and after construction to address site-specific concerns about Project effects on cultural resources and traditional use. These will include mitigation measures related to Project effects drawn from other projects such as the Kitimat Summit Lake Looping Project and the Kitimat LNG Project

### 4.2.1 Aboriginal Traditional Knowledge

Northern Gateway has implemented a process to ensure that information provided by Aboriginal groups in ATK studies is incorporated into the planning and design of the Project and into the ongoing Aboriginal engagement program. The ATK study incorporation process is also shared with Aboriginal groups, upon receipt of an Aboriginal group's final ATK study report (referred to as an ATK community report) and table of issues.

Northern Gateway implements the following process for ATK studies completed by Aboriginal groups in relation to the Project:

- share the final ATK community report with the Aboriginal group
- review and track each issue and concern raised by the Aboriginal group
- flag issues that can be addressed immediately and subsequently discussed during ongoing technical meetings with the Aboriginal group
- record issues that cannot be addressed immediately in the ATK tracking document and reference the kilometre post (KP) location of each issue

Examples of issues that can be addressed immediately are those relating to wildlife disturbance and to emergency response plans for oil spills. Such issues are identified before a technical meeting is scheduled, so that Northern Gateway can ensure that the appropriate Northern Gateway discipline representatives are available to attend the meeting. At the meeting, Northern Gateway provides information to the Aboriginal group relating to the specific issues in the ATK tracking document. At the end of the technical meeting,



Northern Gateway asks the Aboriginal group whether the issues identified in the ATK study have been addressed by Northern Gateway.

If an issue has not been addressed during the technical session, Northern Gateway records and flags the outstanding issue in the tracking document for further follow-up. For example, a watercourse crossing method might be raised as an issue during a meeting with an Aboriginal group, and may not be resolvable because the Aboriginal group wants to view the watercourse crossing method to understand the process better. In this case, Northern Gateway would advise the Aboriginal group that Northern Gateway would arrange for the Aboriginal group's participation in planning for the specific watercourse crossing area, if the Project is approved. Or, if an Aboriginal group wishes to know the final pipeline route location, Northern Gateway will advise the Aboriginal group that once the final route (during detailed routing) has been determined, Northern Gateway will schedule a technical meeting with the Aboriginal group to provide specific information and mapping showing the location of the final pipeline route. It is also anticipated that Aboriginal groups may participate in portions of the detailed route selection to assist with addressing site-specific issues.

Issues that cannot be addressed immediately by Northern Gateway are noted in the ATK tracking document with reference to the KP location of that issue. These issues will be subsequently addressed during the appropriate phase of the Project. For example, when an Aboriginal group identifies a moose lick or a specific spiritual site of concern within the pipeline corridor, the issue is flagged by Northern Gateway in the tracking document. The tracking document is then forwarded to Northern Gateway's engineering and environmental teams, which will incorporate the issue into the commitment tracking document. During detailed engineering, specific features of concern will be mapped and addressed either through avoidance with detailed routing or through appropriate mitigation measures. Further discussion and site visits with the Aboriginal group will be conducted when required.

#### **4.2.2 Trapper and Harvester Compensation**

Northern Gateway is also committed to providing fair compensation for Aboriginal trapping and harvesting opportunities lost due to the Project. Before construction, each Aboriginal group along the pipeline will be offered the opportunity to participate in a program designed to identify traditional use trappers, harvesters and yields. This record of trappers, harvesters and yields would be used, if available, if pipeline construction results in lost resources and consequent costs.

#### **4.2.3 Pipeline Integrity and Emergency Preparedness**

Northern Gateway is committed to providing each Aboriginal group with timely and thorough information about pipeline design, safety and emergency preparedness.

During the Update Period, Aboriginal groups continued to express concern about pipeline and marine safety, and the consequences of an accidental release of crude oil or condensate to the environment. Northern Gateway accepts responsibility for ensuring that the Project is designed, constructed and operated safely and reliably. For the design, construction and operational measures to be taken, see the Application, Volume 3, Sections 4, 10 and 11 (pipeline measures), Volume 7B, Section 2 (pipeline

measures), Volume 7C, Section 2 (measures at the Kitimat Terminal) and Volume 8C, Section 2 (measures along the shipping routes).

In recognition of heightened interest due to events such as the Deepwater Horizon blowout and the pipeline leak of Enbridge's Line 6B in Marshall, Michigan, Northern Gateway has offered technical sessions to explain its approach to leak prevention and emergency preparedness. Information is provided on Northern Gateway's pipeline integrity management program, including monitoring, corrosion prevention and inline inspection. Several Aboriginal communities have taken part in technical sessions, as noted in the individual community summaries (see Section 5 of this Update), and this program will be continued. Northern Gateway will communicate timely information on emergency preparedness and response to Aboriginal groups, including providing:

- information on emergency response planning at a general level
- an opportunity to ensure that key traditional use sites are known and that appropriate planning is undertaken
- an opportunity for participation, as appropriate, in emergency response training exercises
- notifications in the event of a release

## **4.3 Project Refinements in Response to Input**

### **4.3.1 Pipeline Route Refinements**

The following additional pipeline route and watercourse crossing refinements (see the December 2010 Update to the Application) were incorporated by Northern Gateway during the Update Period.

- The Pembina River (KP 131.6) proposed crossing method was revised to horizontal directional drilling (HDD).
- The Athabasca River (KP 187.4) proposed crossing method was revised to HDD.
- The Simonette River (KP 360.0) crossing location was revised.
- The Smoky River (KP 421.4) proposed crossing method was revised to HDD.
- The Pinto Creek (KP 474.7) proposed crossing method was revised to a bore.
- The Missinka River west (KP 648.6) crossing location was revised.
- The Parsnip River (KP 674.3) crossing location was revised and the proposed crossing method was revised to HDD.
- The Crooked River (KP 721.5) crossing location was revised.
- The Muskeg River (KP 751.3) proposed crossing method was revised to a bore.
- The Salmon River (KP 766.3) proposed crossing method was revised to a bore.
- The Owen Creek (KP 1006.5) crossing location was revised, and the proposed crossing method was revised to a bore.

- The Morice River (KP 1042.3) crossing location was revised.
- The Gosnell Creek (KP 1063.2) crossing location was revised and the proposed crossing method was revised to a bore.
- The Clore River (KP 1076.7) crossing location was revised and the proposed crossing method was revised to a bore.
- The Hunter Creek (KP 1103.3) crossing location was revised.
- The Chist Creek (KP 1127.6) crossing location was revised and the proposed crossing method was revised to a bore.
- The Cecil Creek (KP 1135.9) proposed crossing method was revised to a bore.
- The Little Wedeene River (KP 1153.3) proposed crossing method was revised to a bore.

The refinements were the result of input from various groups, including government agencies (e.g., Fisheries and Oceans Canada [DFO] and Alberta Sustainable Resource Development), Aboriginal groups, and local communities. In addition, some revisions included input from the Strategic Watercourse Assessment Team (SWAT). As noted in the Application, Volume 6A, Part 2, Section 11.3.1, SWAT is a multi-disciplinary team consisting of a fisheries biologist, geotechnical engineer, pipeline engineer and construction specialist, who visit sensitive or difficult crossings to evaluate the construction approach and potential environmental protection measures. (Note that the revisions to proposed watercourse crossing methods had already been included in the Application, Volume 3, Section 6.)

An additional pipeline route refinement will be made in a future pipeline route revision. The pipeline route (KP 249.1 to KP 251.1) will be relocated off the Alexander 134A Indian Reserve, as requested by the Alexander First Nation.

### **4.3.2 Pump Station Location Refinements**

An additional pump station location refinement (see the December 2010 Update to the Application, Volume 3) was made. The Bear Lake pump station and the pipelines (KP 719.6 to KP 719.9) were relocated onto the Sas Mighe No. 32 Indian Reserve, as requested by the Macleod Lake Indian Band (McLeod Lake). Subject to confirmation of technical feasibility, this site has been determined by both Northern Gateway and the Macleod Lake Indian Band (McLeod Lake) to be the preferred site. Technical confirmation of the pump station relocation to this site will be undertaken during detailed engineering.

Also, an additional pump station location refinement will be made in a future pipeline route revision. The Whitecourt pump station (KP 203.3) will be relocated onto the Alexis Indian Reserve No. 232, as requested by the Alexis Nakota Sioux Nation. Subject to confirmation of technical feasibility, a site on the reserve has been determined by both Northern Gateway and the Alexis Nakota Sioux Nation to be the preferred site. Technical confirmation of the pump station relocation to this site will be undertaken during detailed engineering.



## 5 Aboriginal Group Information

This section provides group-specific updates for most of the Aboriginal groups listed in the Application, Volume 5A, Table 2-1. For each of those Aboriginal groups, this Update includes:

- the geographic setting
- the engagement activities that have occurred during the Update Period
- the interests and concerns that have been expressed to Northern Gateway
- Northern Gateway's commitments and mitigation measures in response to those interests and concerns
- the status of the Aboriginal group's ATK program, where applicable

Several issues are common to all those Aboriginal groups and the following parts of this Update contain information relevant to Northern Gateway's response to these common issues:

- Tables 3-1 and 3-2 list notices sent to each Aboriginal group and Tables 3-3 and 3-4 list correspondence with each Aboriginal group.
- Section 4.1 describes the Aboriginal Economic Benefits Package. This is key information of interest to all Aboriginal groups, and specifies Northern Gateway's commitment to addressing economic and employment issues that are of concern for each of the Aboriginal groups.
- Section 4.1.2 and Section 4.1.4 describe the Aboriginal engagement and Aboriginal employment and training initiatives. This information provides additional details on Northern Gateway's commitment to provide opportunities to Aboriginal people and groups in the economic benefits of the pipeline construction and operation.
- Section 4.2 describes ATK, trapper and harvester compensation, and pipeline integrity and emergency preparedness. This section should be referred to wherever an Aboriginal group has expressed concerns on the topics in that section.
- The Update to Appendix O contains a listing of the Aboriginal group interests and concerns as a concordance table, grouped by topic (not by Aboriginal group) and the section of the Application where the interest or concern is discussed.

### ***Traditional Territory Mapping***

The Joint Review Panel Agreement Terms of Reference seeks information about the geographic scope of traditional territories. Traditional territory mapping is not publicly available for Aboriginal groups in Alberta. Therefore, Northern Gateway requested traditional territory mapping from those groups during Northern Gateway's engagement activities. Limited traditional territory mapping was received by Northern Gateway in response to that request. Northern Gateway respects the determination of several of those groups to withhold such information. For that reason, traditional territory maps have not been included in this Update for the Aboriginal groups in Alberta. However, in cases where a description of an Aboriginal group's traditional territory was available, it is included in this Update.

Traditional territory mapping for Aboriginal groups in BC was prepared using publicly available information from the BC Treaty Office and the BC Government Office.

Georeferenced mapping for the Métis Nation British Columbia regions was unavailable at the time of this Update, so these regions' maps in relation to the RoW have not been included.

### ***Engagement Activities during the Update Period***

In this Update, the information provided about the engagement activities that occurred with each Aboriginal group during the Update Period is not intended to be exhaustive. Northern Gateway does not discuss every contact with each Aboriginal group, but provides a summary of key engagement activities during the Update Period.

### ***Community Summaries***

Northern Gateway did not complete community summaries (or provide limited ones) for the following Aboriginal groups and organizations:

- Beaver Lake Cree Nation
- Kitsoo/Xai'xais Nation
- Red Bluff (Red Bluff Indian Band)
- Tahltan
- Turning Point Initiative

The community summaries were not completed, or were very limited, due to one of the following reasons:

1. There was limited to no engagement during the Update Period, despite diligent efforts by Northern Gateway.
2. The Aboriginal group's asserted traditional territory was outside the engagement area.

In most cases, the reason for not completing a community summary was opposition to the Project and reluctance by the Aboriginal group to engage in discussions with Northern Gateway.

Although direct engagement with certain Aboriginal groups was limited, Northern Gateway will continue its efforts to extend the opportunity for engagement to all Aboriginal groups along the proposed RoW as well as coastal First Nations with interests in, and adjacent to, shipping routes. Throughout the Update Period, Northern Gateway endeavoured to better understand the interests and concerns of such groups, with the objective of developing measures and programs that will better address those issues. Northern Gateway will continue its engagement program as the Project proceeds through the regulatory process, with a focus on relationship building and developing additional opportunities for the collection of Aboriginal traditional knowledge, the identification of marine use interests, and meaningful economic participation.

In each case, Northern Gateway observed, reviewed and considered oral and written submissions provided in response to the JRP Procedural Direction of July 2010. Additionally, Northern Gateway continued efforts to confirm that the previously mentioned Aboriginal groups and organizations remained informed of Project developments through routine mailouts, faxes and emails.

## **5.1 Northeast Alberta Region**

### **5.1.1 Beaver Lake Cree Nation**

#### ***Geographic Setting***

The Beaver Lake Cree Nation is a signatory to Treaty 6 and has two reserves near Lac La Biche, Alberta, with the closest reserve (Beaver Lake #131) located approximately 115 km from the proposed RoW (see the Update to Appendix C, Figure C-1).

During the Update Period, the Beaver Lake Cree Nation did not provide Northern Gateway with an up-to-date map delineating the traditional territory of the Beaver Lake Cree Nation, although Northern Gateway had requested such information in November 2009.

#### ***Engagement Activities during the Update Period***

During the Update Period, the Beaver Lake Cree Nation did not provide Northern Gateway with information about its interests in relation to the Project, although Northern Gateway had requested such information in November 2009.

During the Update Period, Northern Gateway continued to keep the Beaver Lake Cree Nation up to date and informed about the Project by sending written notices and correspondence.

#### ***Interests and Concerns of the Beaver Lake Cree Nation***

In the Application, Volume 5A, Section 5.1.1, the interests and concerns identified by the Beaver Lake Cree Nation were summarized as follows:

- revenue sharing
- protocol agreements
- pipeline integrity
- economic opportunities

No new interests or concerns were identified during the Update Period. Northern Gateway is waiting for a response to its request for further information from the Beaver Lake Cree Nation about its interests in the Project.

#### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Beaver Lake Cree Nation's interests and concerns are as follows.

##### ***Revenue Sharing***

The Beaver Lake Cree Nation raised the issue of revenue sharing, in particular, whether the Province of Alberta would follow a model similar to that of BC where the Provincial Government of British Columbia has committed to sharing revenue that the Province will receive from new mine developments with First Nations. In the BC model, the amount of revenue shared with First Nations is negotiated on a

project-by-project basis. Northern Gateway considers the sharing of this revenue is a matter for government-to-government discussion.

### ***Protocol Agreements***

Northern Gateway has signed protocol agreements with several Aboriginal groups. The agreements include capacity funding to enable communities to participate in the regulatory review of the Project, and for Aboriginal groups to gain a better understanding of Northern Gateway's operations as a pipeline company. In 2008, as indicated in the Application, Volume 5A, Section 5.1, the Beaver Lake Cree Nation filed legal documents in the Edmonton Registry, whereby the Nation made public a map outlining its traditional territory. After having carefully considered the map, Northern Gateway determined that the pipeline corridor did not traverse the traditional territory of the Beaver Lake Cree Nation. Although the Beaver Lake Cree Nation had been provided with a draft protocol agreement in 2008 for consideration, the agreement was not concluded after the information on the traditional territory was received. Subsequently, Northern Gateway requested up-to-date mapping of the traditional territory of the Beaver Lake Cree Nation and information about its interests in the Project. However, the Nation has not provided the map and information for Northern Gateway's reference. On that basis, there have been no further discussions with the Beaver Lake Cree Nation about a protocol agreement.

### ***Pipeline Integrity***

Integrity management, monitoring and leak detection for the proposed pipelines, including safety features, are discussed in the Application, Volume 3, Sections 11 and 12.

### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Beaver Lake Cree Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Beaver Lake Cree Nation, to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Beaver Lake Cree Nation. Northern Gateway is waiting for up-to-date information about the traditional territory of the Beaver Lake Cree Nation and information pertaining to the Beaver Lake Cree Nation's interests in the Project, as requested by Northern Gateway during engagement activities in 2009 and outlined in the Application, Volume 5A, Section 5.1.1.



## **5.1.2 Whitefish Lake (Whitefish Lake First Nation #128)**

### ***Geographic Setting***

The Whitefish Lake (Whitefish Lake First Nation #128) has two reserves located near Bonnyville and St. Paul, Alberta, with the closest reserve Whitefish Lake #128 located approximately 94.7 km from the proposed RoW (see the Update to Appendix C, Figure C-1). The traditional territory of the Whitefish Lake (Whitefish Lake First Nation #128) is within the 80 km engagement zone.

The traditional territory of the Whitefish Lake (Whitefish Lake First Nation #128) is west of Bruderheim, Alberta, south to the North Saskatchewan River near Vegreville and east into Saskatchewan. The pipeline corridor will potentially cross the traditional territory of the Whitefish Lake (Whitefish Lake First Nation #128).

### ***Engagement Activities during the Update Period***

In February 2010, Northern Gateway met with representatives of the Whitefish Lake (Whitefish Lake First Nation #128) to present the final draft protocol agreement between the Whitefish Lake (Whitefish Lake First Nation #128) and Northern Gateway. The parties also discussed the Nation's interests in equity investment and economic opportunities, including employment and procurement opportunities that may arise from the Project.

In March 2010, Northern Gateway met with representatives of the Whitefish Lake (Whitefish Lake First Nation #128) to discuss regulatory matters surrounding Northern Gateway's filing of the Application with the NEB. The parties also discussed the equity participation of Aboriginal groups in the Project and the potential structure of an equity offering by Northern Gateway to Aboriginal groups. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the Project. The Whitefish Lake (Whitefish Lake First Nation #128) also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Whitefish Lake (Whitefish Lake First Nation #128) to discuss economic opportunities, including employment and procurement opportunities that may arise from the Project, and to tour the businesses located on the Whitefish Lake (Whitefish Lake First Nation #128) reserve. The parties discussed the outcomes and activities that have arisen from the businesses and discussed business opportunities that may arise from the Project. The parties also discussed the equity participation of Aboriginal groups in the Project and the potential structure of an equity offering by Northern Gateway to Aboriginal groups.

In June 2010, Northern Gateway met with representatives of the Whitefish Lake (Whitefish Lake First Nation #128) to discuss business and economic opportunities related to the Project. The parties discussed the completion of an ATK study by the Nation. Northern Gateway also provided an overview of the ATK study processes that the Whitefish Lake (Whitefish Lake First Nation #128) may wish to consider when completing its ATK study.

In September 2010, the Samson (Samson Cree Nation), Enoch Cree Nation, Montana First Nation, Louis Bull (Louis Bull Tribe), Sucker Creek (Sucker Creek First Nation) and Whitefish Lake (Whitefish Lake First Nation #128) made a joint submission in response to the JRP Procedural Direction of July 2010.

In October 2010, Northern Gateway sent a letter to the Whitefish Lake (Whitefish Lake First Nation #128) requesting its comments or questions about the accuracy and comprehensiveness of the Application materials.

In November 2010, Northern Gateway met with representatives of the Whitefish Lake (Whitefish Lake First Nation #128) to conduct a technical session with the Whitefish Lake (Whitefish Lake First Nation #128) personnel overseeing consultation activities. The Nation was presented with technical information about the Project, including information on watercourse crossings, safety in coastal waters and at the marine terminal, pipeline construction, pipeline safety and integrity, reclamation, wildlife protection measures, the processes that are used in completing ATK studies and how the information is used in Project planning, and the archaeological processes taken to find and preserve artifacts, burial sites and historical sites within the proposed Project corridor. Northern Gateway also presented information on employment, training and procurement opportunities that may arise from the Project.

In December 2010, the Whitefish Lake (Whitefish Lake First Nation #128) contacted Northern Gateway to discuss the ATK study funding. Northern Gateway also provided an update about the ATK study lead.

In December 2010, Northern Gateway met with representatives of the Whitefish Lake (Whitefish Lake First Nation #128) on two occasions. The first meeting was an open house to present the Whitefish Lake (Whitefish Lake First Nation #128) with technical information about the Project, similar to the information provided at the November 2010 meeting. The Nation identified Smoke Lake as a water source of concern to the Nation in relation to the proposed Project. The Nation also identified the areas surrounding Smoke Lake as an area of concern, in particular, areas where the Whitefish Lake (Whitefish Lake First Nation #128) has maintained its trapping, hunting and fishing practices. The second meeting was to present an Aboriginal Economic Benefits Package to the Whitefish Lake (Whitefish Lake First Nation #128) for consideration.

In January 2011, Northern Gateway contacted the Whitefish Lake (Whitefish Lake First Nation #128) several times to confirm meeting arrangements to discuss Project-related matters, including the Aboriginal Economic Benefits Package. The parties met in the latter part of January 2011 to discuss the contents of the Aboriginal Economic Benefits Package. The Whitefish Lake (Whitefish Lake First Nation #128) expressed concern with the lack of capacity in its community, related to skills and training, that would prevent members of Whitefish Lake (Whitefish Lake First Nation #128) from participating in employment and business opportunities arising from the Project. Northern Gateway provided further clarity surrounding the equity offering made by Northern Gateway to the Whitefish Lake (Whitefish Lake First Nation #128). The parties also agreed that a subsequent meeting would occur between Northern Gateway and the Whitefish Lake (Whitefish Lake First Nation #128) to discuss economic opportunities, including employment and business opportunities, arising from the Project. In addition, the Whitefish Lake (Whitefish Lake First Nation #128) would host a tour of the Nation's businesses.

During February 2011, Northern Gateway was in contact with the Whitefish Lake (Whitefish Lake First Nation #128) to establish a meeting date to further discuss the economic opportunities, including employment and business opportunities, arising from the Project and to tour the Nation's businesses. The parties confirmed a meeting date in the middle of March 2011. However, the meeting was postponed at the request of Whitefish Lake (Whitefish Lake First Nation #128). It indicated that it would be available

to attend a meeting in April 2011 and host a tour of the Whitefish Lake (Whitefish Lake First Nation #128) businesses.

In March 2011, Northern Gateway inquired by email whether the Whitefish Lake (Whitefish Lake First Nation #128) was interested in participating in another business summit, if Northern Gateway hosted one in the future. Whitefish Lake (Whitefish Lake First Nation #128), through an email response, expressed its interest in attending another Aboriginal business summit hosted by Northern Gateway.

The Whitefish Lake (Whitefish Lake First Nation #128) is a member of the Northern Gateway CAB and attends the CAB meetings in Edmonton, Alberta. For information on CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Whitefish Lake (Whitefish Lake First Nation #128) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Whitefish Lake (Whitefish Lake First Nation #128)***

In the Application, Volume 5A, Section 5.1.2, the interests and concerns identified by the Whitefish Lake (Whitefish Lake First Nation #128) were summarized as follows:

- opportunities for equity investment
- potential effects of the Project on the environment
- participation in economic and employment opportunities
- business procurement opportunities
- short-term and long-term economic opportunities

During the Update Period, the following new concerns were identified:

- trapper identification and compensation
- effects of the Project on reserve and traditional lands and Aboriginal culture, including protection of medicinal herbs and spiritual sites
- effects of the Project on water sources, including Smoke Lake

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Whitefish Lake (Whitefish Lake First Nation #128)'s interests and concerns follows.

#### ***Equity Investment***

Northern Gateway presented an Aboriginal Economic Benefits Package to the Whitefish Lake (Whitefish Lake First Nation #128) in December 2010.

#### ***Potential Effects of the Project on the Environment***

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects.

Northern Gateway conducted an open house and a technical session with the Whitefish Lake (Whitefish Lake First Nation #128).

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Whitefish Lake (Whitefish Lake First Nation #128). This may include contracting opportunities, as well as employment and training.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will meet with the Whitefish Lake (Whitefish Lake First Nation #128) to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will take place for contracting opportunities.

### *Trapper Identification and Compensation*

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7Am Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects, or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### *Traditional Lands and Culture*

The Whitefish Lake (Whitefish Lake First Nation #128)'s concerns included effects of the Project on reserve and traditional lands and culture, including protection of medicinal herbs and spiritual sites.

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Whitefish Lake (Whitefish Lake First Nation #128) has started work on an ATK study. If the Project is approved, additional engagement will be undertaken with the Whitefish Lake (Whitefish Lake First Nation #128) during detailed routing and engineering to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect medicinal herbs and spiritual sites. For example, if medicinal herbs are identified during review of the detail route, the Whitefish Lake (Whitefish Lake First Nation #128) will be provided an opportunity to harvest medicinal and food source plants before the RoW is cleared.

### *Water Sources Including Smoke Lake*

The Whitefish Lake (Whitefish Lake First Nation #128) is concerned about the effect of the Project on water sources, including Smoke Lake. Northern Gateway conducted an open house and a technical session with the Whitefish Lake (Whitefish Lake First Nation #128) that included a component on the effect of the Project on watercourse crossings and water sources. If the Project is approved, additional engagement will be undertaken with the Whitefish Lake (Whitefish Lake First Nation #128) during detailed routing and engineering. This will provide an opportunity to review the route and determine whether route adjustments or other mitigation measures are required to protect Smoke Lake, which is located approximately 1 km from the proposed RoW.

### ***Aboriginal Traditional Knowledge Program***

The Whitefish Lake (Whitefish Lake First Nation #128) has started work on an ATK study.

## **5.1.3 Saddle Lake (Saddle Lake Cree Nation)**

### ***Geographic Setting***

The Saddle Lake (Saddle Lake Cree Nation) has three reserves located near St. Paul and Vegreville, Alberta, with the closest reserve (Saddle Lake #125) located approximately 79.5 km from the proposed RoW (see the Update to Appendix C, Figure C-1).

### ***Engagement Activities during the Update Period***

In March 2010, the Saddle Lake (Saddle Lake Cree Nation) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway advised the Saddle Lake (Saddle Lake Cree Nation) that it would be working with a new Aboriginal Relations Director for Northern Gateway, and provided the ATK sharing agreement for the Nation's review.

In May 2010, Northern Gateway met with representatives of the Saddle Lake (Saddle Lake Cree Nation) to provide a Project update and to present a draft renewed protocol agreement for the Nation's consideration. Northern Gateway subsequently followed up with the Saddle Lake (Saddle Lake Cree Nation) after the meeting to discuss matters related to the draft renewed protocol agreement.

In June 2010, Northern Gateway met with representatives of the Saddle Lake (Saddle Lake Cree Nation) to provide a Project update and discuss the ATK study. The parties also discussed the provisions of the renewed protocol agreement. The Saddle Lake (Saddle Lake Cree Nation) expressed an interest in continuing discussions about economic opportunities that may arise from the Project, including employment and procurement opportunities.

In August 2010, Northern Gateway sent the Saddle Lake (Saddle Lake Cree Nation) a compact disk, with copies of field notes from the 2009 ATK field season. In August and September 2010, Northern Gateway contacted the Saddle Lake (Saddle Lake Cree Nation) many times to discuss the status of the ATK study.

In September 2010, Northern Gateway met with representatives of the Saddle Lake (Saddle Lake Cree Nation) to further discuss the provisions of the renewed protocol agreement and economic opportunities that may arise from the Project, including employment and procurement opportunities. The parties also discussed the status of the Nation's ATK study. In addition, the Nation expressed concern with the lack of funding available to complete a review of the ESA. The parties also discussed possible dates for Northern Gateway to complete a technical and watercourse crossing session with the Nation.

In October 2010, Northern Gateway sent a letter offering to provide a technical session to the Saddle Lake Cree Nation. In the latter part of October 2010, Northern Gateway sent a revised renewed protocol agreement to the Nation for its review.

In November 2010, Northern Gateway was scheduled to meet with representatives of the Saddle Lake (Saddle Lake Cree Nation) to conduct a technical session with the Nation's personnel overseeing consultation activities and members of Chief and Council. The Northern Gateway technical team attended the Saddle Lake (Saddle Lake Cree Nation) community for the technical session. However, the Saddle Lake (Saddle Lake Cree Nation) did not want to proceed with the session. Although the technical session did not occur, the parties did meet and discussed Project-related matters. During the meeting, the Nation expressed concerns with archaeological findings made along the North Saskatchewan River. The Nation also expressed an interest in economic opportunities, in particular employment and procurement opportunities that may arise from the Project, and indicated that it is anxious to proceed with those discussions. The parties discussed alternative meeting dates to complete a technical and watercourse crossing session with the Nation.

In the latter part of November 2010, Northern Gateway met with representatives of the Saddle Lake (Saddle Lake Cree Nation) to present an Aboriginal Economic Benefits Package to the Saddle Lake (Saddle Lake Cree Nation) for consideration.

The representatives of the Saddle Lake (Saddle Lake Cree Nation) also inquired about capacity funding under a renewed protocol agreement between the Saddle Lake (Saddle Lake Cree Nation) and Northern Gateway. However, because of offering an Aboriginal Economic Benefits Package to the Nation, Northern Gateway informed the Nation that Northern Gateway would not be entering into a renewed protocol agreement with the Nation, as the focus of discussions between the parties would be centred on the Aboriginal Economic Benefits Package.

In January 2011, Northern Gateway met with representatives of the Saddle Lake (Saddle Lake Cree Nation) to continue discussions on an Aboriginal Economic Benefits Package presented to the (Saddle Lake Cree Nation) in December 2010. The Saddle Lake (Saddle Lake Cree Nation) indicated that it would review the contents of the Aboriginal Economic Benefits Package, in particular the MOU, with respect to economic and employment opportunities that may arise from the Project.

In February 2011, the Saddle Lake (Saddle Lake Cree Nation) requested an electronic version of the MOU that was included in the Aboriginal economic opportunities package, so the Nation could revise the document for consideration by Northern Gateway. The Saddle Lake (Saddle Lake Cree Nation) requested Project information related to unions and training. Northern Gateway directed the Saddle Lake (Saddle Lake Cree Nation) to the Northern Gateway website, and provided the Nation with the contact

information for the Northern Gateway team member overseeing Project-related employment and training initiatives.

In March 2011, the Saddle Lake (Saddle Lake Cree Nation) sent a revised version of the MOU that was included in an Aboriginal Economic Benefits Package presented to the Saddle Lake (Saddle Lake Cree Nation) in December 2010. Subsequently, Northern Gateway, in response to the correspondence received from the Saddle Lake (Saddle Lake Cree Nation) about the revised MOU, sent a revised MOU for consideration by the Nation. In late March 2011, Northern Gateway met with representatives of the Saddle Lake (Saddle Lake Cree Nation) to discuss the status of the Saddle Lake (Saddle Lake Cree Nation) ATK study and the revised MOU. The Saddle Lake (Saddle Lake Cree Nation) advised that the ATK study was not complete, and more field visits would be required before the Nation completed the study. The Nation further advised that it was currently reviewing the provisions of the revised MOU. Subsequently, the Saddle Lake (Saddle Lake Cree Nation) requested a meeting with Northern Gateway to further discuss the contents of the Aboriginal Economic Benefits Package. Northern Gateway and the Saddle Lake (Saddle Lake Cree Nation) arranged to meet in early April 2011 to further discuss the contents of the Aboriginal Economic Benefits Package.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Saddle Lake (Saddle Lake Cree Nation) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Saddle Lake (Saddle Lake Cree Nation)***

In the Application, Volume 5A, Section 5.1.3, the interests and concerns identified by the Saddle Lake (Saddle Lake Cree Nation) were summarized as follows:

- trapper identification and compensation
- traditional land and resource use
- traditional culture
- emergency response plans
- potential effects of the Project on the environment and watercourse crossings
- opportunities for equity investment
- opportunities for community investment
- participation in economic and employment opportunities
- protection of medicinal herbs and spiritual sites
- short-term and long-term economic opportunities
- goods and services (First Nations' businesses)
- business procurement opportunities
- Project legacy opportunities
- third-party review of the ESA and participation in the ESA process

In addition, the following concern was identified during the Update Period:

- historical, archaeological and paleontological resources

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Saddle Lake (Saddle Lake Cree Nation)'s interests and concerns follows.

#### ***Trapper Identification and Compensation***

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

#### ***Traditional Land and Culture***

The Saddle Lake (Saddle Lake Cree Nation)'s concerns included traditional land and resource use, including traditional culture and protection of medicinal and spiritual sites.

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Saddle Lake (Saddle Lake Cree Nation) has not completed its ATK study. The Saddle Lake (Saddle Lake Cree Nation) has indicated that more fieldwork is required before the Nation completes the ATK community report. Once the ATK community report is completed by the Saddle Lake (Saddle Lake Cree Nation), it will be reviewed to identify site-specific resources or cultural features. If the Project is approved, additional engagement will be undertaken with the Saddle Lake (Saddle Lake Cree Nation) during detailed routing and engineering. This will provide an opportunity to review the pipeline route and determine whether route adjustments or other mitigation measures are required to protect site-specific resources, such as medicinal herbs and spiritual sites.

#### ***Emergency Response Plans***

Northern Gateway conducted an open house in May 2009 with the Saddle Lake (Saddle Lake Cree Nation) that included a component on pipeline integrity and emergency response. The Nation was also provided with information on the measures that Northern Gateway would take to protect wildlife access routes along the Project corridor, and the safety measures that Northern Gateway would use in coastal waters.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine



terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share more detailed information with the Saddle Lake (Saddle Lake Cree Nation) about emergency preparedness and first response before operations start.

### *Effects on the Environment and Watercourse Crossings*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects.

Northern Gateway has offered to conduct a watercourse crossing session with the Saddle Lake (Saddle Lake Cree Nation) to address any watercourse crossing issues particular to the Nation. Northern Gateway expects to complete a watercourse crossing and technical session with the Saddle Lake (Saddle Lake Cree Nation) in May or June 2011. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Saddle Lake (Saddle Lake Cree Nation) the opportunity to discuss site-specific habitat compensation planning.

### *Equity Investment*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Saddle Lake (Saddle Lake Cree Nation) in December 2010.

### *Community Investment and Project Legacy Opportunities*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Saddle Lake (Saddle Lake Cree Nation). This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway

will offer opportunities for meetings with the Saddle Lake (Saddle Lake Cree Nation) to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Third-Party Review of the ESA and Participation in the ESA Process*

Northern Gateway has provided funding through the protocol agreement to assist with the review of the ESA and participation in the ESA process. In addition, Aboriginal groups are being offered issue-specific open houses and technical sessions in their communities to address issues and concerns about the environmental and socio-economic effects of the Project.

### *Historical, Archaeological and Paleontological Resources*

Northern Gateway's processes and methods for archaeological surveys are described in the Application, Volume 6C, Section 6. The information gathered from such surveys is used in the assessment of effects and is the basis for determining areas of priority for monitoring during construction. Protocols for identifying and protecting materials discovered during construction are set out in the Construction Environmental Protection and Management Plan (EPMP) (see the Application, Volume 7A).

### *Aboriginal Traditional Knowledge Program*

The Saddle Lake (Saddle Lake Cree Nation) has not completed its ATK study, and indicates that more fieldwork is required before it completes its ATK community report.

## **5.1.4 Kehewin Cree Nation**

### *Geographic Setting*

The Kehewin Cree Nation is a signatory to Treaty 6 and has two reserves located near Bonnyville, Alberta and St. Paul, Alberta, with the closest reserve (Kehewin #123) located approximately 143.9 km from the proposed RoW (see the Update to Appendix C, Figure C-1).

### *Engagement Activities during the Update Period*

In January 2010, the Kehewin Cree Nation provided a new traditional territory map to Northern Gateway in response to several requests from Northern Gateway. The previous map that had been provided was not legible. Northern Gateway contacted the Kehewin Cree Nation to discuss the traditional territory map and the status of the Nation's funding request to the Canadian Environmental Assessment Agency (CEA Agency). Northern Gateway advised the Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In February 2010, Northern Gateway sent a letter to the Kehewin Cree Nation to advise that, based on the new traditional territory map that had been provided, the traditional territory of the Kehewin Cree Nation was found to be within the pipeline corridor and that Northern Gateway wished to meet with the Nation to further discuss the interests of the Nation in the Project.

In March 2010, Northern Gateway met with representatives of the Kehewin Cree Nation to provide an overview of the ATK study process and to discuss the completion of an ATK study by the Kehewin Cree Nation. Northern Gateway also provided a Project update and updated Project materials to the Kehewin Cree Nation. Northern Gateway also received a letter from the Kehewin Cree Nation, which stated its view that Northern Gateway is applying a two-tiered Aboriginal engagement program and the Nation's belief that it had been relegated to the second tier.

In April 2010, Northern Gateway sent a letter to the Kehewin Cree Nation in response to its March 2010 letter. Northern Gateway explained that it does not use a tiered system as part of its engagement program, and provided an overview of its engagement process in general, and with the Kehewin Cree Nation in particular.

In September 2010, Northern Gateway met with representatives of the Kehewin Cree Nation to further discuss the completion of an ATK study by the Kehewin Cree Nation and to discuss economic opportunities, including employment and procurement opportunities that may arise from the Project. Northern Gateway sent the Kehewin Cree Nation documentation for the ATK study.

In October 2010, Northern Gateway sent the Kehewin Cree Nation a letter offering to provide a technical session.

In November 2010, Northern Gateway met with representatives of the Kehewin Cree Nation on two occasions, first to conduct a technical and watercourse crossing session with the Kehewin Cree Nation. The discussion at the first meeting focused on:

- watercourse crossings and wildlife movement around the crossings
- marine safety in coastal waters
- wildlife access routes
- pipeline safety and pipeline integrity
- traditional uses by the Nation on lands within the proposed pipeline corridor
- employment and procurement opportunities that may arise from the Project
- the processes that are used in completing ATK studies and how the ATK information is used in Project planning
- the archaeological processes taken to find and preserve artifacts, burial sites and historical sites within the proposed Project corridor

The second meeting was to discuss the ATK study. Northern Gateway confirmed that the Kehewin Cree Nation is interested in conducting an independent ATK study, and discussed the funding available to the Nation from Northern Gateway to complete the study.

In December 2010, Northern Gateway contacted the Kehewin Cree Nation to follow up on the ATK study. The Nation was asked to forward its ATK study proposal to Northern Gateway.

In March 2011, Northern Gateway met with the Kehewin Cree Nation to discuss matters related to an ATK study. The Kehewin Cree Nation presented an ATK budget and work plan at the meeting and the

parties reviewed the budget and work plan. Because of the review, the Kehewin Cree Nation indicated that it would revise the budget and work plan, and submit to Northern Gateway for consideration. Northern Gateway expects that the revised ATK work plan and budget will be submitted by the Kehewin Cree Nation.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kehewin Cree Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Kehewin Cree Nation***

In the Application, Volume 5A, Section 5.1.4, the interests and concerns identified by the Kehewin Cree Nation were summarized as follows:

- opportunities for the Kehewin Cree Nation to participate in training and employment
- opportunities to participate in contracts as a result of the Project

During the Update Period, the following new concerns were identified:

- effects of the Project on reserve and traditional lands, and culture, including protection of medicinal herbs and spiritual sites
- environmental effects of the Project during construction, including pipeline integrity, and effects on water sources and wildlife

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kehewin Cree Nation's interests and concerns follows.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Kehewin Cree Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Kehewin Cree Nation to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

#### ***Traditional Land and Culture***

The Kehewin Cree Nation's concerns included effects of the Project on reserve and traditional lands, and culture, including protection of medicinal herbs and spiritual sites.

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Kehewin Cree Nation is in the process of preparing an ATK study budget and work plan for consideration by Northern Gateway. If the Project is approved, additional engagement will be undertaken with the Kehewin Cree Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect site-specific resources, such as medicinal herbs and spiritual sites.

### *Environmental Effects of the Project during Construction*

Environmental protection measures for the Project are discussed throughout the Application. Northern Gateway's Construction EPMP specifically addresses protection and management of environmental effects during construction (see the Application, Volume 7A). Northern Gateway has conducted a technical session with the Kehewin Cree Nation to address the Nation's interest in the environmental effects of the Project.

### *Pipeline Integrity*

Northern Gateway conducted a technical session with the Kehewin Cree Nation that included a component on pipeline integrity and emergency response. The Nation was also provided with information on the measures that Northern Gateway would take to protect wildlife access routes along the Project corridor.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Effect on Water Sources*

Specifically to address the Kehewin Cree Nation's interest in water sources, Northern Gateway conducted a technical session with the Kehewin Cree Nation that included a component on this issue. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Kehewin Cree Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Wildlife Effects*

The ESA provides a thorough assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction

EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Kehewin Cree Nation before construction starts, and could include measures such as:

- avoiding identified locations sensitive or critical to local wildlife
- avoiding construction during critical times, such as breeding, calving, or wildlife movements
- limiting sensory disturbance by adhering to flight altitude restrictions
- implementing access control measures to limit new access and achieve access-neutral development

Regulatory requirements as well as specific land use guidelines, best management practices and recommendations have been developed for selected wildlife species, species groups and ecological regions. These guidelines are listed in the Application, Volume 7A, Appendix A, Section A.3.26, and will be considered in the development of site-specific protection measures in consultation with the Kehewin Cree Nation.

### ***Aboriginal Traditional Knowledge Program***

The Kehewin Cree Nation is in the preliminary stages of preparing an ATK study budget and work plan that will lead to the completion of an independent ATK study by the Nation.

### **5.1.5 Métis Settlements General Council**

The Métis Settlements General Council is the political and administrative body for the collective interests of the eight Métis settlements that the Métis Settlements General Council consists of:

- Gift Lake Métis Settlement
- Peavine Métis Settlement
- Fishing Lake Métis Settlement
- Buffalo Lake Métis Settlement
- Kikino Métis Settlement
- Elizabeth Métis Settlement
- East Prairie Métis Settlement
- Paddle Prairie Métis Settlement

The Métis Settlements General Council office is located in Edmonton, Alberta.

### ***Engagement Activities during the Update Period***

Northern Gateway continued to keep the Métis Settlements General Council up to date and informed about the Project by sending written notices and correspondence.

Northern Gateway is engaged directly with the Buffalo Lake Métis Settlement and the Kikino Métis Settlement.

## **5.1.6 Buffalo Lake Métis Settlement**

### ***Geographic Setting***

The Buffalo Lake Métis Settlement is a member of the Métis Settlements General Council. The Buffalo Lake Métis Settlement is located south of Lac La Biche, Alberta (see the Update to Appendix C, Figure C-1).

### ***Engagement Activities during the Update Period***

In March and April 2010, the parties were in contact on several occasions to arrange a meeting with the Buffalo Lake Métis Settlement Council.

In April 2010, Northern Gateway sent a letter to the Buffalo Lake Métis Settlement to offer to provide a technical and watercourse session. Northern Gateway also met with representatives of the Buffalo Lake Métis Settlement to provide a Project update, an overview of the processes Aboriginal groups could use to complete an ATK study, and an overview of the economic opportunities that may arise from the Project. The Buffalo Lake Métis Settlement expressed an interest in economic opportunities, including employment and procurement opportunities that may arise from the Project.

In October 2010, Northern Gateway contacted the Buffalo Lake Métis Settlement to offer a technical and watercourse session, but was advised to postpone the offer, as the community was holding elections. Northern Gateway subsequently contacted the Buffalo Lake Métis Settlement to inquire about the election results.

In February 2011, Northern Gateway sent a letter to the Buffalo Lake Métis Settlement to advise of non-response to requests to meet with Northern Gateway.

In March 2011, Northern Gateway met with the Buffalo Lake Métis Settlement to provide a Project update and to introduce the Northern Gateway Aboriginal Economic Benefits Package.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Buffalo Lake Métis Settlement up to date and informed about the Project, by sending written notices and correspondence.

### ***Interests and Concerns of the Buffalo Lake Métis Settlement***

In the Application, Volume 5A, Section 5.1.6, the interests and concerns identified by Buffalo Lake Métis Settlement were summarized as follows:

- to have an open house jointly with the Kikino Métis Settlement about the Project
- an ATK study
- employment and training opportunities, including employment opportunities for youth

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Buffalo Lake Métis Settlement's interests and concerns follows.

#### ***Open House***

As mentioned above, Northern Gateway has offered to conduct an open house and technical session, including a presentation on watercourse crossing methods, with the Buffalo Lake Métis Settlement. The Buffalo Lake Métis Settlement postponed discussions on a technical session until the community had completed its fall 2010 election process. Northern Gateway will offer a technical session to the Buffalo Lake Métis Settlement again in 2011.

#### ***Aboriginal Traditional Knowledge Study***

Northern Gateway has offered the Buffalo Lake Métis Settlement an opportunity to complete an ATK study. No response was received during the Update Period.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Buffalo Lake Métis Settlement. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Buffalo Lake Métis Settlement to assess the current capacity of the settlement's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

#### ***Aboriginal Traditional Knowledge Program***

Northern Gateway has offered the Buffalo Lake Métis Settlement an opportunity to complete an ATK study. No response was received during the Update Period, and it is unlikely that Northern Gateway will extend the ATK study offer, given the time lapse since the initial offer was made to the Buffalo Lake Métis Settlement.

### **5.1.7 Kikino Métis Settlement**

#### ***Geographic Setting***

The Kikino Métis Settlement is a member of the Métis Settlements General Council. The Kikino Métis Settlement is located approximately south of Lac La Biche (see the Update to Appendix C, Figure C-1).



### ***Engagement Activities during the Update Period***

In March and April 2010, Northern Gateway contacted the Kikino Métis Settlement to make requests for a meeting with the Kikino Métis Settlement.

In April 2010, Northern Gateway met with representatives of the Kikino Métis Settlement to provide a Project update, an overview of the processes Aboriginal groups could employ to complete an ATK study and an overview of the economic opportunities that may arise from the Project. The Kikino Métis Settlement indicated that, in its view, the community is not directly impacted by the Project, but that it is interested in employment and contract opportunities that may arise from the Project. Northern Gateway offered resources and an opportunity to compete an ATK study. The Kikino Métis Settlement advised that it was not interested in completing an ATK study. The Kikino Métis Settlement did however express concerns with the migration of animals heading west.

In May 2010, Northern Gateway sent a letter to acknowledge that Kikino Métis Settlement has declined to participate in an ATK study.

In October 2010, Northern Gateway attended a Business Mixer hosted by the Métis Nation of Alberta Region VI in Peace River, Alberta, which was also attended by the Kikino Métis Settlement.

In February 2011, Northern Gateway met with representatives of the Kikino Métis Settlement to present an Aboriginal Economic Benefits Package to the Kikino Métis Settlement for consideration. Northern Gateway offered to conduct a Project open house for the new Council. The Kikino Métis Settlement advised Northern Gateway that it has no expressed interest in environmental impacts of the Project. Rather, its interest is with business, career and employment opportunities.

In addition to the meeting summarized above, Northern Gateway continued to keep the Kikino Métis Settlement up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Kikino Métis Settlement***

In the Application, Volume 5A, Section 5.1.7, the Kikino Métis Settlement's interest in the Project was summarized as follows:

- business, career, employment and training opportunities related to the Project

During the Update Period, the following new interests and concerns were identified:

- the effect of the Project on the migration of wildlife heading west

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kikino Métis Settlement interests and concerns follows.

#### ***Equity Participation***

Northern Gateway presented an Aboriginal Economic Benefits Package to the Kikino Métis Settlement in February 2011.

### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Kikino Métis Settlement. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Kikino Métis Settlement to assess the current capacity of the settlement's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### ***Wildlife Effects***

Northern Gateway's understanding is that this is no longer a concern of the Kikino Métis Settlement. Nevertheless, input from Aboriginal groups relative to measures that can be taken to reduce effects on wildlife is encouraged and will be considered as Project planning proceeds.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway offered the Kikino Métis Settlement an opportunity to complete an ATK study. The Kikino Métis Settlement indicated that it is not interested in completing an ATK study.

## **5.1.8 Métis Nation of Alberta Region 1**

### ***Geographic Setting***

The Métis Nation of Alberta Region 1 is located in the northeastern region of Alberta. The organization's head office is located in Lac La Biche, Alberta (see the Update to Appendix C, Figure C-1).

### ***Engagement Activities during the Update Period***

In March 2010, Northern Gateway invited the Métis Nation of Alberta Region 1 to the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. However, the Métis Nation of Alberta Region 1 did not attend.

In December 2010, Northern Gateway sent the Métis Nation of Alberta Region 1 a letter to advise that the Project was not likely to affect the rights and interests of Métis Nation of Alberta Region 1 and that Northern Gateway would be curtailing engagement activities with Métis Nation of Alberta Region 1. Northern Gateway indicated that it was willing to revisit that decision if the Métis Nation of Alberta Region 1 were to provide Northern Gateway with information showing how its rights may be impacted by the Project.

Northern Gateway kept the Métis Nation of Alberta Region 1 up to date and informed about the Project by sending written notices and correspondence, up until December 2010.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway offered to meet with the Métis Nation of Alberta Region 1 about an ATK study. Northern Gateway did not receive a response from the Métis Nation of Alberta Region 1.

## **5.1.9 Métis Nation of Alberta Region 2**

### ***Geographic Setting***

The Métis Nation of Alberta Region 2 is located in east-central Alberta. The organization's head office is located in Bonnyville, Alberta (see the Update to Appendix C, Figure C-1).

### ***Engagement Activities during the Update Period***

In January and February 2010, Northern Gateway contacted the Métis Nation of Alberta Region 2 many times to request a meeting to discuss the Project.

In May 2010, Northern Gateway met with representatives of the Métis Nation of Alberta Region 2 to provide a Project update, an overview of the processes Aboriginal groups could employ to complete an ATK study, and to offer to provide a community open house. The Métis Nation of Alberta Region 2 provided a follow-up letter expressing interest in entering into an agreement with Northern Gateway for the purposes of Project engagement activities.

In June 2010, Northern Gateway sent a letter to the Métis Nation of Alberta Region 2, including Project corridor maps, to ensure a shared understanding of next steps in the engagement process. In July 2010, Northern Gateway sent the Métis Nation of Alberta Region 2 a summary of the May 2010 meeting and additional Project materials requested at the meeting.

In August and September 2010, Northern Gateway contacted the Métis Nation of Alberta Region 2 several times to discuss the ATK study work plan and budget.

In March 2011, Northern Gateway met with the Métis Nation of Alberta Region 2 to discuss the work plan and next steps for the ATK study. The Métis Nation of Alberta Region 2 expressed an interest in doing an independent ATK study. Northern Gateway also provided a Project update, information relating to an Aboriginal Economic Benefits Package, and Métis Nation of Alberta Region 2 requested a hard copy of the Application. The Métis Nation of Alberta raised the issue of trappers and concern that junior trappers may not be notified as they are not the registered trapline owners, Northern Gateway responded that information specific to trappers issues will be provided through a technical meeting in 2011. Additionally, in March, Métis Nation of Alberta Region 2 attended the Edmonton CAB meeting.

Métis Nation of Alberta Region 2 is also a member of the Northern Gateway CAB and attends the CAB meetings in Edmonton, Alberta. For information on CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the meeting summarized above, Northern Gateway continued to keep the Métis Nation of Alberta Region 2 up to date and informed about the Project by sending written notices and correspondence.

## ***Interests and Concerns of the Métis Nation of Alberta Region 2***

In the Application, Volume 5A, Section 5.1.9, the interests and concerns identified by the Métis Nation of Alberta Region 2 were summarized as follows:

- trappers within the Project corridor
- economic and business opportunities
- ATK study
- fair engagement process for all Project Métis organizations
- employment and training opportunities
- equity participation
- capacity funding

No new interests or concerns were identified during the Update Period.

## ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Métis Nation of Alberta Region 2's interests and concerns follows.

### ***Trappers within the Project Corridor***

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Métis Nation of Alberta Region 2. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Métis Nation of Alberta Region 2 to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### ***ATK Study***

See below under the heading 'Aboriginal Traditional Knowledge Program.'

### *Fair Engagement Process for all Métis Organizations*

Northern Gateway addressed this issue during the May 2010 meeting with the Métis Nation of Alberta Region 2 by providing information on the Aboriginal engagement process and by confirming that the engagement process is consistent for all Aboriginal groups.

### *Equity Participation*

In December 2010, Northern Gateway met with representatives of the Métis Nation of Alberta (which includes the Métis Nation of Alberta Region 2) to present an Aboriginal Economic Benefits Package. The Métis Nation of Alberta advised Northern Gateway that the organization would meet with the Métis Nations of Alberta Regions and then provide further direction about the equity participation offer.

### *Capacity Funding*

Northern Gateway is currently in discussions with the Métis Nation of Alberta Region 2 about an independent ATK study.

### **Aboriginal Traditional Knowledge Program**

Northern Gateway is currently working with the Métis Nation of Alberta Region 2 to determine the next steps for an independent ATK study.

## **5.2 Edmonton Region**

### **5.2.1 Enoch Cree Nation**

#### ***Geographic Setting***

The Enoch Cree Nation has two reserves, located near Edmonton and Barrhead, Alberta, with the closest reserve (Stony Plain #135) located approximately 37.7 km from the proposed RoW (see the Update to Appendix C, Figure C-1). The traditional territory of the Enoch Cree Nation encompasses areas from Edmonton to Barrhead.

#### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Enoch Cree Nation to discuss the events that were planned for the Northern Gateway Aboriginal Business Summit. Northern Gateway informed the Nation who the key Northern Gateway contacts would be for the Summit.

In March 2010, Northern Gateway met with representatives of the Enoch Cree Nation to provide a Project update and to discuss the scope of the Enoch Cree Nation's ATK study. The Enoch Cree Nation expressed concern that, in its ATK study, it had not included one of its reserves, Enoch Reserve #135A, which is in close proximity to the Project corridor. The Enoch Cree Nation also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway was in contact on many occasions with the Enoch Cree Nation to arrange a meeting to discuss economic and business opportunities arising from the Project. This was in response to a request by the Enoch Cree Nation in late March 2010 for Northern Gateway to meet with representatives of the Enoch Cree Nation to provide a Project update, discuss Project-related matters and discuss the status of the Enoch Cree Nation's ATK study and the steps being taken to complete the ATK study. Subsequently, a meeting was scheduled for early May 2010.

In late April 2010, Northern Gateway provided the final version of the ATK community report to the Enoch Cree Nation for its approval.

In May 2010, the Enoch Cree Nation postponed a meeting that had been scheduled. Northern Gateway contacted the Enoch Cree Nation to reschedule the meeting in June.

In June 2010, Northern Gateway met with representatives of the Enoch Cree Nation to provide a Project update and to discuss the status of the Enoch Cree Nation's ATK study, including information to address Enoch Cree Nation's concern that it had not included one of its reserves in its ATK study. The Enoch Cree Nation was informed by Northern Gateway that the Enoch Reserve #135A was included in the 2006 ATK study. The Nation also expressed an interest in economic opportunities that may arise from the Project, including employment and procurement opportunities.

In September 2010, the Samson (Samson Cree Nation), Enoch Cree Nation, Montana First Nation, Louis Bull (Louis Bull Tribe), Sucker Creek (Sucker Creek First Nation) and Whitefish Lake (Whitefish Lake First Nation #128) made a joint submission in response to the JRP Procedural Direction of July 2010.

In October 2010, Northern Gateway sent a letter to the Enoch Cree Nation offering to provide a technical session. Northern Gateway contacted Enoch Cree Nation several times to follow up on that offer.

In December 2010, Northern Gateway met with representatives of the Enoch Cree Nation to present an Aboriginal Economic Benefits Package to the Enoch Cree Nation for consideration. A follow-up meeting scheduled in January 2011 was postponed by the Enoch Cree Nation.

In January and February 2011, Northern Gateway contacted the Enoch Cree Nation to confirm meeting arrangements to further discuss an Aboriginal Economic Benefits Package and other Project-related matters. A meeting was arranged for mid January, but the Enoch Cree Nation postponed the meeting. The parties subsequently met in late January to discuss the Aboriginal Economic Benefits Package, and in particular, employment opportunities arising from the Project. The Enoch Cree Nation expressed an interest in Project legacy, meaningful employment for Enoch Cree Nation members, including opportunities for members of the Enoch Cree Nation to participate in job shadowing at the Enbridge Pipelines operations office. The Enoch Cree Nation also requested copies of materials related to Northern Gateway's consultation and engagement activities with the Nation. The Nation informed Northern Gateway that the Nation was missing such materials after its former consultation coordinator left its consultation office. In early February 2011, Northern Gateway provided copies of the materials requested by the Enoch Cree Nation.

In January 2011, the Enoch Cree Nation contacted Northern Gateway to advise that a new consultation coordinator had been appointed by the Nation to work with Northern Gateway on Project-related matters.

In February 2011, Northern Gateway, at the request of the Enoch Cree Nation, provided the Nation with a copy of the protocol agreement between Northern Gateway and the Enoch Cree Nation.

In March 2011, Northern Gateway, at the request of the Enoch Cree Nation, provided the Nation with an electronic copy of the MOU, which was included in an Aboriginal Economic Benefits Package presented to the Nation in December 2010. The Nation required the electronic copy, to revise the document for consideration by Northern Gateway.

In March 2011, Northern Gateway met with the Enoch Cree Nation to discuss the status of the Enoch Cree Nation final updated ATK community report and summary. Northern Gateway had previously presented the Enoch Cree Nation ATK study final community report to the Nation for review and approval by the Nation. Enoch Cree Nation, during the meeting, requested a copy of the final ATK community report and Northern Gateway subsequently provided a copy of the report and summary to the Nation.

Enoch Cree Nation is also a member of the Northern Gateway CAB and attends the CAB meetings in Edmonton, Alberta. For information on CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Enoch Cree Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Enoch Cree Nation***

In the Application, Volume 5A, Section 5.2.1, the interests and concerns identified by the Enoch Cree Nation were summarized as follows:

- opportunities for equity investment
- early training initiatives
- long-term benefits
- participation in economic and employment opportunities
- procurement and contracting opportunities
- first response plans
- pipeline integrity and safety
- restoration and reclamation of lands
- RoW – logging usage
- community investment opportunities
- pipeline location in relation to Enoch Cree Nation lands

During the Update Period, Project legacy was identified as a new interest and concern.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Enoch Cree Nation's interests and concerns follows.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Enoch Cree Nation in December 2010.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Enoch Cree Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with Enoch Cree Nation to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *First Response Plans*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Enoch Cree Nation about emergency preparedness and first response before operations start.

### *Pipeline Integrity and Safety*

Northern Gateway has offered to conduct a technical session with the Nation that would include a component on pipeline integrity.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Restoration and Reclamation of Lands*

The Application includes assessment of effects of the Project on vegetation (see the Application, Volume 6A, Part 1, Section 8). Reclamation of the RoW is addressed in the Construction EPMP (see the Application, Volume 7A, Section 8). Where possible, native seed mixes will be used. In addition, measures will be taken to allow reforestation to occur over those portions of the RoW that are not required for ongoing pipeline operations and maintenance activities. Northern Gateway will consider suggestions that Aboriginal groups may have about preferred methods of RoW reclamation.



### *RoW – Logging Usage*

A Timber Salvage Plan has been prepared by Northern Gateway to assist in planning, scheduling and implementing the salvage of merchantable timber on the RoW. Details of this plan are provided in the Application, Volume 7A, Appendix A, Section A.3.25.

The Enoch Cree Nation has raised the issue of the use of wood during construction. Where potential effects on non-traditional use and resource use are identified, Northern Gateway will work with the affected Aboriginal group to find ways to reduce those effects, such as enhancements to its access management plan or site-specific mitigation.

### *Community Investment and Project Legacy*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Traditional Lands*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. ATK studies will also be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Enoch Cree Nation has completed an ATK study and is in the process of reviewing an updated ATK study. The Enoch Cree Nation, in its ATK study, have identified the Big Hill gathering area, with potential graves, as an area of particular concern for potential Project effects because it is intersected by the RoW. The Nation also raised berry-picking areas, traditional trails and an eagle migration route as areas of concern. Northern Gateway will offer a technical session with the Enoch Cree Nation 2011 to address specific areas of concern raised by the Enoch Cree Nation in its ATK study. For example, Northern Gateway would like to reassure the Nation that Northern Gateway will not proceed with construction through an area where a grave site is identified or found along the proposed pipeline RoW. In such cases, Northern Gateway will undertake an archeological assessment to determine whether the remains should be moved to a peaceful location or whether the proposed pipeline route should be located away from the sensitive area. Furthermore, the Nation will be advised that in a case where Northern Gateway finds a grave during the construction phase, a stop work order will be issued, followed by a report to the appropriate law enforcement agency who will contact an archeologist to complete an archeological assessment. Where the Enoch Cree Nation has identified medicinal herb collection sites in its ATK study, Northern Gateway will provide an opportunity to harvest medicinal and food source plants before the RoW is cleared for construction. In addition, Northern Gateway, before clearing and construction, will offer the Enoch Cree Nation the opportunity to do a 'route walk', to identify specific cultural resources and medicinal plant locations.

Also, if the Project is approved, additional engagement will be undertaken with the Enoch Cree Nation during detailed routing and engineering to provide an opportunity for review of the route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these site-specific resources and cultural features. Mitigation measures to be considered by Northern Gateway may include the following:

- undertaking a ‘route walk’ before clearing and construction
- undertaking, post-certification, additional studies, where warranted, in areas of high value and high risk. These studies will incorporate traditional knowledge, where applicable
- providing opportunities for Aboriginal groups to harvest medicinal and food source plants before the RoW and pump station sites are cleared, if the RoW or pump stations overlap traditional use areas of Aboriginal groups residing near Project construction activities

### ***Aboriginal Traditional Knowledge Program***

A summary of the Enoch Cree Nation’s collaborative ATK community report is in the Application, Volume 5B, Appendix C, Table C-6.

In March 2011, Northern Gateway met with the Enoch Cree Nation to discuss the status of the Enoch Cree Nation final updated ATK community report and summary. Northern Gateway had previously presented the Enoch Cree Nation final ATK community report to the Nation for review and approval by the Nation. However, after personnel changes within the Enoch Cree Nation’s consultation office, the new consultation coordinator could not locate the final ATK community report, which was previously presented to the Nation. The Enoch Cree Nation requested another copy of the report and Northern Gateway subsequently provided a copy of the report and summary to the Nation. Once the Nation has approved its final ATK community report and ATK summary, Northern Gateway will ensure that the information that is provided is incorporated into the planning and design of the Project and reflected in the ongoing engagement with the Enoch Cree Nation. Northern Gateway will also track each issue and/or concern raised by the Enoch Cree Nation in the ATK study. Those issues that Northern Gateway has tracked, and which can be addressed immediately with the Enoch Cree Nation, will be flagged and subsequently addressed during ongoing technical meetings with the Nation. In such cases, Northern Gateway will identify ATK issues before the scheduling of a technical meeting and then ensure that the appropriate Northern Gateway disciplines are available to attend the technical meeting to address and provide information to the Nation relating to the specific issues brought forward in the ATK tracking document. Once the technical session is completed, Northern Gateway will inquire if the Northern Gateway technical team has addressed the issue or concern of the Nation. Where an issue or concern has not been addressed during the technical session, Northern Gateway will flag the issue as an outstanding matter in the ATK tracking document and note that further follow-up is required to address the issue.

Northern Gateway will also follow up with the Enoch Cree Nation during detailed engineering, to review and discuss proposed responses to the identified interests and concerns, and to attempt to resolve any outstanding issues.

## **5.2.2 Alexander (Alexander First Nation)**

### ***Geographic Setting***

The Alexander (Alexander First Nation) has three reserves, located near Morinville, Fox Creek and Barrhead, Alberta, with the closest reserve (Alexander #134A) located coincident with the proposed RoW (see the Update to Appendix C, Figure C-1).

### ***Engagement Activities during the Update Period***

In January and February 2010, Northern Gateway and the Alexander (Alexander First Nation) were in contact frequently to discuss and enter into a protocol arrangement or letter of intent between the parties.

In February 2010, Northern Gateway contacted the Alexander (Alexander First Nation) to provide a detailed description of the available options for setting up the ATK study phases. A meeting was also held to discuss the ATK study update, including the work plan and budget, the study area, and safety. Northern Gateway subsequently provided a summary of the meeting and a copy of the ATK information sharing agreement.

In March 2010, Northern Gateway met with representatives of the Alexander (Alexander First Nation), on two occasions, first to discuss the proposed pipeline route in relation to Alexander (Alexander First Nation) lands, the date targeted for the completion of the Nation's ATK study update, and to schedule a meeting with the Nation's Elders to address their concerns about the Project. The parties also exchanged correspondence about the ATK study update work plan, budget and interviews. The second meeting was to provide the Alexander (Alexander First Nation) traditional knowledge team members with an overview of the ATK interview process, and discussed land access for the area from Bruderheim to Little Smoky. Northern Gateway subsequently contacted the Alexander (Alexander First Nation) to follow up and provide a copy of the presentation that had been made in the meeting.

In April 2010, Northern Gateway toured a group of Elders and youth from the Alexander (Alexander First Nation) from Bruderheim to Little Smoky to provide an overview of the Project. Northern Gateway subsequently contacted the Alexander (Alexander First Nation) to follow up on the tour and the ATK interviews.

In May 2010, Alexander (Alexander First Nation) contacted Northern Gateway to request a site tour of the Kitimat Terminal and major watercourse crossings near the terminal. Northern Gateway declined that request.

Also in May 2010, Northern Gateway met with representatives of the Alexander (Alexander First Nation) on five occasions. The first meeting discussed the tour that occurred in April 2010 and the feedback that was received from participants, and to determine a strategy for approaching the ATK interviews and fieldwork to make it more of a collaborative process.

The second occasion was a technical and watercourse crossing meeting. The discussion at the meeting focused on watercourse crossings and wildlife movement around the crossings, marine safety in coastal waters, wildlife access routes, pipeline safety and pipeline integrity, traditional uses by the Nation on lands within the proposed Project corridor, employment and procurement opportunities that may arise

from the Project, the processes that are used in completing ATK studies and how the information is used in Project planning, and the archaeological processes taken to find and preserve artifacts, burial sites and historical sites within the proposed pipeline corridor. The Nation identified Smoky Lake, Lac La Nonne, Dead Man's Lake and Nakumun Lake as water sources of concern to the Nation in relation to the Project.

The third meeting was with Alexander (Alexander First Nation) Elders to discuss protocols for the ATK study and to conduct ATK interviews. Interviews were conducted with traditional knowledge holders over two days. Elders were interviewed in groups of 10 in either an afternoon or a morning session. A presentation was provided on the Project, followed by a presentation on the 2006 ATK study, as well as a presentation to review the work that has been done for the ATK study update. After the presentation, maps were used to identify areas of interest for participants.

The fourth meeting was a technical and watercourse crossing session with the Elders. The Elders raised concerns with the effects of the proposed pipelines crossing the Nation's lands, as well as the cumulative effects associated with multiple pipelines crossing the lands.

The fifth meeting was held, at the request of the Alexander (Alexander First Nation), to provide a presentation to the Elders and discuss the plans for the ATK fieldwork.

In June 2010, Northern Gateway met with members of a steering committee, established under the terms of the Letter of Intent entered into between the parties, to discuss employment and procurement opportunities that may arise from the Project and the Nation's efforts to develop a business plan to address economic opportunities that the Nation can work towards in preparation for the construction and operation of the Project. The following matters were also discussed: the instruments that may be used to authorize Northern Gateway's access to Nation lands to construct and access the proposed pipelines; the Elders concerns associated with multiple pipelines crossing the Nation's lands; and the adequacy of the CEA Agency funding awarded to the Nation to complete a review of the Application. Northern Gateway also offered to meet with the Alexander (Alexander First Nation), particularly the Alexander (Alexander First Nation) Elders, to address any Project-related issues or concerns. Northern Gateway also met with the representatives of the Alexander (Alexander First Nation) on two other occasions to further discuss the plans for the ATK fieldwork and to meet with potential fieldwork participants.

In July 2010, a group of twenty-five Alexander (Alexander First Nation) participants conducted fieldwork on quads and Argos between Whitecourt and Simonette River. The area was covered over nine days with a one-day break every three days, to change participants. Northern Gateway also sent a letter to the Alexander (Alexander First Nation) to outline the process for using the ATK community report (2007) in the regulatory process for the Project. The letter explained that a summary table compiled from the ATK community report had been included in the ESA and had also been made available to other disciplines conducting assessments for the Project's ESA. The letter explained that the report itself would not be included in the Application, but would be available to the NEB upon request. The recipients of the letter were requested to state their preference in writing, for whether they would like to: 1) submit the ATK community report publicly, or 2) submit the ATK report confidentially with the NEB, following the issuance by the NEB of an order allowing a confidential filing under Section 16.1 of the *NEB Act*. In response, the Alexander (Alexander First Nation) advised that it wanted to submit the ATK community report confidentially.

In August 2010, Northern Gateway sent a letter to the Alexander (Alexander First Nation) to follow up on the steering committee meeting held in June 2010.

In September 2010, the Alexander (Alexander First Nation) made written submissions and gave an oral presentation in response to the JRP Procedural Direction of July 2010. The Alexander (Alexander First Nation), in its written submission to the JRP, submitted comments on the following issues, assessment of the effects of the Project on First Nation rights and interests and assessment of regional socio-economic impacts.

In October 2010, Northern Gateway met with members of the steering committee to discuss the reorganization of Northern Gateway, and the status and content of the Aboriginal Economic Benefits Package. Northern Gateway also informed the Alexander (Alexander First Nation) of the process Northern Gateway uses to address the issues and concerns that might be raised by Aboriginal groups in ATK studies, in particular, scheduling technical sessions with Aboriginal groups to address the issues and concerns.

In November 2010, Northern Gateway met with representatives of the Alexander (Alexander First Nation) to discuss several of the Nation's concerns, including federal government consultation with Aboriginal groups for the Project; the federal government's treaty land entitlement (TLE) process involving the Nation's TLE lands; a third-party review of Northern Gateway's ESA. Northern Gateway also provided a general overview of an Aboriginal Economic Benefits Package and discussed potential dates for the JRP hearing and Northern Gateway's filing of the proposed pipeline corridor amendment before the JRP hearing.

In early January 2011, the Alexander (Alexander First Nation) contacted Northern Gateway to inquire about the January payment due to the Nation from Northern Gateway under the terms of the Letter of Intent between the parties. Northern Gateway responded by sending the Alexander (Alexander First Nation) the payment, with an indication that the payment was made in accordance with the payment provisions contained in the Letter of Intent between the parties.

Also, in January and February 2011, Northern Gateway and the Alexander (Alexander First Nation) were in contact on several occasions to arrange a meeting between the parties. A meeting was scheduled for early February, but the Alexander (Alexander First Nation) representatives cancelled the meeting. The parties rescheduled the meeting, but that meeting was also cancelled by the Alexander (Alexander First Nation) due to an unexpected emergency that arose in the community. A meeting date was subsequently arranged for March 2011.

In March 2011, Northern Gateway met with representatives of the Alexander (Alexander First Nation) on two occasions. The first meeting occurred in early March to discuss Project-related matters, including Northern Gateway's recent discussions with the CEA Agency about the Project. Northern Gateway also provided Alexander (Alexander First Nation) with an overview of the opportunities that may arise from the Project, including those that may be of interest to the Alexander (Alexander First Nation), and the possibility of Northern Gateway relocating the proposed pipeline route off the Alexander (Alexander First Nation) reserve. Northern Gateway and the Alexander (Alexander First Nation) also discussed how the parties would proceed in relation to addressing Project-related matters. In particular, as a next step, Northern Gateway requested a meeting with the entire Alexander (Alexander First Nation) Chief and

Council to discuss potential economic opportunities that may arise from the Project. The Alexander (Alexander First Nation) representatives indicated that such a meeting could possibly occur at a later date. At the conclusion of the meeting, the Alexander (Alexander First Nation) presented a negotiation funding support proposal to Northern Gateway for consideration. Subsequently, a meeting was arranged between the Alexander (Alexander First Nation) and Northern Gateway to discuss the negotiation funding support proposal, among other things. However, due to unexpected circumstances that arose with the Alexander (Alexander First Nation), the meeting was postponed. The meeting between the parties was to be rescheduled to a date in April 2011. In the upcoming months, Northern Gateway plans to present an Aboriginal Economic Benefits Package to the Alexander (Alexander First Nation).

The second meeting occurred in late March 2011, to discuss matters related to the Alexander (Alexander First Nation) updated ATK study, in particular the status of the ATK study. The Alexander (Alexander First Nation) indicated that the ATK study was completed and the Nation was waiting for Northern Gateway to send the Alexander (Alexander First Nation) the final ATK community report and summary for review by the Alexander (Alexander First Nation) consultation team before the Nation presented the final report to the Nation members. Northern Gateway is in the process of completing the final ATK community report and summary and will direct it to the Alexander (Alexander First Nation) upon completion.

The Alexander (Alexander First Nation) also participates in the Northern Gateway CAB as an observer and, in that capacity, attends the CAB meetings in Edmonton, Alberta. For information on CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Alexander (Alexander First Nation) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Alexander (Alexander First Nation)***

In the Application, Volume 5A, Section 5.2.2, the interests and concerns identified by the Alexander (Alexander First Nation) were summarized as follows:

- logistics, safety and emergency response
- opportunities for equity investment
- business contracting opportunities
- protection of medicinal herbs and spiritual sites
- opportunities for community investment
- potential effects of the Project on the environment
- short-term and long-term economic opportunities
- reserve land use

During the Update Period, the following new interests and concerns were identified:

- lack of resources to conduct a third-party review of the ESA
- lack of funding resources from the CEA Agency to review the Application

- effect of the Project on water sources, including the Smoke Lake, Lac La Nonne Lake, Deadman Lake and Nakumun Lake
- interest in measures being taken to address marine safety in coastal waters
- federal government's lack of consultation with Aboriginal groups on Project-related matters
- federal government's treatment of lands within the Project corridor that are subject to the Treaty land entitlement process

The following issues and concerns were raised by the Alexander (Alexander First Nation) in its written submissions and oral presentation in September 2010 to the JRP:

- assessment of the effects of the Project on First Nation rights and interests
- assessment of regional socio-economic impacts

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Alexander (Alexander First Nation)'s interests and concerns follows.

#### ***Logistics, Safety and Emergency Response***

Northern Gateway will share information with the Alexander (Alexander First Nation) about emergency preparedness and first response before operations start.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B, Section 5. Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

#### ***Equity Participation***

Northern Gateway provided an overview of an Aboriginal Economic Benefits Package to Alexander (Alexander First Nation) in November 2010.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Alexander (Alexander First Nation). This includes short- and long-term contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with Alexander (Alexander First Nation) to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Protection of Medicinal Herbs and Spiritual Sites*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Alexander (Alexander First Nation) has completed an ATK study and is in the final stages of completing an ATK study update. In the ATK study, the Nation identified 28 sites that are either intersected or close to the RoW. These include historic and current settlements, multi-use sites, trails, and harvesting areas. If the Project is approved, additional engagement will be undertaken with the Alexander (Alexander First Nation) during detailed routing and engineering to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect the identified sites. For example, where medicinal herb collection sites are identified, the Alexander (Alexander First Nation) will be provided an opportunity to harvest medicinal and food source plants before the RoW is cleared.

### *Community Investment*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Potential Effects on the Environment, Including Effects on Water Sources*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects.

Specifically to address the Alexander (Alexander First Nation) concerns about particular water sources, Northern Gateway conducted an open house and technical sessions with the Nation and with its Elders that included a general component on this issue and watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Alexander (Alexander First Nation) the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

The Alexander (Alexander First Nation)'s ATK study provides specific information about a historic and multi-use site at Deadman Lake. If the Project is approved, additional engagement will be undertaken with the Alexander (Alexander First Nation) during detailed routing and engineering to provide an opportunity for review of the route and to determine whether route adjustments or other mitigation measures are required for Smoke Lake (approximately 1.0 km from the proposed RoW), Lac La Nonne



(approximately 6.3 km from the proposed RoW), Deadman Lake (approximately 0.1 km from the proposed RoW) and Nakumun Lake (approximately 2.5 km from the proposed RoW).

### ***Reserve Land Use***

Northern Gateway will relocate the pipeline route (KP 249.1 to KP 251.1) off the Alexander 134A Indian Reserve, to address the concerns raised by the Alexander (Alexander First Nation). In particular, the concerns of the Alexander (Alexander First Nation) Elders related to the effects of the proposed pipelines crossing the Nation's lands, as well as its concerns with cumulative effects associated with multiple pipelines crossing the Alexander (Alexander First Nation) Reserve lands. This route refinement will appear in a future pipeline route revision.

### ***Lack of Resources for Review of ESA and the Application***

The Alexander (Alexander First Nation) was concerned about the lack of resources to conduct a third-party review of the ESA and lack of resources from the CEA Agency to review the Application.

Northern Gateway's protocol agreement with the Alexander (Alexander First Nation) provided for funding that may be used for the review of the Application and ESA. In addition, Northern Gateway has had several issue-specific community meetings with the Alexander (Alexander First Nation) to address issues and concerns about the Project.

### ***Marine Safety in Coastal Waters***

Northern Gateway is committed to ensuring that tankers transporting condensate to, and oil from, the marine terminal will be operated as models of world-class safety standards and in an environmentally responsible manner. The Kitimat Terminal and marine transportation associated with the Project are subject to review under the Technical Review Process of Marine Terminal Systems and Trans-shipment Sites (TERMPOL) review process coordinated by Transport Canada. That process and other aspects of marine safety are addressed in the Application, Volumes 8A, 8B and 8C.

### ***Federal Government Consultation on Project-Related Matters***

The Alexander (Alexander First Nation) is concerned about the federal government's lack of consultation with Aboriginal groups on Project-related matters. Northern Gateway will cooperate fully with the Crown as its consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

### ***Treaty Land Entitlement Process***

The Alexander (Alexander First Nation) is concerned about the federal government's treatment of lands within the Project corridor that are subject to the treaty land entitlement process. Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### ***Assessment of Regional Socio-Economic Impacts***

The Alexander (Alexander First Nation) raised a concern that the Application did not contain an assessment of regional socio-economic impacts and that baseline data was inadequate to consider aspects such as community wellness. Information related to regional socio-economic effects is discussed in the October 2010 Update to the Application, Volume 6C, Section 4.4. A discussion of the baseline health conditions in the Project assessment regions of Alberta and BC is presented in the Socio-Economic Technical Data Report, Section 3 and Appendix F.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Alexander (Alexander First Nation)'s collaborative ATK community report is in the Application, Volume 5B, Appendix C, Table C-1. A technical session was held in October 2010 to address issues and concerns identified in the completed ATK community report. Alexander (Alexander First Nation) is in the final stages of completing an ATK community report update. Once the Nation has completed and approved its final ATK community report and ATK summary, Northern Gateway will ensure that the information that is provided in the Alexander (Alexander First Nation) ATK study is incorporated into the planning and design of the Project and reflected in the ongoing engagement with the Alexander (Alexander First Nation). Northern Gateway will also track each issue and/or concern raised by the Alexander (Alexander First Nation) in the ATK study. Those issues that Northern Gateway has tracked, and which can be addressed immediately with the Alexander (Alexander First Nation), will be flagged and subsequently addressed during ongoing technical meetings with the Nation. In such cases, Northern Gateway will identify ATK issues before the scheduling of a technical meeting and then ensure that the appropriate Northern Gateway disciplines are available to attend the technical meeting to address and provide information to the Nation relating to the specific issues brought forward in the ATK tracking document. Once the technical session is completed, Northern Gateway will inquire if the Northern Gateway technical team has addressed the issue or concern of the Nation. Where an issue or concern has not been addressed during the technical session, Northern Gateway will flag the issue as an outstanding matter in the ATK tracking document and note that further follow-up is required to address the issue.

Northern Gateway will also follow up with the Alexander (Alexander First Nation) during detailed engineering, to review and discuss proposed responses to the identified interests and concerns raised in the Alexander (Alexander First Nation) ATK study update, and to attempt to resolve any outstanding issues.

### **5.2.3 Métis Nation of Alberta**

#### ***Geographic Setting***

The Métis Nation of Alberta (MNA) is located in Edmonton, Alberta and its governance structure is divided into six regional areas. Northern Gateway is currently engaged with the following four regions:

- Métis Nation of Alberta Region 2 (see Section 5.1.9)
- Métis Regional Council – Zone IV of the Métis Nation of Alberta (Métis Regional Council Zone IV of the Métis Nation of Alberta ) (see Section 5.2.4)
- Métis Nation of Alberta, Region 5 (Region V Regional Council, Métis Nation of Alberta) (see Section 5.4.2)
- Métis Nation of Alberta, Region 6 (Region VI Regional Council, Métis Nation of Alberta) (see Section 5.4.6)

#### ***Engagement Activities during the Update Period***

In December 2010, Northern Gateway met with representatives of the MNA to present an Aboriginal Economic Benefits Package for consideration specific to the equity offer. Northern Gateway was advised by the MNA that it would meet with the MNA Regions and then provide further direction about the Aboriginal Economic Benefits Package presented, including the equity offer.

In March 2011, Northern Gateway met with the MNA to discuss meeting arrangements for a collective meeting with the MNA and the Métis Nation of Alberta Regions currently engaged by Northern Gateway. The collective meeting would be to discuss the equity offer to the MNA for Northern Gateway, using the MNA as a conduit for the equity offer to the MNA Regions, Métis Locals and Métis members within the Project engagement area.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the MNA up to date and informed about the Project by sending written notices and correspondence.

#### ***Aboriginal Traditional Knowledge Program***

Northern Gateway is working directly with each of the four Métis Nation of Alberta Regions on ATK studies.

## **5.2.4 Métis Regional Council Zone IV of the Métis Nation of Alberta**

### ***Geographic Setting***

The Métis Regional Council Zone IV of the Métis Nation of Alberta is located at Edmonton, Alberta (see the Update to Appendix C, Figure C-1). It is the representative body for all Métis residents within the geographical territory that extends from west-central Alberta to north of Rocky Mountain House, south of Valleyview and east of the Alberta–BC border; it includes Edmonton and areas west of Edmonton.

Northern Gateway is currently engaging the following Métis Locals that fall within the Métis Regional Council Zone IV of the Métis Nation of Alberta boundaries:

- Grande Cache Métis Local #1994 (see Section 5.2.5 of this Update)
- Gunn Métis Local #55 (see Section 5.2.6 of this Update)

### ***Engagement Activities during the Update Period***

In March 2010, the Métis Regional Council Zone IV of the Métis Nation of Alberta attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In May 2010, Northern Gateway met with representatives of the Métis Regional Council Zone IV of the Métis Nation of Alberta to provide a Project update, including the anticipated timeline for the filing of the Application with the NEB.

In November 2010, Northern Gateway met with representatives of the Métis Regional Council Zone IV of the Métis Nation of Alberta to discuss issues with the Grande Cache Métis Local #1994's ATK study and to discuss arrangements for a technical session to address the ATK study issues.

In February 2011, Northern Gateway met with the Métis Regional Council Zone IV of the Métis Nation of Alberta to discuss its outstanding ATK study offer and to discuss the Grande Cache Métis Local #1994 final ATK community report. Northern Gateway requested a copy of the final ATK community report and advised that a technical meeting to Grande Cache Métis Local #1994 would be offered again to address issues and concerns from the ATK study. Northern Gateway confirmed with Métis Regional Council Zone IV of the Métis Nation of Alberta that there is no official Blueridge Métis Local.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Métis Regional Council Zone IV of the Métis Nation of Alberta up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Métis Regional Council Zone IV of the Métis Nation of Alberta***

In the Application, Volume 5A, Section 5.2.4, the interests and concerns identified by the Métis Regional Council Zone IV of the Métis Nation of Alberta were summarized as follows:

- opportunities for equity investment
- early training initiatives
- participation in economic and employment opportunities
- trapper identification and compensation

- traditional land and resource use
- traditional culture
- short-term and long-term economic opportunities
- business procurement opportunities
- watercourse crossings
- reclamation
- ground disturbance during construction
- RoW erosion
- pipeline monitoring and safety measures
- methods of vegetation control
- Aboriginal participation in union and non-union Project opportunities
- protection of underground aquifers

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Métis Regional Council Zone IV of the Métis Nation of Alberta interests and concerns follows.

#### ***Equity Participation***

In December 2010, Northern Gateway met with representatives of the Métis Nation of Alberta (which includes the Métis Regional Council Zone IV of the Métis Nation of Alberta) to present an Aboriginal Economic Benefits Package. The Métis Nation of Alberta advised Northern Gateway that the organization would meet with the Métis Nations of Alberta Regions and then provide further direction about the equity participation offer.

#### ***Economic Opportunities***

The Métis Regional Council Zone IV of the Métis Nation of Alberta's interest in economic opportunities, included:

- early training initiatives
- employment opportunities
- business procurement opportunities
- unions

Northern Gateway will provide opportunities for economic participation to the Métis Regional Council Zone IV of the Métis Nation of Alberta. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Métis Regional Council Zone IV of the Métis Nation of

Alberta to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

Through ongoing discussion relating to contracting opportunities, Northern Gateway will share information with the Métis Regional Council Zone IV of the Métis Nation of Alberta and Métis Locals about Aboriginal participation in union and non-union Project opportunities.

#### *Trapper Identification and Compensation*

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

#### *Traditional Land and Resource Use/ Traditional Culture*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Grande Cache Métis Local #1994 has completed its ATK study and Northern Gateway is awaiting the final ATK community report. If the Project is approved, additional engagement will be undertaken with the Métis Regional Council Zone IV of the Métis Nation of Alberta Locals during detailed routing and engineering to provide an opportunity for review of the route and determine whether route adjustments or other mitigation measures are required to protect site-specific resources and cultural features. Mitigation measures to be considered by Northern Gateway may include the following:

- undertaking 'route walk' before clearing and construction
- undertake, post-certification, additional studies where warranted on areas of high value/high risk. These studies will incorporate traditional knowledge, where applicable
- providing opportunities for Aboriginal groups to harvest medicinal and food source plants before the RoW and pump station sites are cleared, if the RoW or pump stations overlap traditional use areas of Aboriginal groups residing near the Project construction activities

#### *Watercourse Crossings*

Northern Gateway conducted a watercourse crossing technical session with the Grande Cache Métis Local #1994 and Gunn Métis Local #55 in 2009. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Métis Regional Council Zone IV of the Métis Nation of Alberta the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Reclamation and Methods of Vegetation Control*

Northern Gateway provided information to Métis Regional Council Zone IV of the Métis Nation of Alberta Locals relating to reclamation and methods of vegetation control during open houses held for the Grande Cache Métis Local #1994 and Gunn Métis Local #55 in 2009.

### *Ground Disturbance during Construction*

Before any physical disturbance related to construction, all resources and resource user facilities, as identified on the construction drawings and environmental alignment sheets or site drawings, will be flagged or fenced. This would include sites such as:

- heritage resources (i.e.: historic Aboriginal structures, features, culturally modified trees, burial sites)
- rare plant sites
- noxious weeds
- traditional use areas
- wildlife sites
- nests
- fish habitat
- trails used by hunting guide outfitters and trappers

Signage will be used to supplement flagging, where appropriate, and flagging will be placed both upstream and downstream in the case of fish habitat locations because clearing crews may work from either direction.

The environmental inspector will confirm the accuracy of all flagged areas, and after construction is completed, will replace flagging as required by site conditions. After reclamation is complete, all flagging will be removed and disposed at an approved landfill facility.

### *RoW Erosion*

Erosion control on the RoW will involve installing structures, such as silt fencing and berms, to control siltation and erosion caused by construction activities. Site-specific erosion protection and control measures will be determined by geotechnical and erosion control specialists, with assistance from an environmental inspector and through completion of a risk-based assessment. Erosion similar to that occurring in areas adjacent to the RoW is considered normal, and will not be specifically controlled unless an environmental or engineering risk factor is identified.

Additional details of erosion control on the RoW are discussed in the Application, Volume 7A, Appendix A, Section A.3.5.

### *Pipeline Monitoring and Safety Measures*

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Protection of Underground Aquifers*

Groundwater use is widespread in Alberta, and fairly intense use occurs between Whitecourt and Bruderheim. Existing groundwater use is protected in both BC and Alberta under the British Columbia *Water Act* and the Alberta *Water Act*. General protection measures for groundwater will be considered where applicable, and may include the following:

- If groundwater withdrawals are planned, groundwater assessments will be prepared by a qualified hydrogeologist. These withdrawals will be according to the groundwater evaluation guidelines for both BC and Alberta. Groundwater assessments require the evaluation of potential effects on local groundwater users or potential surface water interactions.
- Groundwater well locations, as provided through the available provincial databases, will be indicated on the environmental alignment sheets. Areas where groundwater wells are common include Burns Lake in BC and much of the Eastern Alberta Plains, Alberta Plateau and Southern Alberta Uplands regions.
- Locations of wells and shallow groundwater supply sources will be confirmed before construction. These areas will be marked on the environmental alignment sheets.
- Additional information is available in the Application, Volume 7A, Appendix A, Section A.3.28.

### *Aboriginal Traditional Knowledge Program*

In March 2011, Northern Gateway contacted the Métis Regional Council Zone IV of the Métis Nation of Alberta to withdraw the offer of funding to complete an ATK study due to the length of time that had lapsed since Northern Gateway had made the offer and the lack of a response to the offer.

## **5.2.5 Grande Cache Métis Local #1994**

### *Geographic Setting*

The Grande Cache Métis Local #1994 is located at Grande Cache, Alberta. The Grande Cache Métis Local #1994 is one of the Métis Locals that fall within the Métis Regional Council Zone IV of the Métis Nation of Alberta boundaries (see the Update to Appendix C, Figure C-1).

### *Engagement Activities during the Update Period*

Northern Gateway is currently engaging the Grande Cache Métis Local #1994 through the Métis Regional Council Zone IV of the Métis Nation of Alberta. Northern Gateway is willing to meet directly with the Grande Cache Métis Local #1994 upon request.

In January 2010, Northern Gateway advised the Grande Cache Métis Local #1994 that it would be working with a new Aboriginal Relations Director for Northern Gateway.



In March 2010, Northern Gateway met with representatives of the Grande Cache Métis Local #1994 to provide a Project update, to introduce the new Aboriginal Relations Director for Northern Gateway, and to receive an ATK study status update from the Grande Cache Métis Local #1994.

In October 2010, a meeting was scheduled with representatives of the Grande Cache Métis Local #1994 to conduct a technical session to address ATK study issues, but the meeting was cancelled by the Métis Local #1994. Grande Cache Métis Local #1994 expressed an interest in reviewing the report before addressing issues raised. Grande Cache Métis Local #1994 also informed Northern Gateway that, although its preference is to engage directly with Northern Gateway, due to a protocol agreement in place between Northern Gateway and the Métis Regional Council Zone IV of the Métis Nation of Alberta, engagement for Grande Cache Métis Local #1994 will take place at this level and through participation at the Grande Prairie CABs.

In November 2010, Northern Gateway provided copies of the draft ATK community report to the Grande Cache Métis Local #1994. Northern Gateway subsequently followed up to request Grande Cache Métis Local #1994's approval of the draft ATK community report.

In February 2011, Northern Gateway met with the Métis Regional Council Zone IV of the Métis Nation of Alberta to discuss the Grande Cache Métis Local #1994 final ATK community report and to provide information on the process for addressing ATK study issues.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Grande Cache Métis Local #1994 up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Grande Cache Métis Local #1994***

In the Application, Volume 5A, Section 5.2.5, the interests and concerns identified by the Grande Cache Métis Local #1994 were summarized as follows:

- limited intrusive sampling – comprehensiveness of studies for assessment
- watercourse crossing assessment thoroughness
- sensitive area disturbance policy
- construction monitoring for archaeological disturbance and discoveries

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Grande Cache Métis Local #1994 interests and concerns follows.

#### ***Limited Intrusive Sampling – Comprehensiveness of Studies for Assessment***

In May 2009, Northern Gateway held an open house and provided information in relation to a baseline field study. The Grande Cache Métis Local #1994 raised a question about the meaning of limited intrusive sampling and the comprehensiveness of the ESA. One of the participants interpreted that as

meaning that the ESA would not be comprehensive. Northern Gateway provided clarification relating to limited intrusive sampling and confirmed that the ESA would be comprehensive.

### *Watercourse Crossing Assessments*

In May 2009, Northern Gateway conducted a meeting to discuss watercourse crossings with the Grande Cache Métis Local #1994 and its concerns about the thoroughness of watercourse crossing assessments. No further issues or concerns were raised. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to result in no net loss. In that event, Northern Gateway will offer the Grande Cache Métis Local #1994 the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Sensitive Area Disturbance Policy*

The ESA identifies areas of sensitivity, based on field investigations, published literature and input from interested parties, including participating Aboriginal groups. Measures to restrict new access into those areas near the pipeline RoW are discussed in the Construction EPMP (see the Application, Volume 7A).

In the Grande Cache Métis Local #1994 ATK study, the group has identified several areas, which it considers sensitive. If the Project is approved, additional engagement will be undertaken with the Grande Cache Métis Local #1994 during detailed routing and engineering, to provide an opportunity for review of the route and to determine whether route adjustments or other mitigation measures are required for these sensitive areas. Mitigation measures to be considered by Northern Gateway may include the following:

- undertaking a 'route walk' before clearing and construction
- undertaking, post-certification, additional studies, where warranted, in areas of high value and high risk. These studies will incorporate traditional knowledge, where applicable.
- providing opportunities for Aboriginal groups to harvest medicinal and food source plants before the RoW and pump station sites are cleared, if the RoW or pump stations overlap traditional use areas of Aboriginal groups residing near Project construction activities

In addition, before any physical disturbance related to construction of the RoW, all resources and resource user facilities, as identified on the construction drawings and environmental alignment sheets or site drawings, will be flagged or fenced. This would include sites such as:

- heritage resources (e.g., historic Aboriginal structures, features, culturally modified trees, burial sites)
- rare plant sites
- noxious weeds
- traditional use areas
- wildlife sites
- nests
- fish habitat
- trails used by hunting guide outfitters and trappers

### ***Construction Monitoring for Archaeological Disturbance and Discoveries***

Northern Gateway's processes and methods for archaeological surveys are described in the Application, Volume 6C, Section 6. The information gathered from such surveys is used in the assessment of effects and forms the basis of determining areas of priority for monitoring during construction. Protocols for identification and protection of materials discovered during construction are set out in the Construction EPMP (see the Application, Volume 7A).

### ***Other Concerns***

See Northern Gateway's commitments and mitigation measures in response to the concerns of the Métis Regional Council Zone IV of the Métis Nation of Alberta summarized in Section 5.2.4 of this Update.

### ***Aboriginal Traditional Knowledge Program***

For a summary of the Grande Cache Métis Local #1994's collaborative ATK community report, see the Application, Volume 5B, Appendix C, Table C-7. Northern Gateway offered to conduct a technical session during 2010 and will continue to offer a technical session in 2011 to address the issues and concerns identified in the completed ATK community report.

## **5.2.6 Gunn Métis Local #55**

### ***Geographic Setting***

The Gunn Métis Local #55 is located at Gunn, Alberta, a hamlet just north of Lac Ste. Anne, Alberta. The Gunn Métis Local #55 is one of the Métis Locals that fall within the Métis Regional Council Zone IV of the Métis Nation of Alberta boundaries (see the Update to Appendix C, Figure C-1).

### ***Engagement Activities during the Update Period***

Northern Gateway is currently engaging the Gunn Métis Local #55 through the Métis Regional Council Zone IV of the Métis Nation of Alberta. Northern Gateway is willing to meet directly with the Gunn Métis Local #55 upon request.

Northern Gateway continued to keep the Gunn Métis Local #55 up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Gunn Métis Local #55***

In the Application, Volume 5A, Section 5.2.6, the interests and concerns identified by the Gunn Métis Local #55, in conjunction with the Métis Regional Council Zone IV of the Métis Nation of Alberta, were summarized as follows:

- watercourse crossings
- equity participation
- reclamation

- ground disturbance during construction
- RoW erosion
- pipeline monitoring and safety measures
- methods of vegetation control
- Aboriginal participation in union and non-union Project opportunities
- community lead for ATK studies
- protection of underground aquifers
- The issue of trappers' compensation should also have been listed in the Application. The above issues and interests were raised during the March 2009 open house, which also included a watercourse crossing component. All issues were addressed through this Project open house, except for the trapper issue.

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

See Northern Gateway's commitments and mitigation measures in response to the concerns of the Métis Regional Council Zone IV of the Métis Nation of Alberta summarized in Section 5.2.4 of this Update.

### ***Aboriginal Traditional Knowledge Program***

In March 2011, Northern Gateway contacted the Métis Regional Council Zone IV of the Métis Nation of Alberta to withdraw the offer of funding to complete an ATK study due to the length of time that had lapsed since Northern Gateway had made the offer and the lack of a response to the offer.

### **5.2.7 Blueridge Métis**

In the Application, Northern Gateway identified the Blueridge Métis as a Métis Local located near Whitecourt, Alberta that fell within the Métis Regional Council Zone IV of the Métis Nation of Alberta boundaries. In February 2011, Northern Gateway met with the Métis Regional Council Zone IV of the Métis Nation of Alberta and was informed that there is no official Blueridge Métis local. Therefore, Northern Gateway has removed the Blueridge Métis from the Project engagement list.

### **5.2.8 Yellowhead Tribal Council**

#### ***Geographic Setting***

The members of the Yellowhead Tribal Council are signatories to Treaty 6. The five member Nations that compose the Council are:

- Alexander (Alexander First Nation) (see Section 5.2.2)
- Alexis Nakota Sioux Nation (see Section 5.3.2)
- Enoch Cree Nation (see Section 5.2.1)

- O'Chiese First Nation
- Sunchild First Nation

Northern Gateway is currently engaged with the Alexander (Alexander First Nation), Alexis Nakota Sioux Nation, and Enoch Cree Nation. The Yellowhead Tribal Council office is located within the Enoch Cree Nation reserve.

### ***Engagement Activities during the Update Period***

Northern Gateway continued to keep the Yellowhead Tribal Council up to date and informed about the Project by sending written notices and correspondence.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway is working directly with the Alexander (Alexander First Nation), Alexis Nakota Sioux Nation, and Enoch Cree Nation for purposes of ATK studies.

## **5.3 Central Alberta Region**

### **5.3.1 Paul (Paul First Nation)**

#### ***Geographic Setting***

The Paul (Paul First Nation) has three reserves, located near Wabamun and Buck Lake, Alberta, with the closest reserve (Wabamun #133A) located approximately 33.7 km from the proposed RoW (see the Update to Appendix C, Figure C-1). The traditional territory of the Paul (Paul First Nation) encompasses the area from Edmonton to Jasper and Fort Assiniboine to Rocky Mountain House.

#### ***Engagement Activities during the Update Period***

In March 2010, Northern Gateway contacted the Paul (Paul First Nation) to advise that it would be working with a new Aboriginal Relations Director for Northern Gateway. Northern Gateway also met with representatives of the Paul (Paul First Nation) on two occasions, first to provide a Project update and to introduce the new Aboriginal Director for Northern Gateway. Northern Gateway also presented a renewed protocol agreement for the Nation's consideration. The Paul (Paul First Nation) also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In May 2010, Northern Gateway provided the update to the ATK community report to the Paul (Paul First Nation) and requested approval to use it on the Project. Northern Gateway followed up on this request in September 2010. The Paul (Paul First Nation) indicated that it wanted to discuss the update to the ATK community report and summary table.

In November 2010, Northern Gateway met with representatives of the Paul (Paul First Nation) to conduct a technical session with the Nation's personnel overseeing consultation activities, whereby the Paul (Paul First Nation) was presented with technical information about the Project. This included information on watercourse crossings, safety in coastal waters and at the marine terminal, pipeline construction, pipeline safety and integrity, reclamation, wildlife protection measures, the processes that are used in completing

ATK studies and how the information is used in Project planning, and the archaeological processes taken to find and preserve artifacts, burial sites and historical sites within the proposed Project corridor. Northern Gateway also presented information on employment, training and procurement opportunities that may arise from the Project.

In December 2010, the parties discussed revisions to the update to the ATK community report. Northern Gateway also met with representatives of Paul (Paul First Nation) to present an Aboriginal Economic Benefits Package for consideration.

In early January 2011, Northern Gateway contacted the Paul (Paul First Nation) to confirm meeting arrangements to discuss Project-related matters, including the Aboriginal Economic Benefits Package. The parties met to further discuss an Aboriginal Economic Benefits Package and, in particular, the MOU related to economic and business opportunities that may arise from the Project. The Paul (Paul First Nation) also expressed a concern about the Project. In particular, the Nation requested that Northern Gateway limit the footprint, or effects of the Project, as much as possible. The parties agreed to meet later to continue discussions related to the MOU.

In early February 2011, Northern Gateway and the Paul (Paul First Nation) met to further discuss the MOU.

During late February, Northern Gateway was in contact many times with the Paul (Paul First Nation) to confirm meeting arrangements to discuss economic and business opportunities that may arise from the Project, including employment and training.

In early March 2011, Northern Gateway met with the Paul (Paul First Nation) to continue discussions surrounding economic and business opportunities that may arise from the Project, including employment and training.

In late March 2011, the Paul (Paul First Nation) invited Northern Gateway to participate in a career fair hosted by the Nation for the benefit of its members. Northern Gateway participated in the career fair and provided Project information, including a pamphlet catalogue on pipeline skills development and pamphlets related to the regulatory process, to those Paul (Paul First Nation) members who attended the Northern Gateway booth. Northern Gateway also answered questions about the Project, including questions related to employment and economic opportunities arising from the Project.

The Paul (Paul First Nation) is also a member of the Northern Gateway CAB and attends the CAB meetings in Edmonton, Alberta. In addition, an Elder from the Paul (Paul First Nation) participates in the CAB meetings, to provide an invocation to start the meeting and to sit as an observer at the meeting. For information on CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Paul (Paul First Nation) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Paul (Paul First Nation)***

In the Application, Volume 5A, Section 5.3.1, the interests and concerns identified by the Paul (Paul First Nation) were summarized as follows:

- opportunities for equity investment
- early training initiatives
- ongoing Elder participation
- participation in economic and employment opportunities
- protection of medicinal herbs and spiritual sites
- short-term and long-term economic opportunities
- emergency response plans in relation to spills
- opportunities for community investment
- historical, archaeological and paleontological resources
- protection of traditional lands and land use
- resource use
- protection of traditional culture
- pipeline construction techniques
- muskeg and water crossings
- air pollution in relation to construction
- ground disturbance during construction
- wildlife disturbance during construction and reclamation
- first response plans
- incorporation of traditional knowledge in Project planning
- protection of burial grounds
- Project community benefits
- exclusion of community on other industry projects

During the Update Period, specifically, during the Paul (Paul First Nation)'s completion of its ATK study, the following new interest and concern was identified:

- trapline

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Paul (Paul First Nation)'s interests and concerns follows.

#### ***Equity Participation***

Northern Gateway presented an Aboriginal Economic Benefits Package to the Paul (Paul First Nation) in December 2010.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Paul (Paul First Nation). This may include contracting opportunities, as well as employment and early training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with Paul (Paul First Nation) to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

#### *Ongoing Elder Participation*

Northern Gateway encourages participation by Elders in ATK studies and in other meetings, where the Paul (Paul First Nation)'s Chief and Council requests the participation of Elders in such meetings. Northern Gateway will use information collected in ATK studies, including the information collected from Elders, in Project planning.

#### *Emergency Response Plans in Relation to Spills*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

#### *Community Investment and Community Benefits*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

#### *Historical, Archaeological and Paleontological Resources*

Northern Gateway's processes and methods for archaeological surveys are described in the Application, Volume 6C, Section 6. The information gathered from such surveys is used in the assessment of effects and is the basis of determining areas of priority for monitoring during construction. Protocols for identification and protection of materials discovered during construction are set out in the Construction EPMP (see the Application, Volume 7A).



### *Traditional Lands and Culture*

The Paul (Paul First Nation)'s concerns about traditional lands and culture included:

- protection of traditional lands, land use and traditional culture
- incorporation of traditional knowledge in Project planning
- protection of medicinal herbs and spiritual sites
- protection of burial grounds
- traplines

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Paul (Paul First Nation) has completed an ATK study and an ATK study update. In that study, the several gravesites and a trapline were identified by the Paul (Paul First Nation). If the Project is approved, additional engagement will be undertaken with the Paul (Paul First Nation) during detailed routing and engineering to provide an opportunity for review of the detailed route for the pipelines. Northern Gateway will develop mitigation measures to reduce or avoid effects on grave sites. These measures will be incorporated into the Construction EPMP (see the Application, Volume 7A) as they are identified and addressed through consultation with the Paul (Paul First Nation).

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW such as the Paul (Paul First Nation), the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### *Resource Use*

Where potential effects on resource use such as logging (tree salvage), commercial hunting and fishing are identified, Northern Gateway will work with the Paul (Paul First Nation) to find ways to reduce those effects, such as enhancements to the Access Management Plan or site-specific mitigation.

### *Pipeline Construction Techniques*

Enbridge has extensive experience in constructing pipelines in various geographic settings. However, Northern Gateway acknowledges that there are varying degrees of experience and knowledge about pipelines as between different communities along the pipeline route. Northern Gateway has offered basic information concerning pipeline construction and operations to communities along the route both Aboriginal and non-Aboriginal. Northern Gateway will continue to provide that information as the Project proceeds. For information about pipeline construction techniques, see the Application, Volume 3, Section 10.

### *Muskeg and Watercourse Crossings*

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to result in no net loss. In that event, Northern Gateway will offer the Paul (Paul First Nation) the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

With respect to muskeg, Northern Gateway would encourage the Paul (Paul First Nation)'s traditional knowledge holders to identify important muskeg areas on the RoW during detailed routing and engineering, so that Northern Gateway can take steps to either avoid those areas or to take additional precautions to mitigate effects where re-routing is not practical. Construction will also be scheduled during frozen conditions, where practical, to reduce effects on muskeg.

### *Air Pollution during Construction*

No effects on air quality along the pipeline route are anticipated during construction, other than dust. The following mitigation measure will be used to control dust:

- enforcing speed limits on all access roads
- applying dust suppressants, including water or other approved agents, as needed. If water is applied, the construction manager will determine the amount and timing, to reduce the potential for surface runoff of sediment.

### *Ground Disturbance during Construction*

Before any physical disturbance related to construction, all resources and resource user facilities, as identified on the construction drawings and environmental alignment sheets or site drawings, will be flagged or fenced. This would include sites such as:

- heritage resources (i.e.: historic Aboriginal structures, features, culturally modified trees, burial sites)
- rare plant sites
- noxious weeds
- traditional use areas
- wildlife sites
- nests
- fish habitat
- trails used by hunting guide outfitters and trappers

Signage will be used to supplement flagging, where appropriate, and flagging will be placed both upstream and downstream in the case of fish habitat locations because clearing crews may work from either direction.

The environmental inspector will confirm the accuracy of all flagged areas, and after construction is completed, will replace flagging as required by site conditions. After reclamation is complete, all flagging will be removed and disposed at an approved landfill facility.

#### *Wildlife Disturbance during Construction and Reclamation*

The ESA provides a thorough assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Paul (Paul First Nation) before construction starts, and could include measures such as:

- Clearing for pipeline construction in sensitive wildlife habitat (including areas with nesting migratory birds, bears, woodland caribou, moose, mountain goats and amphibians) will be scheduled to avoid identified sensitive seasons and life-stages whenever possible.
- Clearing of natural vegetation will occur outside of the breeding season of migratory birds.
- Pre-disturbance surveys will be completed to identify important wildlife habitat features.
- During construction, sites that were noted, flagged or fenced during preconstruction surveys to protect sensitive wildlife habitat, will be left undisturbed, where possible.
- For wetlands that will be avoided, a year-round setback will be maintained.
- Aircraft will follow required flight guidelines, e.g., flight corridors, minimum altitudes and minimum distances from sensitive areas.

#### *First Response Plans*

Northern Gateway will share information with the Paul (Paul First Nation) about emergency preparedness and first response before operations start.

#### *Exclusion of Community on Other Industry Projects*

The Paul (Paul First Nation) has expressed concerns that the Nation has been excluded from economic opportunities that have arisen in relation to other projects that traverse the Nation's traditional territory. Northern Gateway has indicated that it will provide opportunities for economic participation to the Paul (Paul First Nation). This includes employment and training opportunities.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Paul (Paul First Nation)'s collaborative ATK community report is in the Application, Volume 5B, Appendix C, Table C-13. A technical session was held in November 2010 to address the issues and concerns identified in the completed ATK community report. The Paul (Paul First Nation) has also completed an ATK study update. Northern Gateway is waiting for the Paul (Paul First Nation) to approve its ATK study update summary. Once the Nation has completed and approved its final ATK community report and ATK summary, Northern Gateway will ensure that the information that is provided in the Paul (Paul First Nation) ATK study is incorporated into the planning and design of the Project and reflected in the ongoing engagement with the Paul (Paul First Nation). Northern Gateway will also track each issue and/or concern raised by the Paul (Paul First Nation) in the ATK study. Those issues that Northern Gateway has tracked, and which can be addressed immediately with the Paul (Paul First Nation), will be flagged and subsequently addressed during ongoing technical meetings with the Nation. In such cases, Northern Gateway will identify ATK issues before the scheduling of a technical meeting and then ensure that the appropriate Northern Gateway disciplines are available to attend the technical meeting to address and provide information to the Nation relating to the specific issues brought forward in the ATK tracking document. Once the technical session is completed, Northern Gateway will inquire if the Northern Gateway technical team has addressed the issue or concern of the Nation. Where an issue or concern has not been addressed during the technical session, Northern Gateway will flag the issue as an outstanding matter in the ATK tracking document and note that further follow-up is required to address the issue.

Northern Gateway will also follow up with the Paul (Paul First Nation) during detailed engineering, to review and discuss proposed responses to the identified interests and concerns in the (Paul First Nation) ATK study and to attempt to resolve any outstanding issues.

### **5.3.2 Alexis Nakota Sioux Nation**

#### ***Geographic Setting***

The Alexis Nakota Sioux Nation has four reserves, located near Edmonton, Whitecourt and Hinton, Alberta, with the closest reserve (Alexis Whitecourt No. 232) located coincident with the proposed RoW (see the Update to Appendix C, Figure C-1). The traditional territory of the Alexis Nakota Sioux Nation encompasses the area between Edmonton, Whitecourt and Hinton, Alberta.

#### ***Engagement Activities during the Update Period***

In January and February 2010, Northern Gateway contacted the Alexis Nakota Sioux Nation to discuss a draft renewed protocol agreement.

In February and March 2010, Northern Gateway contacted the Alexis Nakota Sioux Nation to discuss the status of its ATK study and made requests to meet with the Alexis Nakota Sioux about its status.

In March 2010, Northern Gateway met with representatives of the Alexis Nakota Sioux Nation on two occasions, first to present a draft renewed protocol agreement to the Alexis Nakota Sioux Nation for consideration, to provide updated Project information, and to introduce the new Aboriginal Relations

Director for Northern Gateway. The parties also discussed Northern Gateway's plans to develop an Aboriginal Economic Benefits Package, particularly equity participation. The second meeting was to discuss the Nation's interest in developing a wind power project on Nation lands and the possibility of Northern Gateway facilitating contact or a meeting between the Nation and an alternate energy company based out of the Vancouver area. The parties also discussed education and training opportunities for the Nation arising from the Project. Northern Gateway subsequently contacted the Alexis Nakota Sioux Nation to follow up and provide a summary of both meetings. The Alexis Nakota Sioux Nation also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Alexis Nakota Sioux Nation on three occasions, first to provide a Project update and to discuss the status of the Alexis Nakota Sioux Nation's ATK study. The second meeting was to discuss Northern Gateway's proposed Aboriginal Economic Benefits Package and the Nation's proposed changes to the draft renewed protocol agreement. Northern Gateway also sent the Nation pipeline RoW shape files and maps. The third meeting was to discuss deliverables for the fieldwork phase of the ATK study.

In May 2010, Northern Gateway met with representatives of the Alexis Nakota Sioux Nation on two occasions to discuss the status of the Alexis Nakota Sioux Nation's ATK study and ATK deliverables by the Nation and on another occasion to conduct field visits with the Alexis Nakota Sioux Nation from the Fort Saskatchewan River crossing to Blue Ridge. The parties also discussed possible dates to reschedule a technical and watercourse crossing session and the possibility of the Nation attending CAB meetings in a location other than Edmonton, in particular, attending the CAB meeting in Grande Prairie. Another meeting was held to enter into the renewed protocol agreement. The parties also discussed the possibility of Northern Gateway locating a pump station on the Alexis Nakota Sioux Nation lands near Whitecourt, Alberta.

In June 2010, Northern Gateway contacted the Alexis Nakota Sioux Nation about the Crown land areas in proximity to the Whitecourt reserve lands for the purposes of locating a pump station. The Alexis Nakota Sioux Nation also advised Northern Gateway that it had decided to hold back on the completion of the ATK study fieldwork, as a result of the community election.

In July 2010, Northern Gateway contacted the Alexis Nakota Sioux Nation to request mapping for the Whitecourt reserve lands. Northern Gateway also met with representatives of the Alexis Nakota Sioux Nation to discuss the status of Northern Gateway's proposed Aboriginal Economic Benefits Package, Alexis Nakota Sioux Nation's process related to the taxation rates assessed by the Nation for companies leasing the Nation's lands, the desire of the Nation to maintain the Project pipeline route on the Alexis Nakota Sioux Nation reserve and the Nation's potential wind power project.

In August, September, November, and December 2010, Northern Gateway contacted the Alexis Nakota Sioux Nation to inquire about the status of its ATK study. In September 2010, Northern Gateway met with the Alexis Nakota Sioux Nation to discuss the ATK community report maps. In October 2010, discussions continued about the ATK community report maps.

In September 2010, the Alexis Nakota Sioux Nation made written submissions in response to the JRP Procedural Direction of July 2010.

In October 2010, Northern Gateway offered to provide a technical session to the Alexis Nakota Sioux Nation.

In November 2010, Northern Gateway met with representatives of the Alexis Nakota Sioux Nation on three occasions. The first meeting was to further discuss the possibility of Northern Gateway locating a pump station on Alexis Nakota Sioux Nation lands near Whitecourt, Alberta, and the parties entering into a Letter of Intent about the matter.

The second meeting was to conduct an open house, at the request of the Alexis Nakota Sioux Nation. The Alexis Nakota Sioux Nation shared the final draft ATK community report with attendees. Northern Gateway provided technical information about the Project, including information on watercourse crossings, pipeline construction, pipeline safety and integrity, archaeological sites, reclamation and wildlife protection measures. Northern Gateway also presented information on employment, training and procurement opportunities that may arise from the Project, if the Project receives regulatory approval. Furthermore, the newly elected Alexis Nakota Sioux Nation Council raised the issue of early training opportunities, which would allow members of the Alexis Nakota Sioux Nation to participate in employment opportunities arising from the Project. Northern Gateway also informed the new Council about training opportunities that Northern Gateway had offered in the past. In conjunction with government, Alexis Nakota Sioux Nation indicated that the Nation could explore such training opportunities, which may also prepare members of the Alexis Nakota Sioux Nation for employment opportunities on other projects. At the end of the presentation, Northern Gateway informed the Alexis Nakota Sioux Nation that once the Nation had completed and approved its final ATK community report and ATK summary, Northern Gateway would ensure that the information provided in the Alexis Nakota Sioux Nation ATK study would be incorporated into the planning and design of the Project and reflected in the ongoing engagement with the Alexis Nakota Sioux Nation. Northern Gateway committed to arranging for additional technical meetings to address issues and concerns raised in the report. As a follow up to the open house, Northern Gateway committed to providing additional information to the Alexis Nakota Sioux Nation related to Alberta Culture and Community Spirit's (ACCS's) archaeology sites unrestricted database, in particular, information about how the Nation could access the database. On December 13, 2010, Northern Gateway subsequently contacted the Aboriginal Consultation Adviser, Historic Resources Management Branch, ACCS, about the Alexis Nakota Sioux Nation's request. On December 14, 2010, the Aboriginal Consultation Adviser indicated that ACCS would contact the Alexis Nakota Sioux Nation about the Nation's request to access the ACCS archaeology sites unrestricted database. At the open house on November 24, 2010, Northern Gateway had also committed to addressing the Alexis Nakota Sioux Nation's concerns about the effects on watercourse crossings in relation to the Project. Northern Gateway will provide additional watercourse crossing information to the Nation in technical session planned for June 2011.

The third meeting in November 2010 was to present an Aboriginal Economic Benefits Package to the Alexis Nakota Sioux Nation for consideration. In addition, the package included a Letter of Intent between the parties related to the potential placement of a pump station on Alexis Nakota Sioux Nation lands near Whitecourt, Alberta.

In December 2010, Northern Gateway met with representatives of the Alexis Nakota Sioux Nation to discuss the Aboriginal Economic Benefits Package, particularly the MOU relating to employment and

procurement opportunities and the potential placement of a pump station on Alexis Nakota Sioux Nation lands.

In January 2011, Northern Gateway provided the ATK study summary table to the Alexis Nakota Sioux Nation and requested its review and approval. Northern Gateway followed up on this request in February and March 2011.

In January 2011, the Alexis Nakota Sioux Nation informed Northern Gateway that its appointed representative on Project-related matters had resigned, and advised Northern Gateway of its newly appointed contact person on Project-related matters. Northern Gateway and the Alexis Nakota Sioux Nation subsequently met to further discuss the Aboriginal Economic Benefits Package, particularly the MOU relating to employment and procurement opportunities and the Letter of Intent related to the potential pump station. The Alexis Nakota Sioux Nation also expressed interest in economic opportunities that may arise from the proposed Project, in particular the Nation possibly supplying gravel for the Project from a gravel company owned and operated by the Alexis Nakota Sioux Nation.

In February 2011, Northern Gateway met with the Alexis Nakota Sioux Nation and provided the new Alexis Nakota Sioux Nation Council with technical information about the Project, including Northern Gateway's archaeology program, potential economic opportunities arising from the Project, proposed alternatives surrounding the pump station, pipeline integrity, watercourse crossings and the Alexis Nakota Sioux Nation's ATK study. Northern Gateway also indicated that a member of the Northern Gateway engineering team would tour the Alexis Reserve near Whitecourt in the spring, or when the weather permitted, to determine a potential site for a pump station. The Alexis Nakota Sioux Nation, during the meeting, also expressed interest in economic opportunities that may arise from the proposed Project, in particular logging and salvaging opportunities.

In March 2011, Northern Gateway met with representatives of the Alexis Nakota Sioux Nation on two occasions. The first was in early March, to discuss the Aboriginal Economic Benefits Package, in particular, the MOU surrounding employment and procurement opportunities and the pump station. Alexis Nakota Sioux Nation indicated its interest in having an emergency response centre located in its community. The Nation also requested that Northern Gateway have two shut-off valves on the pipeline, specifically where the pipeline enters and where it leaves the Alexis Nakota Sioux Nation reserve, to address its concerns about pipeline safety and pipeline integrity. Northern Gateway and Alexis Nakota Sioux Nation continue discussions surrounding the provisions of a MOU related to employment and procurement opportunities and the pump station.

On the second occasion, Northern Gateway met with the Alexis Nakota Sioux Nation to discuss the status of the Alexis Nakota Sioux Nation's ATK study and to inquire if the final ATK community report had been approved by the Alexis Nakota Sioux Nation. Northern Gateway also inquired if the Alexis Nakota Sioux Nation had reviewed the ATK summary table, which Northern Gateway had presented to the Alexis Nakota Sioux Nation in January 2011. The representatives of the Alexis Nakota Sioux Nation indicated that they did not have a copy of the final ATK community report, nor the summary table, and requested a copy of both the report and summary. Northern Gateway subsequently met with the Alexis Nakota Sioux Nation to discuss the contents of the final ATK community report and provided a copy of the report and summary table to the Nation's representatives. The Alexis Nakota Sioux Nation indicated that it would require additional time to review its report and the summary table. The Alexis Nakota Sioux

Nation ATK summary table, which was prepared by Northern Gateway, was based on the contents of the report prepared by the Alexis Nakota Sioux Nation. The Alexis Nakota Sioux Nation's approval of its final ATK community report and ATK summary table is pending.

In March 2011, Northern Gateway inquired by email whether the Alexis Nakota Sioux Nation was interested in participating in another Northern Gateway Aboriginal Business Summit, if Northern Gateway hosted another Aboriginal business summit in the future. Alexis Nakota Sioux Nation, through an email response, expressed its interest in attending another Aboriginal business summit hosted by Northern Gateway.

The Alexis Nakota Sioux Nation is a member of the Northern Gateway CAB and attends the CAB meetings in Edmonton. Alexis Nakota Sioux Nation also participates in the Grande Prairie CAB as an observer. For information on CABs, see the March 2011 Update to the Application, Volume 4. The Alexis Nakota Sioux Nation CAB member is also one of two representatives from the Northern Gateway CAB, Edmonton area, who participate in a CAB sharing table comprising representatives from all CABs.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Alexis Nakota Sioux Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Alexis Nakota Sioux Nation***

In the Application, Volume 5A, Section 5.3.2, the interests and concerns identified by the Alexis Nakota Sioux Nation were summarized as follows:

- trapper identification and compensation
- traditional land and resource use
- traditional culture
- emergency response plans
- effects on the environment in relation to water, wildlife and traditional practices
- opportunities for equity investment
- opportunities for community investment
- participation in economic and employment opportunities
- protection of medicinal herbs and spiritual sites
- short-term and long-term economic opportunities
- goods and services (First Nations businesses)
- business procurement opportunities
- Project legacy opportunities
- pump station locations
- ATK budget
- reserve land use
- procurement opportunities
- pipeline first response plans
- pipeline integrity and safety
- equity ownership



- community opportunities
- pipeline RoW size and effects on environment

The issues and concerns raised by the Alexis Nakota Sioux Nation in its written submissions in response to the JRP Procedural Direction of July 2010 may be summarized as follows:

- Enbridge's spill history and environmental record and Enbridge's response to incidents
- probability of accidents and malfunctions and consequences if they occur
- complete oil spill response plans
- assessment of the effects of the Project on First Nation rights and interests
- assessment of regional socio-economic impacts
- baseline information on the grizzly, mountain goat, ungulates, salmon and trout
- fish and watercourse assessments
- detailed design information
- detailing routing information
- assessment of biophysical and socio-eco elements including wildlife
- sufficiency of ATK studies
- heritage and paleontology reports

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Alexis Nakota Sioux Nation's interests and concerns follows.

#### ***Trapper Identification and Compensation***

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

#### ***Traditional Land and Culture***

The Alexis Nakota Sioux expressed an interest in ensuring that effects on First Nations activities, not just sites and areas, be included in the assessment of traditional territory, current and traditional uses, traditional culture and protection of medicinal herbs and spiritual sites. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Alexis Nakota Sioux Nation has completed an ATK study. Northern Gateway is waiting for the Alexis Nakota Sioux Nation to approve the ATK community report summary. If the Project is approved, additional engagement will be undertaken with the Alexis Nakota

Sioux Nation during detailed routing and engineering to provide an opportunity for review of the route and determine whether route adjustments or other mitigation measures are required for these site-specific resources and cultural features, including medicinal herbs and spiritual sites.

### *First Response and Emergency Response Plans*

The Alexis Nakota Sioux Nation has expressed an interest in being directly involved in a first response capacity. Northern Gateway will share information with the Alexis Nakota Sioux Nation about emergency preparedness and first response before operations start, and will consider, during detailed engineering, the potential for participation in a first response capacity.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Alexis Nakota Sioux Nation in November 2010.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Alexis Nakota Sioux Nation. This may include contracting opportunities, employment and training opportunities, providing goods and services (First Nations businesses), and business procurement opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Alexis Nakota Sioux Nation to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Community Investment, Including Project Legacy Opportunities*

Enbridge has a demonstrated record of investment in the communities in which it operated, such as the School Plus Program with direct investment in Aboriginal schools and the Safe Community Program, which supports first-responders in communities near an Enbridge pipeline. Northern Gateway continues to take a similar approach.

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

#### *Pump Station Location and Reserve Land Use*

Northern Gateway has presented a Letter of Intent to the Alexis Nakota Sioux Nation about the potential placement of a pump station on Alexis Nakota Sioux Nation lands. As described in Section 4.3.2 of this Update, Northern Gateway is prepared to relocate the Whitecourt pump station (KP 203.3) onto the Alexis Whitecourt No. 232 Indian Reserve, as requested by the Alexis Nakota Sioux Nation. This refinement will appear in a future pipeline route revision. Subject to confirmation of technical feasibility, a site on the reserve has been determined by both Northern Gateway and the Alexis Nakota Sioux Nation to be the preferred site. Technical confirmation of the pump station relocation to this site will be undertaken during detailed engineering, if the Project is approved.

#### *ATK Budget*

Northern Gateway worked directly with the Alexis Nakota Sioux Nation to determine a budget to complete an ATK study, which has now been completed by the Nation.

#### *Pipeline Integrity and Safety*

Northern Gateway conducted an open house and technical session with the Alexis Nakota Sioux Nation that included a component on pipeline integrity and emergency response.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

#### *Pipeline RoW Size*

The size of the pipeline RoW is specifically discussed in the Application, Volume 1, Section 8. The width of the permanent RoW required for the pipelines will be 25 m in most locations. In addition to the anticipated 25 m of permanent RoW, 25 m of temporary workspace will be required during construction. The total width required during construction will generally be 50 m. In addition, extra temporary workspace will be required in specific locations.

#### *Effects of the Project on Water*

The Alexis Nakota Sioux Nation raised a concern about a fish and watercourse assessment of Peace, Athabasca, Pembina and Sakwatamau Rivers and Chickadee, Mink and Two Creeks. Specifically to address the Alexis Nakota Sioux Nation's interest in water issues, Northern Gateway conducted an open house and technical session with the Nation that included a component on these issues as well as

watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to result in no net loss. In that event, Northern Gateway will offer the Alexis Nakota Sioux Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### ***Baseline Information and Effects on Wildlife***

Northern Gateway developed rigorous wildlife baseline information following RIC (Resource Inventory Committee) standards for wildlife inventories for songbirds, Northern Goshawk, Sharp-Tailed Grouse, Trumpeter Swan and other water birds, coastal tailed frogs, pond dwelling amphibians, mountain goats, as well as ungulates, large carnivores, furbearers and upland game birds. Northern Gateway has also committed to follow up monitoring where there is uncertainty associated with either the results of the environmental assessment or the effectiveness of the proposed mitigation measures. The best option, where it is possible, is to avoid an environmental effect. Northern Gateway has committed to following an extensive list of best practices developed by provincial agencies. This includes protecting habitat, nests, denning and hibernacula sites.

With respect to fish, results from literature research and field programs conducted between 2005 and 2009 indicate the potential occurrence of 58 fish species near the pipeline route (Freshwater Fish and Fish Habitat TDR). Based on the assessments, the pipeline route has been realigned to accommodate sensitive habitats, important fish stocks and runs, known traditional and non-traditional harvest areas and fish species at risk. Mitigation measures have been incorporated into the Project design and include limiting disturbance areas within the pipeline RoW, selecting watercourse crossing techniques based on the biological and physical conditions, and adhering to construction least-risk periods for fish species present, where possible. Where adverse effects cannot be avoided or mitigated, a compensation plan will be developed in cooperation with DFO, according to DFO's policies and mandate, to offset the corresponding loss of habitat productive capacity.

The ESA provides a thorough assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups (including the Alexis Nakota Sioux Nation) and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These measures will be reviewed with the Alexis Nakota Sioux Nation before construction starts, and could include measures such as:

- Clearing for pipeline construction in sensitive wildlife habitat (including areas with nesting migratory birds, bears, woodland caribou, moose, mountain goats and amphibians) will be scheduled to avoid identified sensitive seasons and life-stages whenever possible.

- Clearing of natural vegetation will occur outside of the breeding season of migratory birds.
- Pre-disturbance surveys will be completed to identify important wildlife habitat features.
- During construction, sites that were noted, flagged or fenced during preconstruction surveys to protect sensitive wildlife habitat, will be left undisturbed, where possible.
- For wetlands that will be avoided, a year-round setback will be maintained.
- Aircraft will follow required flight guidelines, e.g., flight corridors, minimum altitudes and minimum distances from sensitive areas.

### *Enbridge's Spill History, Environmental Record and Response to Incidents*

Enbridge has an excellent pipeline safety record, notwithstanding the two events during the summer of 2010 on Lines 6A and 6B in the United States. In 2010, in Canada and the United States, Enbridge recorded 78 reportable spills along its liquids pipeline system. Of these spills, 59 were contained within Enbridge facilities and 72 spills were fewer than 100 barrels. These spills represented about 32,622 barrels, a small fraction of the total volume transported on the system in 2010, which was approximately 950 million barrels. Most of the spills that Enbridge experiences on its liquids pipeline system are small and take place at Enbridge facilities, such as pump stations and terminals. As a result, Enbridge is able to clean them up quickly, and they have either low or no environmental impact. In addition, when looking at government statistics in the United States for the number of pipeline releases for 2002 to 2009, the average for Enbridge's pipeline system is 40% better than the industry average.

### *Accidents and Malfunctions*

The Alexis Nakota Sioux Nation raised a concern asking Northern Gateway to set out the probability of accidents and malfunctions and to explain clearly what will happen if they occur. The Alexis Nakota Sioux Nation asked for more information about the technology, infrastructure or institutional frameworks that exist to effectively mitigate any accidents or malfunctions. The marine quantitative risk assessment (QRA) report (prepared by Det Norske Veritas [DNV]) will be submitted to the NEB. Risk of incidents is discussed in the Application, Volumes 7B (pipeline), 7C (terminal) and 8C (marine transport). Northern Gateway's draft General Oil Spill Response Plan was filed with the NEB on March 31, 2011. Northern Gateway will have detailed pipeline, terminal and marine oil spill response plans submitted for review six months before the commissioning of the pipelines and the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

### *Complete Oil Spill Response Plans*

The Alexis Nakota Sioux Nation requested that a general oil spill response plan, pipeline oil spill response plan, detailed marine oil spill response plan and an oil spill response plan for the Kitimat Terminal be completed. Northern Gateway's draft General Oil Spill Response Plan was filed with the NEB on March 31, 2011. Detailed marine, pipeline, and terminal response plans typically include detail on numerous sites across the entire Project. It would be premature to start detailed spill response planning when the pipeline route has not been finalized and detailed design has not yet started. Northern Gateway

will have detailed pipeline, terminal and marine oil spill response plans submitted six months before the commissioning of the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Assessment of Regional Socio-Economic Impacts*

The Alexis Nakota Sioux Nation raised a concern that the Application did not contain an assessment of regional socio-economic impacts and that baseline data was inadequate to consider aspects such as community wellness. Information related to regional socio-economic effects is discussed in the October 2010 Update to the Application, Volume 6C, Section 4.4. A discussion of the baseline health conditions in the Project assessment regions of Alberta and BC is presented in the Socio-Economic Technical Data Report, Section 3 and Appendix F.

### *Detailed Design Information*

The Alexis Nakota Sioux expressed an interest in detailed design information such as, pump station location, pressure monitoring, feasibility of HDD crossings, heritage sites, location of block valves, powerline routing, pressure testing plans, dredging plans. At this point in the process, Northern Gateway has identified a 1-km wide planning corridor for the RoW within which the detailed pipeline route will be selected during detailed engineering. Further engineering, construction, environmental, and consultation work will contribute to the selection of the detailed pipeline route. Additional engineering and geotechnical studies will be conducted during detailed engineering, to evaluate the feasibility of the proposed HDD crossings further and to finalize the watercourse crossing methods. Additional engineering and environmental studies will be conducted during detailed engineering, to finalize the block valve locations along the detailed pipeline route. Similarly, powerline routing, pressure testing plans, and many other technical details for the Project will be developed further and finalized during detailed engineering. Public consultation and Aboriginal engagement will continue throughout these processes.

### *Detailing Routing Information*

The Alexis Nakota Sioux Nation expressed an interest in detailed routing information, such as the finalized route, and a complete survey of route for sensitive areas such as salt licks, calving grounds, rare plants, old growth forest. At this point in the planning process, Northern Gateway has identified a 1-km wide planning corridor for the RoW. Smaller scale planning necessary for some environmental features—such as dens, raptor nests, mineral licks, rare plants and hibernacula—will be conducted during detailed routing. As part of this process, pre-disturbance surveys will be conducted to identify these features and this information will contribute to the final route selection, where appropriate.

### *Assessment of Socio-Economic and Biophysical Elements, including Wildlife*

For the socio-economic cumulative effects assessment, see throughout Volumes 6 and 8B. For the cumulative effects assessment specifically on wildlife, see the Application, Volume 6A, Part 2, Sections 9.6.4, 9.7.4, 9.8.4 and 9.10.4.

### *Sufficiency of ATK studies*

The Alexis Nakota Sioux Nation expressed a concern that ATK studies be up-to-date and open to change. The Nation was concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation. They were also concerned that there are over 60 Aboriginal groups, but summaries of only 17 ATK studies in the Application. The Alexis Nakota Sioux Nation expressed a need for the JRP to ensure all 60 Aboriginal groups have the opportunity and funding to proceed with the ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the confined channel assessment area (CCAA).

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in discussions with Northern Gateway that need to be completed before they undertake an ATK study or have declined the offer by Northern Gateway to undertake ATK studies.

### *Heritage and Paleontology Reports*

The Alexis Nakota Sioux Nation requested that heritage and paleontology reports be filed as part of the Application. Heritage and paleontology reports have and will continue to be filed by permitting agencies (Alberta Culture and Archaeology Branch of British Columbia)

### ***Aboriginal Traditional Knowledge Program***

The Alexis Nakota Sioux Nation has completed an ATK study and a final ATK community report. The Nation is currently reviewing the contents of the final ATK community report. Once the Nation has approved its final ATK community report and ATK summary, Northern Gateway will ensure that the information that is provided in the Alexis Nakota Sioux Nation ATK study is incorporated into the planning and design of the Project and reflected in the ongoing engagement with the Alexis Nakota Sioux Nation. Northern Gateway will also track each issue and/or concern raised by the Alexis Nakota Sioux Nation in the ATK study. Those issues that Northern Gateway has tracked, and which can be addressed immediately with the Alexis Nakota Sioux Nation, will be flagged and subsequently addressed during ongoing technical meetings with the Nation. In such cases, Northern Gateway will identify ATK issues before the scheduling of a technical meeting and then ensure that the appropriate Northern Gateway disciplines are available to attend the technical meeting to address and provide information to the Nation relating to the specific issues brought forward in the ATK tracking document. Once the technical session is completed, Northern Gateway will inquire if the Northern Gateway technical team has addressed the issue or concern of the Nation. Where an issue or concern has not been addressed during the technical session, Northern Gateway will flag the issue as an outstanding matter in the ATK tracking document and will note that further follow-up is required to address the issue.

Northern Gateway will also follow up with the Alexis Nakota Sioux Nation during detailed engineering, to review and discuss proposed responses to the identified interests and concerns raised in the Alexis Nakota Sioux Nation ATK study, and to attempt to resolve any outstanding issues.

### **5.3.3 Maskwacis Cree Nation**

#### ***Geographic Setting***

The Maskwacis Cree Nation, previously known as Four Nations Administration, is located at Hobbema, Alberta, and comprises the following four First Nations:

- Samson (Samson Cree Nation) (see Section 5.3.3.1)
- Ermineskin Tribe (Ermineskin Cree Nation) (see Section 5.3.3.2)
- Louis Bull (Louis Bull Tribe) (see Section 5.3.3.3)
- Montana First Nation (see Section 5.3.3.4)

The Maskwacis Cree Nation is the representative and administrative body for the four First Nations for matters that are of common interest to Aboriginal groups. The member nations each have its own reserve(s) and also share the Pigeon Lake Reserve, which is located approximately 39 km west of Wetaskiwin, and approximately 92.5 km from the proposed RoW (see the Update to Appendix C, Figure C-2).

#### ***Engagement Activities during the Update Period***

Initially, on Project-related matters, Northern Gateway was advised to work through the Samson (Samson Cree Nation) and not the office of the Maskwacis Cree Nation. The Samson (Samson Cree Nation) represents the collective interests of the Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis



Bull Tribe) and the Montana First Nation. During the Update Period, Northern Gateway was asked to engage with each of the four Nations independently.

### **5.3.3.1 Samson (Samson Cree Nation)**

#### ***Geographic Setting***

The Samson (Samson Cree Nation) is located on two reserves approximately 76 km south of Wetaskiwin, with the closest reserve (Samson #137) located approximately 109.0 km from the proposed RoW (see the Update to Appendix C, Figure C-2). The Samson (Samson Cree Nation) also shares the Pigeon Lake Reserve with the four First Nations that constitute the Maskwacis Cree Nation.

#### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to provide an overview of the processes Aboriginal groups could employ to complete an ATK study. The parties discussed the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. Northern Gateway subsequently contacted the four First Nations to provide documentation for the ATK studies.

In March 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe), and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the Project. Representatives from each of the four First Nations also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. The Samson (Samson Cree Nation), along with the representatives of the Louis Bull (Louis Bull Tribe), Ermineskin Tribe (Ermineskin Cree Nation) and Montana First Nation, indicated that the Lac St. Anne area, located within the Project corridor, is of historical significance to the four First Nations. Although the Louis Bull (Louis Bull Tribe) and Montana First Nation are in the process of finalizing arrangements with Northern Gateway to complete an ATK study, which will define its interests in the Project (including its interest in the Lac St. Anne area), the Samson (Samson Cree Nation) has not expressed an interest to do so.

In August 2010, Northern Gateway received a copy of a letter that the Samson (Samson Cree Nation) sent to the CEA Agency about the funding collectively awarded to the Maskwacis Cree Nations, specifically, the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation. The Samson (Samson Cree Nation) indicated that the funding awarded to the Samson (Samson Cree Nation) and the other three Maskwacis Cree Nations was inadequate and inequitable for the Nations to participate in the JRP process. The letter also outlined the concern of the Samson (Samson Cree Nation) about Northern Gateway's decision not to make available capacity funding to the Samson (Samson Cree Nation) and the three other Maskwacis Cree Nations to participate in the regulatory process, describing Northern Gateway's decision as arbitrary and unfair. The Samson

(Samson Cree Nation), in the same letter, acknowledged that Northern Gateway would consider providing funding to the Samson (Samson Cree Nation) for ATK work.

In August 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. Northern Gateway also offered a specific amount of funding to each of the four First Nations to complete an ATK study. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the proposed Project.

In September 2010, Northern Gateway contacted the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe), and Montana First Nation to follow up about its interest in completing an ATK study and to provide templates for the standard agreements in place for the ATK studies. Northern Gateway has not been contacted by the Samson (Samson Cree Nation) about the Tribe's interest in completing an ATK study.

In September 2010, the Samson (Samson Cree Nation), Enoch Cree Nation, Montana First Nation, Louis Bull (Louis Bull Tribe), Sucker Creek (Sucker Creek First Nation) and Whitefish Lake (Whitefish Lake First Nation #128) made a joint submission in response to the JRP Procedural Direction of July 2010.

In March 2011, Northern Gateway contacted the Samson (Samson Cree Nation) to withdraw the offer of funding to complete an ATK study due to the length of time that had lapsed since Northern Gateway had made the offer and the lack of response to the offer.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Samson (Samson Cree Nation) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Samson (Samson Cree Nation)***

In the Application, Volume 5A, Section 5.3.4, the interests identified by the Samson (Samson Cree Nation) were in potential Project-related economic opportunities and in completing an ATK study.

During the Update Period, the following new interests and concerns were identified:

- Lac St. Anne area
- CEA Agency funding

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Samson (Samson Cree Nations)'s interests and concerns follows.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Samson (Samson Cree Nation). This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Samson (Samson Cree Nation) to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Lac St. Anne Area*

Although the Louis Bull (Louis Bull Tribe) and Montana First Nation are in the process of finalizing arrangements with Northern Gateway to complete an ATK study, which will define their interests in the Project, including their interest in the Lac St. Anne area, the Samson (Samson Cree Nation) has not expressed an interest in doing so.

### *CEA Agency Funding*

Northern Gateway is offering Aboriginal groups issue-specific community meetings to address issues and concerns about the Project. Northern Gateway will be offering the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation a Project technical session in 2011.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Samson (Samson Cree Nation). Northern Gateway has offered the Samson (Samson Cree Nation) an opportunity to complete an ATK study. In March 2011, Northern Gateway sent a letter to the Samson (Samson Cree Nation) to withdraw the offer of funding for an ATK study due to the length of time that had lapsed since Northern Gateway had made the offer and the lack of response to the offer.

### **5.3.3.2 Ermineskin Tribe (Ermineskin Cree Nation)**

#### ***Geographic Setting***

The Ermineskin Tribe (Ermineskin Cree Nation) is located on the Ermineskin Reserve (Ermineskin #138) approximately 13 km south of Wetaskiwin and approximately 101 km from the proposed RoW (see the Update to Appendix C, Figure C-2). The Ermineskin Tribe (Ermineskin Cree Nation) also shares the Pigeon Lake Reserve with the four First Nations that constitute the Maskwacis Cree Nation.

#### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to provide an overview of the processes Aboriginal groups could employ to complete an ATK study. The parties discussed the possibility of the four First Nations completing a collective ATK study, or

alternatively, individual ATK studies. Northern Gateway subsequently contacted the four First Nations to provide documentation for the ATK studies.

In March 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe), and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the Project. Representatives from each of the four First Nations also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. The Ermineskin Tribe (Ermineskin Cree Nation), along with the representatives of the Samson (Samson Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation, indicated that the Lac St. Anne area, located within the Project corridor, is of historical significance to the four First Nations. Although the Louis Bull (Louis Bull Tribe) and Montana First Nation are in the process of finalizing arrangements with Northern Gateway to complete an ATK study, which will define its interests in the Project (including its interest in the Lac St. Anne area), the Ermineskin Tribe (Ermineskin Cree Nation) has not expressed an interest to do so.

In August 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. Northern Gateway also offered a specific amount of funding to each of the four First Nations to complete an ATK study. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the proposed Project.

In September 2010, Northern Gateway contacted the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to follow up about its interest in completing an ATK study and to provide templates for the standard agreements in place for the ATK studies. Northern Gateway has not been contacted by the Ermineskin Tribe (Ermineskin Cree Nation) about the Tribe's interest in completing an ATK study.

In March 2011, Northern Gateway contacted the Ermineskin Tribe (Ermineskin Cree Nation) to withdraw the offer of funding to complete an ATK study, due to the length of time that had lapsed since Northern Gateway had made the offer and the lack of response to the offer.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Ermineskin Tribe (Ermineskin Cree Nation) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Ermineskin Tribe (Ermineskin Cree Nation)***

In the Application, Volume 5A, Section 5.3.5, the interests identified by the Ermineskin Tribe (Ermineskin Cree Nation) were in potential Project-related economic opportunities and in completing an ATK study.

During the Update Period, the following new interest and concern was identified:

- Lac St. Anne area

### ***Commitments and Mitigation Measures***

See the commitments and mitigation measures provided in Section 5.3.3.1 of this Update.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Ermineskin Tribe (Ermineskin Cree Nation). Northern Gateway has offered the Ermineskin Tribe (Ermineskin Cree Nation) an opportunity to complete an ATK study. In March 2011, Northern Gateway sent a letter to the Ermineskin Tribe (Ermineskin Cree Nation) withdrawing the ATK study funding offer due to the length of time that had lapsed since Northern Gateway had made the offer and the lack of response to the offer.

#### **5.3.3.3 Louis Bull (Louis Bull Tribe)**

### ***Geographic Setting***

The Louis Bull (Louis Bull Tribe) is located on the Louis Bull Reserve (Louis Bull #138B) approximately 16 km south of Wetaskiwin, Alberta and approximately 104.1 km from the proposed RoW (see the Update to Appendix C, Figure C-2). Louis Bull (Louis Bull Tribe), also shares the Pigeon Lake Reserve with the four First Nations that constitute the Maskwacis Cree Nation.

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to provide an overview of the processes Aboriginal groups could employ to complete an ATK study. The parties discussed the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. Northern Gateway subsequently contacted the four First Nations to provide documentation for the ATK studies.

In March 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe), and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the Project. Representatives from each of the four First Nations also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. The Louis Bull (Louis Bull Tribe), along with the representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation) and Montana First Nation, indicated that the Lac St. Anne area, located within the Project corridor, is of historical significance to the four First Nations.

In June 2010, the Louis Bull (Louis Bull Tribe) contacted Northern Gateway and indicated that the Nation wished to proceed with an independent ATK study. Northern Gateway indicated how much funding it

was prepared to offer the Louis Bull (Louis Bull Tribe) to complete an ATK study. The Louis Bull (Louis Bull Tribe) advised that it was in agreement with the amount of funding offered for the ATK study.

In August 2010, the Louis Bull (Louis Bull Tribe) contacted Northern Gateway and requested contact information for the Northern Gateway ATK team lead. Northern Gateway provided the information to the Louis Bull (Louis Bull Tribe).

In August 2010, Northern Gateway received a copy of a letter that the Louis Bull (Louis Bull Tribe) sent to the CEA Agency about the funding collectively awarded to the Maskwacis Cree Nations, specifically, the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation. The Louis Bull (Louis Bull Tribe) indicated that the funding awarded to the Louis Bull (Louis Bull Tribe) and the other three Maskwacis Cree Nations was inadequate and inequitable for the Nations to participate in the JRP process. The letter also outlined the concern of the Louis Bull (Louis Bull Tribe) about Northern Gateway's decision not to make available capacity funding to the Louis Bull (Louis Bull Tribe) and the three other Maskwacis Cree Nations to participate in the regulatory process, describing Northern Gateway's decision as arbitrary and unfair. The Louis Bull (Louis Bull Tribe), in the same letter, acknowledged that Northern Gateway would consider providing funding to the Louis Bull (Louis Bull Tribe) for ATK work.

In August 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. Northern Gateway also offered a specific amount of funding to each of the four First Nations to complete an ATK study. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the proposed Project.

In September 2010, the Samson (Samson Cree Nation), Enoch Cree Nation, Montana First Nation, Louis Bull (Louis Bull Tribe), Sucker Creek (Sucker Creek First Nation) and Whitefish Lake (Whitefish Lake First Nation #128) submitted a joint submission to the JRP on the following issues:

- the issues list required an issue to address mitigation and accommodation
- Crown consultation decision and the consultation
- the additional information that Northern Gateway should be required to file with the Application
- the location of the oral hearing

In September 2010, the Northern Gateway discipline lead provided ATK information to the Louis Bull (Louis Bull Tribe) that would assist in the Tribe's preparation of an ATK budget and work plan for submission to Northern Gateway. Also, in September 2010, Northern Gateway contacted the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe), and Montana First Nation to follow up about its interest in completing an ATK study and to provide templates for the standard agreements in place for the ATK studies.

In December 2010, Northern Gateway and the Louis Bull (Louis Bull Tribe) were in contact on several occasions about the draft ATK budget and work plan submitted by the Louis Bull (Louis Bull Tribe). The Louis Bull (Louis Bull Tribe), after discussions with Northern Gateway about the contents of the ATK

study budget and work plan, submitted a revised budget and work plan for consideration by Northern Gateway.

In March 2011, Northern Gateway contacted the Louis Bull (Louis Bull Tribe) to make inquiries about the ATK budget and work plan submitted to Northern Gateway for review, and specifically whether the Nation would be completing an independent ATK study. The Louis Bull (Louis Bull Tribe) indicated that it had experience in the area of ATK studies and would be completing an independent ATK study.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Louis Bull (Louis Bull Tribe) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Louis Bull (Louis Bull Tribe)***

In the Application, Volume 5A, Section 5.3.6, the interests identified by the Louis Bull (Louis Bull Tribe) were in potential Project-related economic opportunities and in completing an ATK study.

During the Update Period, the following interests and concerns were identified:

- Lac St. Anne area
- CEA Agency funding

### ***Commitments and Mitigation Measures***

See the commitments and mitigation measures provided in Section 5.3.3.1 of this Update.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Louis Bull (Louis Bull Tribe). Northern Gateway has offered the Louis Bull (Louis Bull Tribe) an opportunity to complete an independent ATK study and the parties are currently in discussion surrounding the independent ATK study.

#### **5.3.3.4 Montana First Nation**

##### ***Geographic Setting***

The Montana First Nation is located on the Montana Reserve (Montana #139) approximately 24 km south of Wetaskiwin, Alberta and approximately 119.9 km from the proposed RoW (see the Update to Appendix C, Figure C-2). Montana First Nation also shares the Pigeon Lake Reserve with the four First Nations that constitute the Maskwacis Cree Nation.

##### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to provide an overview of the processes Aboriginal groups could employ to complete an ATK study. The parties discussed the possibility of the four First Nations completing a collective ATK study, or

alternatively, individual ATK studies. Northern Gateway subsequently contacted the four First Nations to provide documentation for the ATK studies.

In March 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe), and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the Project. Representatives from each of the four First Nations also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. The Montana First Nation, along with the representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation) and Louise Bull (Louis Bull Tribe), indicated that the Lac St. Anne area, located within the Project corridor, is of historical significance to the four First Nations.

In August 2010, Northern Gateway received a copy of a letter that the Montana First Nation sent to the CEA Agency about the funding collectively awarded to the Maskwacis Cree Nations, specifically, the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation. The Montana First Nation indicated that the funding awarded to the Montana First Nation and the other three Maskwacis Cree Nations was inadequate and inequitable for the Nations to participate in the JRP process. The letter also outlined the concern of the Montana First Nation about Northern Gateway's decision not to make available capacity funding to the Montana First Nation and the three other Maskwacis Cree Nations to participate in the regulatory process, describing Northern Gateway's decision as arbitrary and unfair. The Montana First Nation, in the same letter, acknowledged that Northern Gateway would consider providing funding to the Montana First Nation for ATK work.

In August 2010, Northern Gateway met with representatives of the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe) and Montana First Nation to further discuss the possibility of the four First Nations completing a collective ATK study, or alternatively, individual ATK studies. Northern Gateway also offered a specific amount of funding to each of the four First Nations to complete an ATK study. The parties also discussed economic opportunities, including employment and procurement opportunities that may arise from the proposed Project.

In September 2010, Northern Gateway contacted the Samson (Samson Cree Nation), Ermineskin Tribe (Ermineskin Cree Nation), Louis Bull (Louis Bull Tribe), and Montana First Nation to follow up about its interest in completing an ATK study and to provide templates for the standard agreements in place for the ATK studies.

In September 2010, the Samson (Samson Cree Nation), Enoch Cree Nation, Montana First Nation, Louis Bull (Louis Bull Tribe), Sucker Creek (Sucker Creek First Nation) and Whitefish Lake (Whitefish Lake First Nation #128) submitted a joint submission to the JRP on the following issues:

- the issues list requiring an issue to address mitigation and accommodation
- Crown consultation decision and the consultation
- the additional information that Northern Gateway should be required to file with the Application
- the location of the oral hearing



In October 2010, the Montana First Nation contacted Northern Gateway to advise that the Nation had a new contact for Project-related matters. Subsequently, Northern Gateway contacted the Montana First Nation to request confirmation of its contact person on matters related to Northern Gateway's discussions with the Nation on Project-related matters, including discussions about an ATK study. Northern Gateway did not receive confirmation from the Montana First Nation about the inquiry about the Nation's contact person.

In February 2011, the representative from the Montana First Nation contacted Northern Gateway to request a meeting to discuss Project-related matters, including an ATK study.

In early March 2011, Northern Gateway and the Montana First Nation met to discuss matters related to the Montana First Nation completing an ATK study and to inform the representative of the Montana First Nation about the previous engagement activities that had occurred between Northern Gateway and the Montana First Nation. After the meeting, the Montana First Nation confirmed by email the interest of the Nation in conducting an ATK study. The parties met again in late March to discuss matters related to an ATK study. Subsequently, Northern Gateway provided ATK budget and work plan templates to the Montana First Nation for reference in preparing an ATK budget and work plan. Northern Gateway is waiting for the Montana First Nation to submit an ATK budget and work plan to Northern Gateway.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Montana First Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Montana First Nation***

In the Application, Volume 5A, Section 5.3.7, the interests identified by the Montana First Nation were in potential Project-related economic opportunities and in completing an ATK study.

During the Update Period, the following new interests and concerns were identified:

- Lac St. Anne area
- CEA Agency funding

### ***Commitments and Mitigation Measures***

See the commitments and mitigation measures provided in Section 5.3.3.1 of this Update.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Montana First Nation. Northern Gateway has offered the Montana First Nation an opportunity to complete an ATK study. Northern Gateway expects that the Montana First Nation will be submitting an ATK work plan and budget in May 2011 for review by Northern Gateway.

### **5.3.4 Michel First Nation**

#### ***Geographic Setting***

The Michel First Nation has no land base and asserts an interest in a 64-km<sup>2</sup> area located on Sturgeon River, approximately 13 km from the Roman Catholic Mission at St. Albert and 24 km northwest of Edmonton, Alberta (see the Update to Appendix C, Figure C-1).

#### ***Engagement Activities during the Update Period***

In March 2010, Northern Gateway met with representatives of the Michel First Nation to provide Project information and to provide an overview of the processes Aboriginal groups could employ to complete an ATK study. Northern Gateway subsequently provided funds to the Michel First Nation to complete an ATK study.

In August 2010, the Michel First Nation made written submissions in response to the JRP Procedural Direction of July 2010.

In September 2010, Northern Gateway and the Michel First Nation were in contact many times about the Michel First Nation final ATK community report summary. Northern Gateway advised the Michel First Nation that the summary would not be submitted to the regulatory agencies, nor used internally by Northern Gateway on the Project, until the summary was approved by the Michel First Nation.

Also in late September 2010 and early October 2010, Northern Gateway and the Michel First Nation were in contact on a few occasions to arrange a meeting to discuss the Michel First Nation's concerns with the Michel First Nation final ATK community report summary. As the Michel First Nation raised the issue of its lack of capacity to meet, Northern Gateway suggested a conference call, instead of meeting, to discuss the matter. The Michel First Nation advised that it would include its legal counsel and proposed a meeting by conference call. Northern Gateway was not able to attend a meeting on the suggested date, but confirmed that it could attend a meeting at a later date. The parties were not able to determine a date to meet to discuss the summary. Northern Gateway also advised the Michel First Nation that, at any meetings where the Michel First Nation would include its legal counsel, Northern Gateway would also arrange to have its legal counsel present, which may delay scheduling a meeting to discuss the Michel First Nation final ATK community report and summary.

In November 2010, Northern Gateway and the Michel First Nation were in contact on two occasions to arrange a meeting to discuss Michel First Nation's concerns with the Michel First Nation final ATK community report summary. However, a meeting was not arranged at that time.

In February 2011, the Michel First Nation contacted Northern Gateway to follow up on previous inquiries related to the Michel First Nation ATK study, in particular, how Northern Gateway would use the information in the Michel First Nation report in relation to the Project.

In March 2011, Northern Gateway was in contact with the Michel First Nation many times to schedule a meeting to discuss matters related to the Michel First Nation ATK study. The parties arranged a meeting, but Northern Gateway subsequently advised the Michel First Nation that the meeting would have to be postponed to a later date. The Michel First Nation then contacted Northern Gateway in late March 2011 to

advise that it was available to meet at the alternative date proposed by Northern Gateway. However, Northern Gateway was no longer available to meet on that date. The Michel First Nation has proposed meeting dates in April 2011 to discuss matters related to the Michel First Nation ATK study and summary. Northern Gateway and the Michel First Nation confirmed a meeting for early April 2011 to discuss matters related to the Michel First Nation ATK study and summary.

Northern Gateway has continued to keep the Michel First Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Michel First Nation***

In the Application, Volume 5A, Section 5.3.8, the interests and concerns identified by the Michel First Nation were summarized as follows:

- assertion of Treaty 6 disenfranchisement
- treaty territory claims
- traditional land use within the Project corridor
- active litigation with the Crown in relation to treaty traditional territory
- cumulative impacts
- potential impact to cultural and archaeological sites
- lack of capacity to participate
- ESA participation

The issues and concerns raised by the Michel First Nation in its written submissions in response to the JRP Procedural Direction of July 2010 may be summarized as follows:

- assessment of the effects of the Project on First Nation rights and interests
- watercourse crossings
- size and location of camps and construction laydown areas
- detailed design information
- detailed routing information
- require preliminary HDD feasibility assessments
- sufficiency of ATK studies
- sharing of ESA information with communities
- Aboriginal issues
- need for meaningful and adequate consultation with Michel First Nation

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Michel First Nation's interests and concerns follows.

#### ***Treaty 6 Disenfranchisement and Treaty Traditional Territory***

The Michel First Nation expressed concern about:

- assertion of Treaty 6 disenfranchisement
- Treaty Territory claims

- traditional land use within the pipeline corridor
- active litigation with the Crown in relation to Treaty Traditional Territory

Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as its consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

Some issues and concerns raised by the Michel First Nation, such as the Nation's legal action against the Crown, are beyond the scope of the Application.

### *Cumulative Impacts*

A project inclusion list has been developed for the Project that identifies other planned projects in the vicinity. Project residual effects that may overlap with effects from other projects on the inclusion list are considered in the cumulative effects assessment (see the Application, throughout Volumes 6 and 8B and the October 2010 Update to the Application, Volume 6C, Section 4.4).

The ESA for the Project will consider both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with participating Aboriginal groups to discuss the ESA and reduce any potential environmental effects and other areas of concern to the extent possible.

### *Potential Impact to Cultural and Archaeological Sites*

Northern Gateway's processes and methods for archaeological surveys are described in the Application, Volume 6C, Section 6. The information gathered from such surveys is used in the assessment of effects and forms the basis of determining areas of priority for monitoring during construction. Protocols for identification and protection of materials discovered during construction are set out in the Construction EPMP (see the Application, Volume 7A).

### *Lack of Capacity to Participate, ESA Participation*

Northern Gateway is offering Aboriginal groups issue-specific community meetings to address issues and concerns about the Project. Northern Gateway will be offering the Michel First Nation a Project technical session in 2011.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including

Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site -specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Watercourse Crossings*

The Michel First Nation expressed an interest in the names of all rivers and creeks, and the number and location of all watercourse crossings. The pipeline route will cross six major river drainages in BC and Alberta. In Alberta, the pipeline route crosses watercourses of the North Saskatchewan, Athabasca and Peace River drainages. In BC, the pipeline route will cross watercourses of the Peace, Fraser and Skeena and Kitimat River drainages. Major drainages consist of two to four watersheds in Alberta and one to four watersheds in BC. The Technical Data Report Freshwater Fish and Fish Habitat, Appendix B (on CD) lists all the watercourse crossings associated with the Project. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Michel First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Camps and Construction Laydown Areas*

Preliminary locations and sizes of construction camps and laydown areas were identified for the environmental assessment. Camps will be approximately 25 ha. The locations will be refined during detailed engineering and construction planning. Camp and staging area information specific to the tunnels is provided in the Application, Volume 6A, Part 1, Section 2.1.5, Figure 2-2.

### *Detailed Design Information*

The Michel First Nation expressed an interest in detailed design information such as, pump station location, pressure monitoring, feasibility of HDD crossings, heritage sites, location of block valves, powerline routing, pressure testing plans, dredging plans. At this point in the process, Northern Gateway has identified a 1 km wide planning corridor for the RoW within which the detailed pipeline route will be selected during detailed engineering. Further engineering, construction, environmental, and consultation work will contribute to the selection of the detailed pipeline route. Additional engineering and geotechnical studies will be conducted during detailed engineering, to evaluate further the feasibility of the proposed HDD crossings and to finalize the watercourse crossing methods. Additional engineering and environmental studies will be conducted during detailed engineering, to finalize the block valve locations along the detailed pipeline route. Similarly, powerline routing, pressure testing plans, and many other technical details for the Project will be developed further and finalized during detailed engineering. Public consultation and Aboriginal engagement will continue throughout these processes.

### *Detailing Routing Information*

The Michele First Nation expressed an interest in detailed routing information, such as the finalized route, and a complete survey of route for sensitive areas such as salt licks, calving grounds, rare plants, old growth forest. At this point in the planning process, Northern Gateway has identified a 1 km wide planning corridor for the RoW. Smaller scale planning necessary for some environmental features—such as dens, raptor nests, mineral licks, rare plants and hibernacula—will be conducted during detailed routing. As part of this process, pre-disturbance surveys will be conducted to identify these features and this information will contribute to the final route selection, where appropriate.

### *Preliminary HDD Feasibility Assessments*

The preliminary HDD feasibility reports are available in the August 2010 Update to the Application, Volume 3, Appendix G.2. They are also available on Northern Gateway's website:  
<http://www.northerngateway.ca/public-review/application>.

### *Sufficiency of ATK Studies*

The Michel First Nation expressed a concern that ATK studies be up-to-date and open to change. They were concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation. They were also concerned that there are over 60 Aboriginal groups, but summaries of only 17 ATK studies in the Application. The Michel First Nation expressed a need for the JRP to ensure all 60 Aboriginal groups have opportunity and funding to proceed with the ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in various discussions with Northern Gateway that need to be completed before they undertake an ATK study, or have declined the offer by Northern Gateway to undertake ATK studies.

### *Sharing ESA Information with Communities*

The Michel First Nation expressed a concern that the Application, Volume 5B lacks information on how ESA information was shared with communities.

The Application, Volume 5A provides information on Northern Gateway's Aboriginal engagement program and describes activities from 2002 to 2009 as well as proposed post-filing activities.

### ***Aboriginal Issues***

The Michel First Nation expressed a concern that the Application, Volume 6A contains no information on how Aboriginal issues will be addressed. Information related to use of Aboriginal information can be found in the Application, Volumes 5A and 5B.

### ***Need for Meaningful and Adequate Consultation with Michel First Nation***

Northern Gateway has engaged the Michel First Nation in direct discussions about the Project. The parties first met in August 2009, at the request of Michel First Nation to discuss Northern Gateway's approach to engagement with Aboriginal groups. The Michel First Nation was provided with Project information, including Project maps and a copy of the preliminary information package.

Subsequently, the Michel First Nation sent a letter to Northern Gateway in October 2009 declaring an interest in the Project and informing Northern Gateway that its traditional lands may be impacted by the Project. Northern Gateway responded to the letter in December 2009 to advise the Michel First Nation that Northern Gateway was reviewing the contents of the October 2009 letter. In January 2010, the Michel First Nation followed up on the status of Northern Gateway's response to Michel First Nation's October 2009 letter and also informed Northern Gateway that the Michel First Nation had applied for CEA Agency funding to prepare and participate in the JRP hearings related to the Project. In February 2010, Northern Gateway offered the Michel First Nation funds to complete an ATK study. Subsequently, Northern Gateway and Michel First Nation met in March 2010 to discuss Project-related matters, including Northern Gateway's offering of funds to the Michel First Nation to complete an ATK study that would assist in the identification of issues and mitigation measures. In response to the offer of funds by Northern Gateway to the Michel First Nation to complete an ATK study, the Michel First Nation submitted an ATK budget, which exceeded the amount of funding offered by Northern Gateway for a Michel First Nation ATK study. The parties later agreed on a funding amount for the Michel First Nation to complete an ATK study and Michel First Nation proceeded with the steps necessary to complete the study. The Michel First Nation, at the March 2010 meeting, were also provided with Project materials, including a preliminary information package, December 2009 newsletter, Northern Gateway Public Review Fact Sheet, Northern Gateway Commitment to Environmental Protection.

### ***Aboriginal Traditional Knowledge Program***

The Michel First Nation has completed an ATK study. Northern Gateway has provided the ATK study summary to the Michel First Nation for its approval. The Michel First Nation has not approved the Michel First Nation ATK study summary.

## **5.4 Northwest Alberta Region**

### **5.4.1 Lesser Slave Lake Indian Regional Council**

#### ***Geographic Setting***

The Lesser Slave Lake Indian Regional Council consists of five member Nations:

- Sawridge (Sawridge First Nation) (see Section 5.4.1.1)
- Swan River First Nation (see Section 5.4.1.2)
- Driftpile First Nation (see Section 5.4.1.3)
- Kapawe'no First Nation (see Section 5.4.1.4)
- Sucker Creek (Sucker Creek First Nation) (see Section 5.4.1.5)

Together, the five Nations have traditional territories that encompass lands between Lesser Slave Lake, Grande Prairie and Edmonton, Alberta.

#### ***Engagement Activities during the Update Period***

Northern Gateway continued to keep the Lesser Slave Lake Indian Regional Council up to date and informed about the Project by sending written notices and correspondence.

#### ***Aboriginal Traditional Knowledge Program***

Northern Gateway is engaged directly with the member Nations of the Lesser Slave Lake Indian Regional Council for the purposes of ATK studies.

#### **5.4.1.1 Sawridge (Sawridge First Nation)**

##### ***Geographic Setting***

The Sawridge (Sawridge First Nation) is a signatory to Treaty 8 and has two reserves adjacent to the town of Slave Lake, Alberta, with the closest reserve (Sawridge #150H) located approximately 131.6 km from the proposed RoW (see the Update to Appendix C, Figure C-3). The traditional territory of the Sawridge (Sawridge First Nation), together with the other four First Nations that comprise the Lesser Slave Lake Indian Regional Council, encompasses the lands between Lesser Slave Lake, Grande Prairie and Edmonton.

##### ***Engagement Activities during the Update Period***

Throughout January, February, and March 2010, the parties exchanged telephone calls and correspondence about the status of the Sawridge (Sawridge First Nation) ATK study.

In February 2010, the parties discussed renewal of the protocol agreement, and then the agreement was entered into by the Sawridge (Sawridge First Nation).

In March 2010, Northern Gateway provided electronic access to the technical data reports (TDRs) to the Sawridge (Sawridge First Nation).



In April 2010, Northern Gateway met with representatives of the Sawridge (Sawridge First Nation) to discuss interviews for the ATK study and the scoping of the ATK study.

In May 2010, Northern Gateway contacted the Sawridge (Sawridge First Nation) to inquire about the interviews for the ATK study and the budget for ATK fieldwork. Northern Gateway also contacted the Sawridge (Sawridge First Nation) to offer to provide a technical session specifically to address watercourse crossing methods. A date for a technical session with the Sawridge (Sawridge First Nation) was confirmed and then subsequently cancelled by the Nation due to illness. Northern Gateway also confirmed that the Application had not yet been filed and provided information about the JRP to the Sawridge (Sawridge First Nation).

In June 2010, Northern Gateway contacted the Sawridge (Sawridge First Nation) to inquire about the status of the interviews for the ATK study and the budget for ATK fieldwork. Given that there had been no progress in the ATK study since the initial interview phase, Northern Gateway inquired if the Sawridge (Sawridge First Nation) were still interested in completing the ATK study. The Sawridge (Sawridge First Nation) confirmed that was the case.

In August and September 2010, Northern Gateway contacted the Sawridge (Sawridge First Nation) to arrange a meeting.

In September 2010, Northern Gateway met with representatives of the Sawridge (Sawridge First Nation) to provide a Project update, to discuss next steps for the ATK study, to offer to provide a technical session and an open house, and to provide an update on the development of an Aboriginal Economic Benefits Package. The Sawridge (Sawridge First Nation) informed Northern Gateway that it was interested in the proposed Aboriginal Economic Benefits Package, but not interested in a technical session or open house at that time.

In October 2010, Northern Gateway sent the Sawridge (Sawridge First Nation) a summary of the September 2010 meeting and reminded them that Northern Gateway was seeking guidance on next steps for the ATK study. Northern Gateway also contacted the Sawridge (Sawridge First Nation) to inquire about the ATK interviews and the scoping of the next phases of the ATK study.

In December 2010, Northern Gateway confirmed a meeting date with the Sawridge (Sawridge First Nation) to present an Aboriginal Economic Benefits Package. However, due to poor weather, the meeting was postponed.

In January 2011, Northern Gateway met with representatives of the Sawridge (Sawridge First Nation) to present an Aboriginal Economic Benefits Package for consideration. Also during January 2011, Northern Gateway received a letter from Sawridge (Sawridge First Nation) requesting a community open house and watercourse crossing technical meeting.

In March 2011, Northern Gateway confirmed a Project open house date of April 2011; it will take place in the community.

The Sawridge (Sawridge First Nation) participate in the Northern Gateway Alberta North Central (Edmonton) CAB. For information on CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Sawridge (Sawridge First Nation) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Sawridge (Sawridge First Nation)***

In the Application, Volume 5A, Section 5.4.1.1, the interests and concerns identified by the Sawridge (Sawridge First Nation) were summarized as follows:

- opportunities for equity investment
- participation in economic and employment opportunities
- business contracting opportunities
- protection of the environment
- wildlife disturbance
- traditional use
- emergency response plans and notification process in relation to oil spills
- confidentiality in relation to the sharing of ATK study results
- protection of treaty rights
- short-term and long-term economic opportunities

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Sawridge (Sawridge First Nation)'s interests and concerns follows.

#### ***Equity Participation***

Northern Gateway presented an Aboriginal Economic Benefits Package to the Sawridge (Sawridge First Nation) in January 2011.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Sawridge (Sawridge First Nation). This includes business contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Sawridge (Sawridge First Nation) to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Protection of the Environment*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway has offered to conduct a technical session to address the environmental issues and concerns of the Sawridge (Sawridge First Nation).

### *Wildlife Disturbance*

Northern Gateway has offered to conduct a technical session to address the wildlife issues and concerns of the Sawridge (Sawridge First Nation).

The ESA provides a thorough assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups (including the Sawridge (Sawridge First Nation)) and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Sawridge (Sawridge First Nation) before construction starts, and could include measures such as:

- Clearing for pipeline construction in sensitive wildlife habitat (including areas with nesting migratory birds, bears, woodland caribou, moose, mountain goats and amphibians) will be scheduled to avoid identified sensitive seasons and life-stages whenever possible.
- Clearing of natural vegetation will occur outside of the breeding season of migratory birds.
- Pre-disturbance surveys will be completed to identify important wildlife habitat features.
- During construction, sites that were noted, flagged or fenced during preconstruction surveys to protect sensitive wildlife habitat, will be left undisturbed, where possible.
- For wetlands that will be avoided, a year-round setback will be maintained.
- Aircraft to follow required flight guidelines, e.g., flight corridors, minimum altitudes and minimum distances from sensitive areas.

### *Traditional Use*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Sawridge (Sawridge First Nation) has started work on an ATK study. If the Project is approved, additional engagement will be undertaken with the Sawridge (Sawridge First Nation) during detailed routing and engineering to provide an opportunity

for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect site-specific resources and cultural features.

#### ***Oil Spill Notification and Emergency Response Plans***

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Sawridge (Sawridge First Nation) about emergency preparedness and first response before operations start.

#### ***ATK Study Result Confidentiality***

Northern Gateway respects the confidentiality of traditional knowledge provided to it by participating Aboriginal groups and the value of that knowledge. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect.

#### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

#### ***Aboriginal Traditional Knowledge Program***

Initially, the Sawridge (Sawridge First Nation) indicated a preference to do a collaborative ATK study. During the Update Period, Northern Gateway was advised by the Nation of its desire to do an independent ATK study. Northern Gateway is discussing the next steps for the ATK study with the Sawridge (Sawridge First Nation) and will meet with the Sawridge (Sawridge First Nation) in April 2011, to determine next steps.

#### **5.4.1.2 Swan River First Nation**

##### ***Geographic Setting***

The Swan River First Nation has two reserves located near Lesser Slave Lake, Alberta, with the closest reserve (Swan River #150E) located approximately 123.9 km from the proposed RoW (see the Update to Appendix C. Figure C-3). The traditional territory of the Swan River First Nation, together with the other four First Nations that comprise the Lesser Slave Lake Indian Regional Council, encompass the lands between Lesser Slave Lake, Grande Prairie and Edmonton.

##### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway contacted the Swan River First Nation to discuss meeting arrangements, the engagement process, access to environmental TDRs, and third-party review funding.

In February 2010, Northern Gateway followed up by sending the Swan River First Nation a copy of a confidentiality agreement for purposes of releasing the environmental TDRs and information on the regulatory process.

In April 2010, Northern Gateway followed up the Swan River First Nation about the confidentiality agreement and access to the environmental TDRs. Northern Gateway also offered to provide a technical session to provide information on watercourse crossing methods, construction, operations and maintenance, and to address other issues identified during engagement activities.

In May 2010, the Swan River First Nation requested that further discussions about the Project should be done through its legal counsel. This request was reiterated in June 2010. Northern Gateway also provided the ATK community report to the Nation for its review.

In July 2010, Northern Gateway's legal counsel sent a letter to the Swan River First Nation's legal counsel to start discussions about outstanding issues and to provide background on engagement activities.

In August 2010, the Swan River First Nation's legal counsel contacted Northern Gateway about the engagement process and third-party review funding, to advise that the Nation was prepared to enter into the confidentiality agreement to access the environmental TDRs, and to propose the negotiation of a new protocol agreement.

In September 2010, Northern Gateway contacted the Swan River First Nation's legal counsel to meet and to advise that the TDRs were now publicly available through the Project website (so a confidentiality agreement was no longer necessary). In response, the Swan River First Nation's legal counsel provided a proposal for a third-party review. In October 2010, Northern Gateway provided a further response, including an offer to provide funding for a third-party review.

In February 2011, Northern Gateway met with representatives of the Swan River First Nation to discuss outstanding issues including, the engagement process, renewal of the protocol agreement, and third-party review funding. Additionally in February, Swan River First Nation's legal counsel sent a letter to Northern Gateway as a follow-up to the February meeting and included the third-party review proposal again, a draft copy of a protocol agreement for review and the Swan River First Nation final ATK community report.

In March 2011, Northern Gateway responded to the Swan River First Nation by making changes to the protocol agreement, which included provisions for funding for a third-party review of the Application.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Swan River First Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Swan River First Nation***

In the Application, Volume 5A, Section 5.4.1.2, the interests and concerns identified by the Swan River First Nation were summarized as follows:

- pipeline integrity in relation to oil spills
- protection of information relating to land use
- participation in the environmental and ATK process
- employment and contracting opportunities
- training opportunities
- ongoing consultation in relation to Project phases
- environmental standards and regulations in relation to meeting community standards
- watercourse crossings

During the Update Period, the following new interests and concerns were identified:

- third-party review of ESA
- not having access to confidential TDRs
- ATK study process
- engagement process
- protection of treaty rights

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Swan River First Nation's interests and concerns follows.

#### ***Pipeline Integrity***

Northern Gateway has offered to conduct a technical session with the Nation that would include a component on pipeline integrity and emergency response.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

#### ***Protecting Traditional Land Use Information***

Northern Gateway respects the confidentiality of traditional knowledge provided to it by participating Aboriginal groups and the value of that knowledge. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect.

### *Participation in the Environmental and ATK Processes*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Swan River First Nation has completed an ATK study. In that study, the Nation states that five medicinal plant sites will be intersected by the RoW, two of which contain a rare plant species. Other potential Project effects relate to potential environmental harm or adverse effects on the exercise of traditional harvesting and use. If the Project is approved, additional engagement will be undertaken with the Swan River First Nation during detailed routing and engineering to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these medicinal plant sites and cultural features.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Swan River First Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Swan River First Nation to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Ongoing Consultation in All Project Phases*

Northern Gateway will continue to engage the Swan River First Nation during all phases of the Project.

### *Environmental Standards and Regulations Compared with Community Standards*

Swan River First Nation believes that the community environmental standards are higher than the regulated standards. Northern Gateway will continue to work with the Swan River First Nation to understand its interests, concerns and expectations. Where practical, Northern Gateway will endeavour to meet community expectations for specific environmental protection measures if they are requested.

### *Watercourse Crossings*

Northern Gateway has offered to conduct a technical session with the Swan River First Nation that would include a component on watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the

Swan River First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

#### ***Third-Party Review of ESA***

Northern Gateway has provided funding through the protocol agreement to assist with the review of the ESA and participation in the ESA process. In correspondence to Swan River First Nation in October 2010 and in March 2011, Northern Gateway offered a renewed protocol agreement, which includes funding for a third-party review. Discussions in this regard are ongoing. In addition, Aboriginal groups are being offered issue-specific technical sessions in its communities to address issues and concerns about the environmental and socio-economic effects of the Project.

#### ***Access to Confidential Technical Data Reports***

Northern Gateway offered the Swan River First Nation the opportunity to access specific environmental TDRs before Northern Gateway releasing them publicly.

#### ***ATK Study Process***

See below under the heading, ‘Aboriginal Traditional Knowledge Program.’

#### ***Engagement Process***

During the Update Period, counsel for Northern Gateway and the Swan River First Nation have exchanged correspondence about the engagement process for the Project.

#### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

#### ***Aboriginal Traditional Knowledge Program***

For a summary of the Swan River First Nation’s collaborative ATK community report, see the Application, Volume 5B, Appendix C, Table C-15. Northern Gateway received a copy of the Swan River First Nation’s final ATK community report in March 2011.



### **5.4.1.3 Driftpile First Nation**

#### ***Geographic Setting***

The Driftpile First Nation has one reserve (Drift Pile River #150), located 6 km southeast of Lesser Slave Lake, Alberta and approximately 117.3 km from the proposed RoW (see the Update to Appendix C, Figure C-3). The traditional territory of the Driftpile First Nation, together with four other First Nations comprising of Lesser Slave Lake Indian Regional Council, encompasses land between Lesser Slave Lake, Grande Prairie and Edmonton.

#### ***Engagement Activities during the Update Period***

In February 2010, Northern Gateway met with representatives of the Driftpile First Nation on two occasions, first to provide a Project update, to introduce Northern Gateway's new senior VP, Aboriginal Affairs and Stakeholder Relations and to explain the purpose of this role. The second meeting was held with the Driftpile First Nation Chief and Council to provide a presentation about the Project, and to discuss the environmental TDRs, the Aboriginal Business Summit, the regulatory review process and the anticipated timelines for filing of the Application. Northern Gateway also discussed the process used to address, mitigate or avoid potential issues raised by the community in relation to environmental issues. The parties discussed matters surrounding the Driftpile First Nation ATK study video sponsored by Northern Gateway. Northern Gateway requested a copy of the historical camp map to determine the location of the camp in relation to the RoW. The Driftpile First Nation shared information relating to hunting areas being used by the Driftpile First Nation members.

In March 2010, as a follow-up to the February 2010 meeting, Northern Gateway sent the environmental TDRs to Driftpile First Nation and provided the Nation with access to the Project's FTP site. The Driftpile First Nation sent a letter to Northern Gateway requesting further funds for its ATK study to address the Driftpile First Nation historical camp and to request further funds because of perceived insufficient funding provided by the CEA Agency. The Driftpile First Nation also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Driftpile First Nation on one occasion, to exchange dialogue with the Driftpile First Nation, to provide a Project update, to discuss the purpose of the ATK study, the confidentiality of ATK study information, and the safety of the Driftpile First Nation Elders during ATK study fieldwork. The Driftpile First Nation provided a copy of a historical map and Northern Gateway responded that an overlay of the map would be compiled and this information would be provided to Driftpile First Nation. Northern Gateway encouraged Driftpile First Nation to use ATK study funding to bring forward issues and concerns in relation to its historical camp.

Northern Gateway advised the Driftpile First Nation to contact the CEA Agency about its CEA Agency funding. Northern Gateway also informed the CEA Agency of the Driftpile First Nation's concern about CEA Agency funding. Northern Gateway informed the Driftpile First Nation that specific information relating to the hunting areas of the Driftpile First Nation members had been provided to the ATK study team to be used for the ATK study. Upon completion of the ATK study, Northern Gateway would meet with Driftpile First Nation to discuss and mitigate issues raised in the ATK study. Information was also provided about the anticipated Application filing timelines and regulatory process.

In May 2010, Northern Gateway met with representatives of the Driftpile First Nation to conduct a technical session, provide information and listen to the concerns of the Driftpile First Nation Elders relating to watercourse crossing methods, pipeline integrity, first response, pipeline operations, construction and reclamation. The Nation identified the Smoky River and the Athabasca River as water sources of concern to the Nation in relation to the Project. After the technical session, a specific meeting was held to discuss the Driftpile First Nation's ATK study and to address the Driftpile First Nation's concern for the safety of its Elders during ATK study fieldwork. As a follow-up to this meeting, Northern Gateway committed to forwarding further information about Enbridge Pipelines existing projects' first response standards and locations of emergency response equipment. Northern Gateway also committed to providing large Alberta and BC Project corridor maps.

In June 2010, Northern Gateway met with representatives of the Driftpile First Nation to discuss meeting arrangements, the Driftpile First Nation's request for additional ATK funding, and to resolve concerns about the safety of the Elders during ATK study fieldwork. Northern Gateway received information from the Driftpile First Nation about the historical camp location in relation to the pipeline RoW. Northern Gateway sent a letter to the Driftpile First Nation for purposes of providing information about the location of the Driftpile First Nation historical camp in relation to the pipeline RoW and encouraged the Nation to use its existing ATK funding to further explore potential issues in relation to the historical camp and the Project. Northern Gateway also contacted the Driftpile First Nation to advise that the issue relating to the safety of the Elders had been resolved and that the ATK study fieldwork would be resumed.

In August 2010, Northern Gateway provided the Driftpile First Nation with large Alberta and BC Project corridor maps.

In December 2010, Northern Gateway met with representatives of the Driftpile First Nation to introduce the Director, Aboriginal and Stakeholder Relations and other team members, to provide a Project update, and to present an Aboriginal Economic Benefits Package to the Driftpile First Nation for consideration. Driftpile First Nation requested time to review the Aboriginal Economic Benefits Package.

In March 2011, Northern Gateway had a dialogue with the Driftpile First Nation's legal counsel to discuss meeting arrangements. Northern Gateway was advised that the Driftpile First Nation would contact Northern Gateway directly to discuss meeting arrangements. Additionally in March, Northern Gateway provided a large Project map, which showed the Driftpile First Nation historical camp 24 km from the Project corridor.

The Driftpile First Nation participates in the Northern Gateway Alberta North Central (Edmonton) Community Advisory Board. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Driftpile First Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Driftpile First Nation***

In the Application, Volume 5A, Section 5.4.1.3, the interests and concerns identified by the Driftpile First Nation were summarized as follows:

- trapper identification and compensation
- traditional land and resource use, traditional culture
- first response plans
- effects on the environment in relation to Project construction
- opportunities for equity investment
- opportunities for community investment
- participation in economic and employment opportunities
- protection of medicinal herbs and spiritual sites
- short-term and long-term economic opportunities
- protection of treaty rights
- potential reserve lands near Fox Creek area
- socio-economics (including demographics, education, health and social conditions protection services, infrastructure, labour, income, local and regional economy and provincial and national economy)
- pipeline integrity
- protection of information relating to land use
- watercourse crossings
- protection and compensation for traplines
- environmental standards
- business and contract opportunities
- employment and training initiatives
- assurance of sound environmental practices and continued consultation before, during and after Project completion

During the Update Period, the following new interests and concerns were identified:

- the land disturbance that will take place during construction and after construction. The Elders have requested that Northern Gateway ensure that community environmental monitors be used before, during and after construction.
- the use of non-natural species when Project reclamation takes place
- the effect of the Project on water sources, including Smoky River and Athabasca River

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Driftpile First Nation's interests and concerns follows.

#### ***Trapper Identification and Compensation***

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

#### ***Traditional Land and Culture***

The Driftpile First Nation is concerned about traditional land and resource use, including traditional culture, and protection of medicinal herbs and spiritual sites. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Driftpile First Nation has started work on an ATK study. If the Project is approved, additional engagement will be undertaken with the Driftpile First Nation during detailed routing and engineering to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect medicinal herbs and spiritual sites.

#### ***First Response Plans***

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Driftpile First Nation about emergency preparedness and first response before operations start.

#### ***Environmental Effects during Construction***

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Specifically to address the Driftpile First Nation's interest in the environmental effects of the Project during construction, Northern Gateway conducted a technical session with the Nation.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Driftpile First Nation in December 2010.

### *Community Investment*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Driftpile First Nation. This includes business and contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Driftpile First Nation to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Potential Reserve Lands near Fox Creek*

In 2010, Northern Gateway met and corresponded with the Driftpile First Nation to discuss the potential effects of the Project on the Nation's historical camp near Fox Creek. The Driftpile First Nation provided a copy of its historical camp map. Northern Gateway informed the Driftpile First Nation that a map overlay of the historical camp was done and it was determined that the historical camp was 24 km from the Project corridor. Additionally, Northern Gateway advised the Driftpile First Nation to use the existing funding from the Northern Gateway ATK study funds to further explore potential issues and concerns in relation to the historical camp. Northern Gateway will continue to seek to understand the issues or concerns of the Driftpile First Nation in relation to potential Project effects (if any) on the historical camp.

### *Socio-Economics*

The Application, Volume 6C and the October 2010 Update to the Application provide a detailed assessment that focuses on potential effects of the Project on the human environment.

### *Pipeline Integrity*

Northern Gateway conducted a technical session with the Nation that included a component on pipeline integrity and emergency response.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Protection of Information Relating to Land Use*

Northern Gateway respects the confidentiality of traditional knowledge provided to it by participating Aboriginal groups and the value of that knowledge. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect.

### *Watercourse Crossings and Environmental Effects on Water Sources*

Specifically to address Driftpile First Nation's interest in watercourse crossings and specific water sources, including Smoky River and Athabasca River, Northern Gateway conducted a technical session with the Nation on this issue as well as watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project. Information for the proposed Smoky River and Athabasca River crossings is provided in Table 5-1.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Driftpile First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

**Table 5-1 Crossing Methods at Athabasca River and Smoky River**

KP (Route Rev. T)	Watercourse Name	Proposed Crossing Method (Construction Timing)	Alternate Crossing Method (Construction Timing)
187.4	Athabasca River	HDD	Open Cut (Winter)
421.7	Smoky River	HDD	Open Cut (Winter)

***Environmental Standards***

At the technical session conducted in May 2010, Northern Gateway provided information about the environmental standards and regulation that will be followed for the Project.

***Sound Environmental Practices and Continued Consultation***

The Driftpile First Nation required assurance of sound environmental practices and continued consultation before, during and after Project completion. Northern Gateway will continue to engage the Driftpile First Nation during all phases of the Project.

***Land Disturbance, Use of Community Environmental Monitors***

Northern Gateway acknowledges the desire of the Driftpile First Nation for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Driftpile First Nation and other entities operating in the area in the development of community-based environmental effects monitoring.

***Use of Non-Natural Species during Reclamation***

In May 2010, Northern Gateway provided information, answered questions and addressed issues raised by the Driftpile First Nation relating to the process that will be implemented by Northern Gateway during the Project reclamation phase (see the Application, Volume 7A, Section 8.5.8).

***Aboriginal Traditional Knowledge Program***

The Driftpile First Nation has completed its ATK study fieldwork and is working towards the completion of its ATK community report.

**5.4.1.4 Kapawe’no First Nation**

***Geographic Setting***

The Kapawe’no First Nation has one occupied reserve #09090, located 27 km northeast of High Prairie, Alberta at the northwest corner of Lesser Slave Lake, approximately 140 km from the proposed RoW (see the Update to Appendix C, Figure C-3). The traditional territory of the Kapawe’no First Nation,

together with four other First Nations comprising of Lesser Slave Lake Indian Regional Council encompasses land between Lesser Slave Lake, Grande Prairie and Edmonton.

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway responded to questions from the Kapawe'no First Nation about CEA Agency funding and provided contact information.

In February 2010, Northern Gateway met with representatives of the Kapawe'no First Nation on two occasions. The first meeting was to introduce the Vice President, Community and Aboriginal Benefits. The second meeting was to discuss a renewed protocol agreement. Kapawe'no First Nation inquired about a First Nation review process for the Project.

In May 2010, Northern Gateway contacted the Kapawe'no First Nation to inquire about the status of its ATK study.

In March 2010, Kapawe'no First Nation attended the Northern Gateway Aboriginal Business Summit.

In July 2010, Northern Gateway met with representatives of the Kapawe'no First Nation to provide a Project update and to provide information about the JRP process and informed that there would not be a First Nation specific Project review process. Kapawe'no expressed interest in furthering discussions about Project economic opportunities.

In August, September and November 2010, Northern Gateway contacted the Kapawe'no First Nation to inquire about the status of its ATK study. Northern Gateway provided maps to the Kapawe'no First Nation for ATK study purposes.

In November 2010, Northern Gateway met with representatives of the Kapawe'no First Nation to provide a technical session to address concerns about pipeline design and construction, pipeline integrity, first response, environmental standards, the process for addressing issues and concerns raised in the ATK study, and the Athabasca and Smoky rivers watercourse crossings methods. After the technical session, Kapawe'no requested information about INAC's response to the filing of the Application and information about the chemical components of condensate. Northern Gateway committed to provide this information to Kapawe'no First Nation in 2011. Kapawe'no asked Northern Gateway to provide additional technical sessions upon completion of its ATK study.

In December 2010, Northern Gateway met with representatives of the Kapawe'no First Nation to present an Aboriginal Economic Benefits Package to the Kapawe'no First Nation for consideration.

During February 2011, Northern Gateway met with the Kapawe'no First Nation on two occasions to discuss an Aboriginal Economic Benefits Package and to discuss the status of the Nation's ATK study. As a follow-up to the November 2010 meeting, Northern Gateway provided information about the composition of condensate.

The Kapawe'no First Nation participates in the Alberta North Central (Edmonton) Community Advisory Board. For information on the CABs, see the March 2011 Update to the Application, Volume 4.



In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kapawe'no First Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Kapawe'no First Nation***

In the Application, Volume 5A, Section 5.4.1.4, the interests and concerns identified by the Kapawe'no First Nation were summarized as follows:

- emergency response plans in relation to oil spills
- opportunities for equity investment
- business contract opportunities
- early training initiatives
- effects on the environment
- protection of treaty rights
- participation in economic and employment opportunities
- short-term and long-term economic opportunities
- pipeline integrity in relation to spills and leaks
- protection of information relating to land use
- watercourse crossings
- equity participation
- ongoing consultation
- participation in the environmental assessments in relation to fieldwork
- traplines
- employment and training opportunities
- environment standards and regulations

During the Update Period, Kapawe'no First Nation asked for information relating to the chemical composition of condensate. Kapawe'no First Nation also raised the issue of having a separate and distinct process for the Project review, given the unique rights and interests of First Nations.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kapawe'no First Nation's interests and concerns follows.

#### ***Oil Spills and Emergency Response Plans***

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Kapawe'no First Nation in December 2010.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Kapawe'no First Nation. This includes business contracting opportunities, as well as employment and early training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Kapawe'no First Nation to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Effects on the Environment*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Specifically to address the Kapawe'no First Nation's interest in the environmental effects of the Project, Northern Gateway conducted an open house and a technical session with the Nation.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Pipeline Integrity*

Northern Gateway conducted a technical session with Kapawe'no First Nation that included a component on pipeline integrity and emergency response.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Protecting Land Use Information*

Northern Gateway respects the confidentiality of traditional knowledge provided to it by participating Aboriginal groups and the value of that knowledge. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect.

### *Watercourse Crossings*

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Kapawe'no First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Ongoing Consultation*

Northern Gateway will continue to engage the Kapawe'no First Nation during all phases of the Project.

### *Participation in Fieldwork*

The involvement of Aboriginal groups in biophysical fieldwork is discussed in the Application, Volume 5A, Section 3.2. This fieldwork took place in 2005, 2006, 2008 and 2009 and involved Aboriginal people from several Aboriginal groups, including the Kapawe'no First Nation.

### *Traplines*

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### *Environment Standards and Regulations*

At the technical session conducted in November 2010, Northern Gateway provided information about the environmental standards and regulations that will be followed for the Project.

### *Chemical Composition of Condensate*

Northern Gateway has provided information about the chemical composition of condensate in the form of a fact sheet, which included informing the Kapawe'no First Nation that condensate is an extract from natural gas.

### *First Nations Review Process*

In response to the Kapawe'no First Nation inquiry about having a separate and distinct First Nations review process for the Project, Northern Gateway has provided information relating to the rigorous process that will be undertaken by the JRP process and the opportunities for First Nation participation.

### *Aboriginal Traditional Knowledge Program*

Kapawe'no First Nation is in the process of completing its independent ATK study and Northern Gateway anticipates receiving the final ATK community report in 2011.

#### **5.4.1.5 Sucker Creek (Sucker Creek First Nation)**

##### ***Geographic Setting***

Sucker Creek (Sucker Creek First Nation) has one reserve (Sucker Creek #150A), located near High Prairie, Alberta and approximately 120.2 km from the proposed RoW (see the Update to Appendix C, Figure C-3). The traditional territory of the Sucker Creek (Sucker Creek First Nation), together with four other First Nations comprising of Lesser Slave Lake Indian Regional Council encompasses land between Lesser Slave Lake, Grande Prairie and Edmonton.

##### ***Engagement Activities during the Update Period***

In February 2010, Northern Gateway contacted the Sucker Creek (Sucker Creek First Nation) about the status of the ATK study. Northern Gateway also met with the Sucker Creek (Sucker Creek First Nation) to introduce the Northern Gateway team, including the Director and senior management, to the newly elected Chief and Council. Northern Gateway provided a Project overview and the parties discussed the progress of the ATK study. Northern Gateway made a commitment to provide a community open house.

In March 2010, the Sucker Creek (Sucker Creek First Nation) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. The parties also met on two occasions, first to discuss the ATK study process. Northern Gateway provided a summary of the activities that had occurred about the ATK study. The second meeting was to provide a draft copy of the renewed protocol agreement. In April 2010, Northern Gateway met with representatives of the Sucker Creek (Sucker Creek First Nation) to introduce Northern Gateway representatives to the Nation's new Consultation Manager and to provide Project information, and information relating to ATK study and the engagement process. The parties discussed the status of the ATK study. Additionally, in April, the Sucker Creek First Nation entered into the renewed protocol agreement.

In May 2010, Northern Gateway contacted the Sucker Creek (Sucker Creek First Nation) to discuss the progress on the ATK study.

In June 2010, Northern Gateway provided a draft of the ATK community report to the Sucker Creek (Sucker Creek First Nation) for its review.

In July 2010, Northern Gateway met with representatives of the Sucker Creek (Sucker Creek First Nation) to provide a Project update and review the draft ATK community report. A second meeting was also held to further review the draft ATK community report. Further contact about the status of the draft report occurred in August and September 2010.

In September 2010 the Samson (Samson Cree Nation), Enoch Cree Nation, Montana First Nation, Louis Bull (Louis Bull Tribe), Sucker Creek (Sucker Creek First Nation) and Whitefish Lake (Whitefish Lake First Nation #128) made a joint submission in response to the JRP Procedural Direction of July 2010.

In October 2010, Northern Gateway contacted the Sucker Creek (Sucker Creek First Nation) to offer to provide a technical session. Northern Gateway also met with the Sucker Creek (Sucker Creek First Nation) to introduce Northern Gateway's Director, Aboriginal and Stakeholder Relations.

In November 2010, the Sucker Creek (Sucker Creek First Nation) contacted Northern Gateway to advise of the locations of certain gravesites, which did not belong to the Sucker Creek (Sucker Creek First Nation) as verified by Sucker Creek First Nation Elders through its ATK study activities. Northern Gateway forwarded a site map for potential burial location and discussed the ownership of the gravesites. Northern Gateway registered the gravesites with the province (Alberta Culture and Community Spirit) and noted that these sites were to be avoided. Mapping of the sites will occur during detailed engineering.

Northern Gateway met with the Sucker Creek (Sucker Creek First Nation) to provide a community open house and technical session, which included a watercourse crossing methods technical presentation and addressed issues relating to pipeline integrity and emergency response. Northern Gateway provided information on the ATK process that would be implanted upon receipt of the Sucker Creek (Sucker Creek First Nation) final ATK community report. The Sucker Creek (Sucker Creek First Nation) identified the Athabasca River and the Smoky River as watercourses of interest to the Nation in relation to the Project. Northern Gateway also provided information relating to employment, training and equity offer as presented to the Sucker Creek (Sucker Creek First Nation) Chief and Council.

In December 2010, Northern Gateway met with representatives of the Sucker Creek (Sucker Creek First Nation) to present an Aboriginal Economic Benefits Package for consideration.

In December 2010 and January 2011, Northern Gateway contacted the Sucker Creek (Sucker Creek First Nation) many times about the status of the ATK study.

In February 2011, Northern Gateway met with representatives of the Sucker Creek (Sucker Creek First Nation) on two occasions to discuss an Aboriginal Economic Benefits Package MOU.

The Sucker Creek (Sucker Creek First Nation) also participates in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4. In March 2011, Sucker Creek (Sucker Creek First Nation) participated in the Grande Prairie CAB meeting.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Sucker Creek (Sucker Creek First Nation) up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Sucker Creek First Nation***

In the Application, Volume 5A, Section 5.4.1.5, the interests and concerns identified by the Sucker Creek (Sucker Creek First Nation) were summarized as follows:

- emergency response plans in relation to oil spills
- effects on the environment
- opportunities for equity investment
- early training initiatives
- participation in economic and employment opportunities
- protection of medicinal herbs and spiritual sites
- short-term and long-term economic opportunities
- opportunities for community investment
- pipeline integrity
- participation in fieldwork for the environmental assessment
- employment and contracting opportunities (guarantees)
- ongoing consultation
- opportunities for scholarships and bursaries
- protection of information relating to land use
- watercourse crossings and environmental standards

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Sucker Creek (Sucker Creek First Nation)'s interests and concerns follows.

#### ***Oil Spills and Emergency Response Plans***

The Sucker Creek (Sucker Creek First Nation) has expressed concern about potential pipeline oil spills and the potential effects this would have on its traditional lands. Through the community open houses held in 2008 and 2010, the Northern Gateway technical team provided information and answered specific questions relating to first response, pipeline operations, pipeline monitoring, pipeline construction and the materials that will be used to construct the pipelines. Northern Gateway committed to providing further technical sessions upon the completion of the Nation's ATK study to address specific issues related to the ATK study.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Effects on the Environment*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects.

Specifically to address the Sucker Creek (Sucker Creek First Nation)'s interest in the environmental effects of the Project, Northern Gateway conducted an open house and a technical session with the Nation.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Sucker Creek (Sucker Creek First Nation) in December 2010.

### *Economic Opportunities*

The Sucker Creek (Sucker Creek First Nation)'s interest in economic opportunities included early training initiatives and contracting opportunities (guarantees). Northern Gateway will provide opportunities for economic participation to the Sucker Creek (Sucker Creek First Nation). This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Sucker Creek (Sucker Creek First Nation) to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Protecting Medicinal Herbs and Spiritual Sites*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Sucker Creek (Sucker Creek First Nation) is finalizing its ATK study. If the Project is approved, additional engagement will be undertaken with the Sucker Creek (Sucker Creek First Nation) during detailed routing and engineering and Northern Gateway will provide an opportunity for review of the detailed route for the pipelines to determine whether route adjustments or other mitigation measures are required to protect medicinal herbs and spiritual sites.

### *Community Investment*

The Sucker Creek (Sucker Creek First Nation)'s interest in community investment included opportunities for scholarships and bursaries. Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Pipeline Integrity*

Northern Gateway conducted a technical session with the Nation in November 2010 that included a component on pipeline integrity and emergency response.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Participation in Environmental Assessment Fieldwork*

The involvement of Aboriginal groups in biophysical fieldwork is discussed in the Application, Volume 5A, Section 3.2. This fieldwork took place in 2005, 2006, 2008 and 2009 and involved Aboriginal people from several Aboriginal groups.

### *Ongoing Consultation*

Northern Gateway will continue to engage the Sucker Creek (Sucker Creek First Nation) during all phases of the Project.

### *Protecting Land Use Information*

Northern Gateway respects the confidentiality of traditional knowledge provided to it by participating Aboriginal groups and the value of that knowledge. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect.

### *Watercourse Crossings*

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Sucker Creek (Sucker Creek First Nation) the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.



### *Environmental Standards*

At the technical session conducted in November 2010, Northern Gateway provided information about the environmental standards and regulation that will be followed for the Project.

### ***Aboriginal Traditional Knowledge Program***

The Sucker Creek (Sucker Creek First Nation) is finalizing its ATK study.

## **5.4.2 Métis Nation of Alberta Region 5**

### ***Geographic Setting***

The Métis Nation of Alberta (MNA) Region 5 is located near Slave Lake, Alberta.

### ***Engagement Activities during the Update Period***

In March 2010, the MNA Region 5 attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

During the Update Period, Northern Gateway made many attempts to meet directly with the MNA Region 5 to provide information about the Project. A meeting scheduled for September 2010 was cancelled by the MNA Region 5.

In July 2010, Northern Gateway delivered hard copies of the Application to the MNA Region 5.

In August 2010, Northern Gateway sponsored the Métis Nation of Alberta General Assembly, which was hosted by MNA Region 5.

The MNA Region 5 participates in the Alberta North Central (Edmonton) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4. At the May CAB meeting, Northern Gateway advised representatives from MNA Region 5 of Northern Gateway's attempts to arrange a meeting. The MNA Region 5 expressed interest in meeting and asked Northern Gateway to continue working with the contact person for MNA Region 5.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the MNA Region 5 up to date and informed about the Project by sending written notices and correspondence.

### ***MNA Region 5 Interests and Concerns***

In the Application, Volume 5A, Section 5.4.2, the interests and concerns identified by the MNA Region 5 were summarized as follows:

- funding for an ATK study
- business and employment opportunities
- offer to host an open house
- MNA Region 5 members' land use in MNA Region 4 area
- Elder participation
- review of the ESA

No new interests or concerns were identified during the Update Period. Northern Gateway is waiting for the MNA Region 5 to provide dates when it is available to meet to discuss its interests and concerns in relation to the Project, specifically its interests and concerns in relation to the Project within the MNA Region 5 area.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the MNA Region 5's interests and concerns follows.

#### ***Funding for an ATK Study***

See below under the heading 'Aboriginal Traditional Knowledge Program'.

#### ***Business and Employment Opportunities***

Northern Gateway will provide opportunities for economic participation to the MNA Region 5. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the MNA Region 5, to assess the current capacity of MNA Region 5 members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

#### ***Open House***

Northern Gateway has made several attempts to meet for purposes of determining the interests of the MNA Region 5 in relation to the Project.

#### ***MNA Region 5 Members' Land Use in MNA Region 4 Regional Area***

MNA Region 5 informed Northern Gateway that there are land users travelling from MNA Region 5 into MNA Region 4 regional boundaries, Northern Gateway shared this information with MNA Region 4 and encouraged MNA Region 5 to discuss this issue with MNA Region 4. At that time (2009) Northern Gateway offered to discuss an ATK study, but this offer is no longer available.

#### ***Elder Participation***

See below under the heading 'Aboriginal Traditional Knowledge Program.'

#### ***Review of the ESA***

Northern Gateway has made several attempts to meet for purposes of determining the interests of the MNA Region 5 in relation to the Project.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway has made several offers to meet discuss the MNA Region 5's request to undertake an ATK study. No response has been received to date in relation to this request.

## **5.4.3 Western Cree Tribal Council**

### ***Geographic Setting***

The Western Cree Tribal Council consists of three Nations:

- Sturgeon Lake Cree Nation (see Section 5.4.3.1)
- Duncan's First Nation (see Section 5.4.3.2)
- Horse Lake First Nation (see Section 5.4.3.3)

The Western Cree Tribal Council shares territories that extend west from Lesser Slave Lake to the Alberta-BC border.

### ***Engagement Activities during the Update Period***

In April 2010, Northern Gateway met with representatives of the Western Cree Tribal Council to provide information relating to the status of the development of an Aboriginal Economic Benefits Package.

Northern Gateway continued to keep the Western Cree Tribal Council up to date and informed about the Project by sending written notices and correspondence.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway is engaged directly with each of the member nations of the Western Cree Tribal Council for purposes of ATK studies.

## **5.4.3.1 Sturgeon Lake Cree Nation**

### ***Geographic Setting***

Sturgeon Lake Cree Nation has three reserves. The reserves are located near High Prairie, Alberta and on the northern shores of both Sturgeon Lake and Goose Lake, with the closest reserve (Sturgeon Lake Cree Nation #154) located approximately 54.8 km from the proposed RoW (see the Update to Appendix C, Figure C-3). The traditional territory of the Sturgeon Lake Cree Nation, together with two other First Nations comprising of the Western Cree Tribal Council extends, north of Manning, south of Grande Cache, west to the Alberta-BC border and east to Valleyview, Alberta.

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Sturgeon Lake Cree Nation to discuss potential Project economic opportunities.

In February 2010, Northern Gateway met with representatives of the Sturgeon Lake Cree Nation to introduce new Northern Gateway personnel, to further discuss the potential Project economic opportunities specific to the Sturgeon Lake Cree Nation, and to provide a Project update.

In March 2010, a representative from the Sturgeon Lake Cree Nation's business joint venture provided a presentation at the Northern Gateway Aboriginal Business Summit held in Vancouver. Northern Gateway responded to an inquiry from the Sturgeon Lake Cree Nation about the CEA Agency funding process. Northern Gateway also contacted the Sturgeon Lake Cree Nation to discuss renewal of the protocol agreement.

In April 2010, Northern Gateway met with representatives of the Sturgeon Lake Cree Nation to discuss the Nation's participation in the Aboriginal Business Summit. Northern Gateway also met with representatives of the Sturgeon Lake Cree Nation to provide a technical and watercourse crossing meeting, to provide Project information and address issues and concerns relating to pipeline construction, pipeline integrity and first response, pipeline maintenance, environmental effects on the marine environment, and pipeline monitoring, and watercourse crossing methods. Sturgeon Lake Cree Nation was provided information specific to the Simonette River crossing. The Sturgeon Lake Cree Nation renewed the protocol agreement.

In June 2010, Northern Gateway met with a representative of the Sturgeon Lake Cree Nation to conduct a flyover of the RoW from KP 420 (Smoky River) to KP 517 (AB/BC border) to view a potential route alternative using a route previously considered by SemCAMS for a proposed natural gas pipeline. No issues were identified by Sturgeon Lake Cree Nation.

In July 2010, Northern Gateway met with representatives of the Sturgeon Lake Cree Nation to provide a Project update and discuss arrangements for a meeting to discuss the Nation's business joint venture. The Nation expressed concerns over the involvement of unions and its perception of this being a barrier to Project opportunities. Northern Gateway provided information relating to previous Enbridge Pipelines projects and the process used to ensure Aboriginal participation. The Nation also asked about how traditional sites can be identified as belonging to a specific community.

In August 2010, Northern Gateway provided additional large Project corridor maps and met with the Sturgeon Lake Cree Nation to discuss potential meeting dates for a community meeting and the attendance of senior Northern Gateway personnel. The Nation inquired if Northern Gateway has determined how it will respond to trappers along the proposed pipeline corridor.

In October 2010, Northern Gateway met with the Sturgeon Lake Cree Nation Council on two occasions. The first meeting included senior management to discuss the Nation's business joint venture, a community meeting, and to discuss a process leading to an MOU for Project economic opportunities and Northern Gateway's commitment to having a technical meeting to address trappers' issues. The second meeting discussed the status of the ATK study and action items.

In December 2010, a meeting to present an Aboriginal Economic Benefits Package was confirmed with the Sturgeon Lake Cree Nation. However, due to poor weather conditions, the meeting was postponed.

In January 2011, Northern Gateway met with the Sturgeon Lake Cree Nation to discuss next steps for the ATK study. Northern Gateway also met with the Sturgeon Lake Cree Nation, including senior management, to present an Aboriginal Economic Benefits Package to the Nation for consideration.

In February 2011, Northern Gateway met with the Sturgeon Lake Cree Nation on two occasions. On the first occasion, Northern Gateway discussed the ATK study and next steps and on the second, discussed the Project MOU and next steps.

In March 2011, Northern Gateway met with the Sturgeon Lake Cree Nation on three occasions to discuss potential business opportunities, existing business capacity and to discuss a work plan and changes to the Project MOU.

The Sturgeon Lake Cree Nation participates in the Alberta North Central (Edmonton) CAB and in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Sturgeon Lake Cree Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Sturgeon Lake Cree Nation***

In the Application, Volume 5A, Section 5.4.3.1, the interests and concerns identified by the Sturgeon Lake Cree Nation were summarized as follows:

- opportunities for equity investment
- participation in economic and employment opportunities
- trapper identification and compensation
- short-term and long-term economic opportunities
- business procurement opportunities
- opportunities for community investment

During the Update Period, the following new interests and concerns were identified:

- impacts on marine environment
- use of aerial crossings
- how different methods of watercourse crossing work
- damage to the line carrying condensate
- pipeline construction
- pipeline integrity and first response
- pipeline maintenance
- pipeline monitoring

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Sturgeon Lake Cree Nation's interests and concerns follows.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Sturgeon Lake Cree Nation in February 2011.

### *Economic Opportunities*

The Sturgeon Lake Cree Nation's interest in economic opportunities included employment, business procurement and early training. Northern Gateway will provide opportunities for economic participation to the Sturgeon Lake Cree Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer to meet with the Sturgeon Lake Cree Nation to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Trapper Identification and Compensation*

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### *Community Investment*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Pipeline Integrity, Maintenance, Monitoring and First Response*

The Sturgeon Lake Cree Nation's interest in pipeline integrity, maintenance and monitoring and first response was discussed at a technical session conducted by Northern Gateway. Northern Gateway's integrity management system includes close monitoring of the pipeline; data is collected through the pipeline integrity system to determine which sections of pipeline need to be maintained or repaired. Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines

are discussed in the Application, Volume 3, Sections 11 and 12. Important aspects of the pipeline integrity management system include the following:

- expert field technicians
- a robust corrosion prevention program (including protective coatings and cathodic protection)
- the best in-line inspection tools on the market that allow detection of frequency and location and measurement of pipeline wall thickness changes and patrolling of the pipelines using aircraft, land vehicles or foot patrols
- a line pressure monitor alarm system
- pipeline depth monitoring program
- investigative excavations
- slope stability monitoring
- annual soil surveys
- using in-line devices, known as scraper traps, to clean and inspect pipelines from the inside
- using high-quality pipeline materials

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share more detailed information with the Sturgeon Lake Cree Nation about emergency preparedness and first response before operations start.

### *Impacts on Marine Environment*

The Application, Volume 8B identifies and assesses effects of the Project on the marine environment between the coastal waters of BC and the Kitimat Terminal. In addition, Volume 8B, Section 13 contains an assessment of routine activities in the open water area (OWA).

Although Northern Gateway will not operate the vessels calling at the Kitimat Terminal, it is committed to taking all reasonable measures so that Project-related shipping will not result in adverse effects on the marine environment. Northern Gateway will require that vessels comply with all international conventions, and provincial and federal regulations.

Examples of mitigation measure include:

- designated shipping routes
- local pilots onboard for both inbound and outbound vessels

- incorporation of best commercially available technology so that escort tugs produce the least underwater noise possible
- all tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- vessel speeds will be controlled to limit risks of vessel-marine mammal strikes and underwater noise
- information packages provided to all pilots and ship captains about the area's human/cultural and biological sensitivities with specific reference to traditional lands
- whale surveillance and relay systems during months of peak CCAA marine mammal abundance, which will serve to notify vessel captains of whale locations so that vessels can reduce speed and avoid contact with animals where practical (that is, ensuring that human and vessel safety are not compromised)

### *Use of Aerial Crossings*

An aerial crossing requires construction of a bridge or a supporting structure to carry the pipelines over the watercourse. Where other crossing methods are not feasible due to terrain conditions such as steep narrow ravines, aerial crossings are a preferred crossing method. The location of the four proposed aerial crossings are provided in the December 2010 Update to the Application, Volume 3, Appendix G, Table G-1.

### *Different Watercourse Crossing Methods*

The Sturgeon Lake Cree Nation was interested in how different watercourse crossing methods work. The crossing methods that Northern Gateway will use for the Project are fully described in the Application, Volume 3, Section 6.2. The mitigation measures typically associated with each method are addressed in the Application, Volume 7A, Appendix A, Section 3.16 to Section 3.19.

### *Damage to the Line Carrying Condensate*

Both the condensate and oil pipelines will be continuously monitored and controlled (24 hours per day and 7 days per week) from Northern Gateway's control centre:

- every hour of every day, the integrity of the pipelines will be electronically monitored using Supervisory Control and Data Acquisition (SCADA) computer systems and a material balance system that can detect even small releases
- systems collect data from strategically located meters and sensors and calculate the volume of liquid hydrocarbons in the pipelines systems

If irregularities are detected, an alarm is set off in the control centre. The integrity management program, discussed in the Application, Volume 3, Sections 11 and 12, monitors the strength of the pipelines.



Damage to the condensate line will be handled in the same way as damage to the oil line. Emergency preparedness and response to pipeline spills are discussed in the Application, Volumes 7B. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) also addresses responses to a condensate or oil spill.

### ***Aboriginal Traditional Knowledge Program***

The Sturgeon Lake Cree Nation started an independent ATK study in early 2010. The Sturgeon Lake Cree Nation Administration office was destroyed by fire in February 2010 and the ATK study documentation was destroyed. Northern Gateway is currently in discussions with the Sturgeon Lake Cree Nation to determine the next steps for its independent ATK study.

#### **5.4.3.2 Duncan's First Nation**

##### ***Geographic Setting***

Duncan's First Nation has two reserves, located near Peace River and McLennan, Alberta, with the closest reserve (Duncan's #151A) located approximately 142.2 km from the proposed RoW (see the Update to Appendix C, Figure C-3). The traditional territory of the Duncan's First Nation, together with two other First Nations that make up the Western Cree Tribal Council, extends north of Manning, south of Grande Cache, west to the Alberta-BC border and east to Valleyview, Alberta.

##### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway contacted the Duncan's First Nation to provide the traditional knowledge sharing agreement for review by Chief and Council. Northern Gateway contacted the Duncan's First Nation to follow up in February 2010.

In February 2010, Northern Gateway met with representatives of the Duncan's First Nation to provide an overview of the current Project activities and to initiate discussions about renewal of the protocol agreement. A draft renewed protocol agreement was provided in March 2010.

In March 2010, the Duncan's First Nation attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. Northern Gateway also met with representatives of the Duncan's First Nation to enter into the renewed protocol agreement.

In April 2010, Northern Gateway met with the Duncan's First Nation technical team, Elders and community members to provide a technical session on watercourse crossings, pipeline construction and pipeline integrity. Northern Gateway committed to provide an additional technical session to address issues and concerns raised in the Duncan's First Nation's ATK study.

In October 2010, Northern Gateway met with representatives of the Duncan's First Nation to provide a technical session to address issues and concerns raised in the Duncan's First Nation's ATK study. Northern Gateway addressed issues and concerns and answered questions about the products in the pipelines, pipeline monitoring, life of the pipelines, Crown consultation, regulatory process and timelines, the Kitimat Terminal, temperature of the oil as it flows through the pipeline, and construction seasons to avoid caribou herd calving. Northern Gateway provided a presentation on pipeline design and safety,

pipeline integrity and risk management. Duncan's First Nation informed Northern Gateway of its intention to intervene on the Project based on lack of Crown consultation. Northern Gateway inquired if the technical issues and concerns had been addressed at this point and Duncan's First Nation responded that it was satisfied at that point. Northern Gateway committed to following up by providing safety valve location mapping.

In December 2010, Northern Gateway met with representatives of the Duncan's First Nation to present an Aboriginal Economic Benefits Package to the Duncan's First Nation for consideration.

In February 2011, Northern Gateway met with representatives of the Duncan's First Nation to discuss economic opportunities.

In March 2011, Northern Gateway hand-delivered hard copies of the Application, including Updates to the Application (up to December 2010) and TDRs (up to December 2010) as a follow-up to the November 2010 request. Northern Gateway also provided a map of safety valve locations within Alberta to Duncan's First Nation, as a follow-up to the October 2010 technical meeting.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Duncan's First Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Duncan's First Nation***

In the Application, Volume 5A, Section 5.4.3.2, the interests and concerns identified by the Duncan's First Nation were summarized as follows:

- participation in economic and employment opportunities
- short-term and long-term economic opportunities
- business procurement opportunities
- opportunities for equity investment
- early training initiatives
- community investment
- contracting opportunities
- unions viewed as barrier to opportunities
- air pollution
- environmental effects assessment
- community investment opportunities
- protection of traditional medicines
- effects on wildlife
- pipeline RoW width and depth
- watercourse crossings
- reclamation of the land
- employment and training opportunities
- pipeline first response plans
- pipeline integrity and safety
- participation in traditional knowledge study

During the Update Period, the following new interests and concerns were identified:

- environmental monitoring after construction of the Project
- protection of treaty rights
- third-party review of the ESA
- Crown consultation
- Project safety and valve location
- not being able to walk to the proposed route to identify important hunting sites and medicinal plants
- underground water ducts and how the pipelines will affect the change in flow
- sickness in Fort McMurray area due to oil sands
- earthquakes and the negative effects that would have on the pipelines

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Duncan's First Nation's interests and concerns follows.

#### ***Economic Opportunities***

The Duncan's First Nation's interest in economic opportunities included employment, business procurement, early training initiatives, contracting and unions. Northern Gateway will provide opportunities for economic participation to the Duncan's First Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Duncan's First Nation, to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

The role of unions in the hiring process will be determined during construction planning.

#### ***Equity Participation***

Northern Gateway presented an Aboriginal Economic Benefits Package to the Duncan's First Nation in December 2010.

#### ***Community Investment***

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits

that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Air Pollution*

An assessment of air quality effects is included in the Application Volume 6A, Part 1, Section 4.

The pipelines will have virtually no emissions because they are buried underground. Minor emissions could occur at scraper trap facilities when pipeline maintenance equipment is removed from the system. The oil and condensate tanks at the Kitimat Terminal will have minor emissions associated with their operation.

As pump stations will use electrically-powered pumps, the only substantial operational source of emissions will be from the operation of marine vessels loading oil and off-loading condensate at two separate, dedicated tanker berths. Any changes to air quality are expected to occur primarily within the immediate area of the terminal, and none of these changes is considered to be of concern to human health or the environment.

### *Environmental Effects Assessment*

The ESA for the Project considers both short- and long-term environmental effects. Environmental protection measures for the Project are discussed throughout the Application.

### *Protection of Traditional Medicines*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Duncan's First Nation has completed its ATK study and a summary of issues is provided in the Application. Additionally, Northern Gateway met with Nation in October 2010 to address some of the issues raised in the ATK study. If the Project is approved, additional engagement will be undertaken with the Duncan's First Nation during detailed routing and engineering to provide an opportunity for review of the route and determine whether route adjustments or other mitigation measures are required for these site-specific resources and cultural features identified by the Duncan's First Nation.

During detailed engineering, an opportunity to visit the proposed RoW and confirm the locations of medicinal plants identified in the ATK study will be provided to the Duncan's First Nation. These locations will be mapped and considered in the detailed routing process. Additional mitigation measures, including flagging off sites for construction and limiting the width of clearing during operations and maintenance activities, will also be considered.

### *Effects on Wildlife*

Northern Gateway provided information to the Duncan's First Nation about wildlife disturbance at a technical session that was held in October 2010. Specific information relating to a Caribou herd crossing was provided.

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Duncan's First Nation before construction starts, and could include measures such as:

- Clearing for pipeline construction in sensitive wildlife habitat (including areas with nesting migratory birds, bears, woodland caribou, moose, mountain goats and amphibians) scheduled to avoid identified sensitive seasons and life-stages whenever possible.
- Clearing of natural vegetation to occur outside of the breeding season of migratory birds.
- Pre-disturbance surveys completed to identify important wildlife habitat features.
- During construction, sites that were noted, flagged or fenced during preconstruction surveys to protect sensitive wildlife habitat, be left undisturbed, where possible.
- For wetlands that will be avoided, a year-round setback to be maintained.
- Aircraft to follow required flight guidelines, e.g., flight corridors, minimum altitudes and minimum distances from sensitive areas.

### *Pipeline RoW Width and Depth*

Northern Gateway provided information to the Duncan's first Nation about the depth of the pipelines and the width of the RoW at a technical session held in October 2010.

The size of the pipeline RoW is specifically discussed in the Application, Volume 1, Section 8. The width of the permanent RoW required for the pipelines will be 25 m in most locations. In addition to the anticipated 25 m of permanent RoW, 25 m of temporary workspace will be required during construction. The total width required during construction will generally be 50 m. In addition, extra temporary workspace will be required in specific locations.

The pipelines will meet or exceed the applicable code requirements for minimum depth of cover at the time of construction. Generally, the minimum depth of cover to construction grade will be 0.9 m. Greater depths of cover will be used at watercourse crossings, road and railway crossings, and other specific locations as required.

### *Watercourse Crossings*

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Duncan's First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Reclamation of the Land*

Northern Gateway held a technical session in October 2010 with the Duncan's First Nation and addressed issues and concerns relating to Project reclamation (also see the Application, Volume 7A, Section 8).

### *Pipeline First Response Plans*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Duncan's First Nation about emergency preparedness and first response before operations start.

### *Pipeline Integrity and Safety*

Northern Gateway conducted a technical session with the Nation that included a component on pipeline integrity and emergency response.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *ATK Study*

See below under the heading 'Aboriginal Traditional Knowledge Program.'

### *Environmental Monitoring After Construction*

Northern Gateway acknowledges the desire of the Duncan's First Nation for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Duncan's First Nation and other entities operating in the area in the development of community-based environmental effects monitoring.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Third-Party Review of the ESA*

Northern Gateway's protocol agreement with the Duncan's First Nation provides funding that may be used for the review of the Application and ESA. In addition, Northern Gateway has had issue-specific community meetings with the Duncan's First Nation to address issues and concerns about the Project.

### *Project Safety Valve Locations*

In October 2010, Northern Gateway provided a technical meeting to address this issue and in March 2011 Northern Gateway provided Project safety valve location mapping.

### *Crown Consultation*

Northern Gateway will cooperate fully with the Crown as its consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

### *Route Walk to Identify Important Sites*

The Duncan's First Nation is concerned about not being able to walk to the proposed route to identify important hunting sites and medicinal plants. If the Project is approved, additional engagement will be undertaken with the Duncan's First Nation during detailed routing and engineering and Northern Gateway will provide an opportunity for review of the detailed route for the pipelines and determine whether route adjustments or other mitigation measures are required for site-specific resources and cultural features. Before construction, Northern Gateway will offer the Duncan's First Nation the opportunity to do a 'route walk' to identify specific cultural resources, hunting sites and medicinal plant locations.

### *Groundwater*

The Duncan's First Nation is concerned about groundwater and how the pipelines may affect the change in flow. The ESA provides an assessment of potential effects of the Project on hydrogeology (see the

Application, Volume 6A Part 2, Section 12). The Project is not expected to affect change in flow in underground water ducts. Generally, the minimum depth of cover to construction grade will be 0.9 m. Greater depths of cover will be used at watercourse crossings, road and railway crossings, and other specific locations as required.

### *Alleged Sickness in the Fort McMurray Area*

The Duncan's First Nation raised the issue of alleged sickness in the Fort McMurray area due to oil sands. The Project under review does not include production of the oil and condensate to be transported. Cumulative effects related to oil sands projects are considered in those projects' own environmental and health assessments. For general information, see the Royal Society of Canada Expert Panel report, 'Environmental and Health Impacts of Canada's Oil Sands Industry,' published in December 2010.

### *Earthquake Effects on Pipelines*

The Duncan's First Nation is concerned about earthquakes and the negative effects that would have on the pipelines. Seismic events and potential consequences are discussed in the Application, Volume 3, Appendix E-1, Section 3.3.

The seismic issues have been extensively studied and are not considered a major issue for the pipeline route and terminal sites. Where hazards exist, they can be satisfactorily mitigated during detailed engineering. The discussion below provides a summary of the extensive work that has been done to date and the conclusions from the work:

- Although earthquakes may be felt occasionally along the pipeline route, they have been very low-magnitude events, as reflected in the low to moderate seismic motions determined in the detailed seismic hazard analyses that have been undertaken.
- Potential seismic motions and parameters over the entire pipeline was summarized in the Application (the methods used were consistent with the hazard methods used to develop the seismic motions used for the National Building Code of Canada), which concluded that the seismic accelerations would be moderate at the west end of the Project and decrease rapidly to the east. The potential accelerations and resultant forces and strains on the facilities will be considered during detailed engineering but are not viewed as a major engineering problem.
- Geotechnical review of the route relative to seismically triggered geohazards (e.g., landslides or liquefaction events) has included extensive fieldwork over several years, literature review and terrain studies including air photo interpretation to identify areas that would potentially be prone to soil movements or other geohazards triggered because of a seismic event. Seismically triggered geohazards have been avoided wherever possible during routing.
- Seismic motions (forces due to accelerations) have been defined for the entire area around the Project and will be included in designs for the facilities, including the Kitimat Terminal, and above ground facilities during detailed design.
- Buried pipelines are very resistant to seismic forces, particularly the low to moderate accelerations that could occur at the west end of the Project. Other than areas of potential geohazards discussed above, there are no major seismic concerns for the buried pipelines.



There are no known active faults that could produce ground breaks along the route.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Duncan's First Nation's collaborative ATK community report is in the Application, Volume 5B, Appendix C, Table C-5. A technical session was held in October 2010 to address issues and concerns identified in the completed ATK community report.

#### **5.4.3.3 Horse Lake First Nation**

##### ***Geographic Setting***

Horse Lake First Nation has two reserves in the areas surrounding Fairview and Grande Prairie, Alberta, with the closest reserve (Horse Lake #152B) located approximately 46.6 km from the proposed RoW (see the Update to Appendix C, Figure C-3). The traditional territory of the Horse Lake First Nation, together with two other First Nations comprising of the Western Cree Tribal Council extends, north of Manning, south of Grande Cache, west to the Alberta-BC border and east to Valleyview, Alberta.

##### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway had an informal meeting with the Horse Lake First Nation Chief and Industry Relations Corporation (IRC) Director to make introductions and discuss meeting arrangements. A second meeting was held to discuss the ATK study process and budget.

In February 2010, Northern Gateway, including senior management personnel, met with the Horse Lake First Nation to provide Project information to the new IRC Director and to discuss the engagement process. The Horse Lake First Nation expressed an interest in participating in any future environmental fieldwork and in having an open house. The Horse Lake First Nation also indicated that its members are very active land users in the Nation's traditional territory. The Horse Lake First Nation advised that it would participate in an ATK study.

In March 2010, Northern Gateway met with representatives of the Horse Lake First Nation to initiate discussions about a protocol agreement and an ATK study. The Horse Lake First Nation expressed an interest in Project equity ownership and concern about watercourse crossings. Northern Gateway also offered to host a community open house. The Horse Lake First Nation also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Horse Lake First Nation to follow up from the March 2010 meeting and to further discuss details of the proposed protocol agreement.

In May 2010, Northern Gateway met with representatives of the Horse Lake First Nation to discuss and enter into the protocol agreement with the Horse Lake First Nation.

In June 2010, Northern Gateway hand delivered hard copies of the Application to the Horse Lake First Nation IRC office.

In July 2010, Northern Gateway met with representatives of the Horse Lake First Nation to provide a Project update, ATK study information and information about the process for potential Project economic

opportunities. Northern Gateway also received a draft proposal for the ATK study from the Horse Lake First Nation.

In August 2010, Northern Gateway met with representatives of the Horse Lake First Nation to discuss community business capacity.

From August to November 2010, the parties were in frequent contact about the draft proposal for the ATK study. Northern Gateway provided the templates for the standard agreements in place for the ATK studies.

In September 2010, the Horse Lake First Nation submitted a written comment to the JRP in response to the JRP Procedural Direction of July 2010.

In October 2010, Northern Gateway sent a letter to the Horse Lake First Nation to offer to provide an open house.

In November 2010, Northern Gateway met with representatives of the Horse Lake First Nation to provide a community open house to sixteen Horse Lake First Nation members, 10 of whom were community Elders. Northern Gateway addressed issues, concerns and addressed questions relating to pipeline integrity, pipeline design and safety, pipeline construction, watercourse crossing methods, ATK study process, decommissioning of the pipeline, business opportunities, equity participation, monitoring of pipeline and provided information on the engagement process. The Horse Lake First Nation inquired whether, if Northern Gateway should receive Project approval, the product in the pipeline would in the future be changed to transporting water. Northern Gateway provided information on the regulatory process specific to the products that will be transported and the regulatory process in place if Northern Gateway wants to change capacity or products in the future. Northern Gateway committed to providing a watercourse crossing technical session in 2011 and committed to providing additional information relating to the regulatory process for changing products in pipelines and the monitoring of pipeline after decommissioning.

In December 2010, Northern Gateway met with representatives of the Horse Lake First Nation to present an Aboriginal Economic Benefits Package to the Horse Lake First Nation for consideration.

In February and March 2011, Northern Gateway had dialogues with the Horse Lake First Nation to arrange a meeting to discuss the Project MOU and next steps.

The Horse Lake First Nation participates in the Alberta North Central (Edmonton) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Horse Lake First Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Horse Lake First Nation***

In the Application, Volume 5A, Section 5.4.3.3, the interests and concerns identified by the Horse Lake First Nation were summarized as follows:

- business opportunities

During the Update Period, the following new interests and concerns were identified:

- watercourse crossings
- monitoring of the pipeline
- employment opportunities
- economic opportunities
- first response and pipeline oil spills
- equity participation
- government's duty to consult
- decommissioning of the pipeline and monitoring after decommissioning
- change of product in pipeline to transporting water in the future
- In its written submissions in response to the JRP Procedural Direction of July 2010, the Horse Lake First Nation raised a concern about sufficiency of ATK studies.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Horse Lake First Nation's interests and concerns follows.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Horse Lake First Nation. This includes business and contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Horse Lake First Nation, to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

#### ***Watercourse Crossings***

Northern Gateway has committed to provide a watercourse crossing technical session in 2011. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Horse Lake First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Monitoring the Pipelines*

Northern Gateway acknowledges the desire of the Horse Lake First Nation for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Horse Lake First Nation and other entities operating in the area in the development of community-based environmental effects monitoring.

### *Oil Spills and First Response*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Horse Lake First Nation about emergency preparedness and first response before operations start.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Horse Lake First Nation in December 2010.

### *Government's Duty to Consult*

Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as its consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

### *Sufficiency of ATK studies*

The Horse Lake First Nation expressed a concern that ATK studies be up-to-date and open to change. They were concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation. They were also concerned that there are over 60 Aboriginal groups, but summaries of only 17 ATK studies in the Application. The Horse Lake First Nation expressed a need for the JRP to ensure all 60 Aboriginal groups have opportunity and funding for the ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in discussions with Northern Gateway that need to be completed before they undertake an ATK study, or have declined the offer by Northern Gateway to undertake ATK studies.

### *Decommissioning and Monitoring Pipeline Decommissioning*

If the pipeline is considered for decommissioning, Northern Gateway will comply with current regulatory standards in effect at the time of decommissioning and will develop plans in consultation with relevant stakeholders, participating Aboriginal groups, the NEB and other authorities and agencies.

Decommissioning plans will consider:

- physical elements, such as soil capability, water quality, water quantity, air quality and the acoustic environment
- biological elements, such as fish and fish habitat, wetlands, vegetation, wildlife and species-at-risk
- socio-economic elements, such as human occupancy, resource use, and effects on infrastructure and services

### *Transporting Water in the Future*

The Horse Lake First Nation raised the issue of a potential change of product in the pipelines, to transporting water in the future. No change in the product in the pipeline is being considered by Northern Gateway.

### **Aboriginal Traditional Knowledge Program**

In February 2011, Northern Gateway approved the Horse Lake First Nation proposal for an independent ATK study, and the study is currently underway.

#### **5.4.4 Aseniwuche Winewak Nation**

##### ***Geographic Setting***

The Aseniwuche Winewak Nation's land holding is unlike that of any other Aboriginal community in Alberta or Canada. The six settlements of the Nation are located north and south of Grande Cache, Alberta (see the Update to Appendix C, Figure C-4). The Aseniwuche Winewak Nation's traditional territory extends toward Grande Prairie in the north, Banff in the south, Edson to the east, and west across the Alberta-BC border.

### ***Engagement Activities during the Update Period***

In March 2010, the Aseniwuche Winewak Nation attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC. A second meeting was held with representatives of the Aseniwuche Winewak Nation to provide a Project update, and to discuss the CAB process, the ATK study process for addressing issues, and the regulatory review process including the next steps for engagement activities.

In June, July and August 2010, Northern Gateway contacted the Aseniwuche Winewak Nation about the status of its ATK community report; the final version was provided to the Aseniwuche Winewak Nation in August 2010.

In October 2010, Northern Gateway met with representatives of the Aseniwuche Winewak Nation on two occasions. The first meeting was a technical session with the Aseniwuche Winewak Nation members, Elders and technical staff to address issues and concerns from its ATK study. Northern Gateway addressed issues relating to watercourse crossings, pipeline construction and integrity, pipeline safety and operations, RoW maintenance, non-use of herbicides, wildlife disturbance, wildlife protection along the RoW, access management, reclamation, timing of construction in relation to the nesting season of specific species of birds, the use of pipeline safety valves, moose licks, and vegetation. Elders raised concern over past industry practices about beaver dams and how some companies blew up beaver dams during Project construction. Northern Gateway provided information as to measures that would be used during construction to avoid beaver dams or move locations. Northern Gateway reassured the Elders that Northern Gateway does not blow up beaver dams. The Aseniwuche Winewak Nation requested Northern Gateway to consider using natural species during reclamation as this would be better for the environment and that the Elders would like to see the reclamation. Northern Gateway responded that it would note where rare species can be replanted. Northern Gateway provided information specific to pipeline Route R, the route discussed in the Application, and committed to follow up on a request by the Elders to walk the pipeline reroute in 2011, specific to KP 495, and to further discuss the Elder participation during the Project reclamation stage, if the Project is approved. Aseniwuche Winewak Nation staff and Elders expressed satisfaction with the process for addressing issues from its ATK study. The second meeting was with the Aseniwuche Winewak Nation president to discuss renewal of the protocol agreement and to review Project route maps. Northern Gateway provided information specific to the proposed route locations and discussed next steps with regard to Project economic opportunities.

In January 2011, Northern Gateway met with representatives of the Aseniwuche Winewak Nation to provide a Project update, to present an Aboriginal Economic Benefits Package and to sign off on the renewed protocol agreement.

In March 2011, the Aseniwuche Winewak Nation attended the Grande Prairie CAB meeting. The Aseniwuche Winewak Nation also participates in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Aseniwuche Winewak Nation up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Aseniwuche Winewak Nation***

In the Application, Volume 5A, Section 5.4.4, the interests and concerns identified by the Aseniwuche Winewak Nation were summarized as follows:

- participation in economic and employment opportunities
- Elder participation
- cumulative effects of the Project
- business procurement opportunities
- opportunities for equity investment
- traditional use
- early training initiatives
- community investment opportunities
- a trail was identified by the Wapiti River
- protection of medicinal plant sites at unspecified locations

During the Update Period, the following new interests and concerns were identified:

- environmental monitoring before and after construction
- trappers notification and compensation

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Aseniwuche Winewak Nation's interests and concerns follows.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Aseniwuche Winewak Nation. This includes business contracting opportunities, as well as employment and early training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Aseniwuche Winewak Nation, to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

#### ***Elder Participation***

The Aseniwuche Winewak Nation's Elders have participated in the Nation's ATK study. In October 2010, the Elders also participated a technical session conducted by Northern Gateway to address issues and concerns raised in the Nation's ATK study. Northern Gateway will discuss arrangements for the Elders to walk the pipeline re-route in the area in 2011.

### *Cumulative Effects of the Project*

A project inclusion list has been developed for the Project that identifies other planned projects in the vicinity. Project residual effects that may overlap with effects from other projects on the inclusion list are be considered in the cumulative effects assessment (see the Application, Volumes 6 and 8B and the October 2010 Update to the Application, Volume 6C, Section 4.4).

The ESA for the Project will consider both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with participating Aboriginal groups to discuss the ESA and reduce any potential environmental effects and other areas of concern to the extent possible.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Aseniwuche Winewak Nation in January 2011.

### *Traditional Use*

The Aseniwuche Winewak Nation is concerned about traditional use, the trail by Wapiti River, and protecting medicinal plant sites. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Aseniwuche Winewak Nation has completed its ATK study and a summary of issues is provided in the Application. Additionally, Northern Gateway met with the Aseniwuche Winewak Nation to address the issues raised during the study and the Aseniwuche Winewak Nation expressed satisfaction with the ATK issues specific meeting. If the Project is approved, additional engagement will be undertaken with the Aseniwuche Winewak Nation during detailed routing and engineering to provide an opportunity for review of the route and determine whether route adjustments or other mitigation measures are required to protect site-specific resources, such as the trail by the Wapiti River and medicinal plant sites.

### *Community Investment*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also contributes to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Environmental Monitoring Before and After Construction*

Northern Gateway acknowledges the desire of the Aseniwuche Winewak Nation for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to



work with the Aseniwuche Winewak Nation and other entities operating in the area in the development of community-based environmental effects monitoring.

#### ***Trappers' Notification and Compensation***

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

#### ***Aboriginal Traditional Knowledge Program***

A summary of the Aseniwuche Winewak Nation's collaborative ATK community report is in the Application, Volume 5B, Appendix C, Table C-2. A technical session was held in October 2010 to address issues and concerns identified in the completed ATK community report.

### **5.4.5 Nose Creek Settlement**

#### ***Geographic Setting***

Nose Creek Settlement is located approximately 120 km southwest of Grande Prairie, Alberta near Muddy Creek and Lingrell Creek (see the Update to Appendix C, Figure C-4).

#### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway contacted the Nose Creek Settlement to request a meeting and to advise that it will be reintroduced to a former Aboriginal Relations Director for Northern Gateway.

In February 2010, Northern Gateway had an informal meeting with the Nose Creek Settlement during the Grande Prairie CAB to discuss meeting arrangements and to provide a Project update.

In March 2010, Northern Gateway met with representatives of the Nose Creek Settlement to provide a Project update, and to discuss the CAB process, the ATK study process for addressing issues, and the regulatory review process including next steps with regard to engagement activities. The Nose Creek Settlement expressed a desire to address issues raised in its ATK study. The Nose Creek Settlement also attended the Northern Gateway Aboriginal Business Summit held in Vancouver.

In October and November 2010, Northern Gateway contacted the Nose Creek Settlement to offer to provide a technical session to address issues raised in the ATK study.

In March 2011, Northern Gateway met with the Nose Creek Settlement on two occasions to provide a Project update and to discuss potential meeting dates for a technical meeting to address ATK study issues. At the first meeting, Nose Creek Settlement raised questions relating to wildlife disturbance and monitoring. At the second meeting, Northern Gateway, including engineering, provided information

relating to wildlife disturbance, access management, traffic and noise control during Project construction, and committed to providing additional information relating to wildlife disturbance and monitoring.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Nose Creek Settlement up to date and informed about the Project by sending written notices and correspondence.

### ***Interests and Concerns of the Nose Creek Settlement***

In the Application, Volume 5A, Section 5.4.5, the interests and concerns identified by the Nose Creek Settlement were summarized as follows:

- health and safety concerns about previous experience with industry locating construction camps in close proximity to the community
- employment and training opportunities for community members
- community investment opportunities

In March 2011, Nose Creek Settlement raised interests and questions relating to wildlife disturbance and monitoring.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Nose Creek Settlement's interests and concerns follows.

#### ***Health and Safety Concerns – Construction Camps***

Communities potentially close to construction camps will be consulted before finalization of the camp locations.

#### ***Employment and Training Opportunities***

Northern Gateway will provide opportunities for economic participation to the Nose Creek Settlement. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Nose Creek Settlement, to assess the current capacity of the settlement's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

#### ***Community Investment***

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### ***Wildlife Disturbance during Construction and Reclamation***

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Nose Creek Settlement before construction starts and could include measures such as:

- Clearing for pipeline construction in sensitive wildlife habitat (including areas with nesting migratory birds, bears, woodland caribou, moose, mountain goats and amphibians) scheduled to avoid identified sensitive seasons and life-stages whenever possible.
- Clearing of natural vegetation will occur outside of the breeding season of migratory birds.
- Pre-disturbance surveys completed will identify important wildlife habitat features.
- During construction, sites that were noted, flagged or fenced during preconstruction surveys to protect sensitive wildlife habitat, will be left undisturbed, where possible.
- For wetlands that will be avoided, a year-round setback will be maintained.

Aircraft will follow required flight guidelines, e.g., flight corridors, minimum altitudes and minimum distances from sensitive areas.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Nose Creek Settlement's collaborative ATK community report is in the Application, Volume 5B, Appendix C, Table C-10. Northern Gateway has attempted to schedule a technical session with the Nose Creek Settlement to address the issues and concerns identified in the completed ATK community report.

#### **5.4.6 Métis Nation of Alberta Region 6 (Region VI Regional Council, Métis Nation of Alberta)**

##### ***Geographic Setting***

The MNA Region 6 (Region VI Regional Council, Métis Nation of Alberta) is located in Peace River, Alberta.

##### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the MNA Region 6 to discuss the scope of an ATK study. From February to May 2010, the parties exchanged correspondence about the ATK study work plan and budget.

In March 2010, Northern Gateway met with representatives of the MNA Region 6 to discuss a protocol agreement and to provide a Project update and Project materials. The MNA Region 6 also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, the MNA Region 6 entered into the protocol agreement.

In July 2010, Northern Gateway met with representatives of the MNA Region 6 to provide an ATK study workshop.

Throughout August to November 2010, Northern Gateway contacted the MNA Region 6 to discuss the progress of the ATK study.

In September 2010, Northern Gateway met with representatives of the MNA Region 6 to provide a Project update and to discuss arrangements for a technical session. Northern Gateway committed to provide an additional watercourse crossing technical session due to poor attendance at the 2009 MNA Region 6 Project open house.

In October 2010, Northern Gateway attended the MNA Region 6 and Métis Locals Business Mixer to gain an understanding of existing businesses.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the MNA Region 6 up to date and informed about the Project by sending written notices and correspondence.

##### ***Interests and Concerns of the MNA Region 6***

In the Application, Volume 5A, Section 5.4.6, the interests and concerns identified by the MNA Region 6 were summarized as follows:

- trapper identification and compensation
- emergency response plans
- participation in economic and employment opportunities
- early training initiatives
- scholarships
- wildlife disturbance
- effects on fishing

- watercourse crossings including the Wapiti River
- short-term and long-term economic opportunities
- burial grounds in relation to the corridor
- protection of environment
- employment and training opportunities
- protection of traditional use
- protection of burial grounds
- Project greenhouse gas footprint

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the MNA Region 6's interests and concerns follows.

#### ***Trapper Identification and Compensation***

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

#### ***Emergency Response Plans***

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to Kehewin Cree Nation. This may include contracting opportunities, as well as employment and early training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with Kehewin Cree Nation, to

assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Scholarships*

Northern Gateway has developed a range of community investment initiatives, including scholarships, with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Wildlife Disturbance*

The ESA provides a thorough assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the MNA Region 6 before construction starts, and could include measures such as:

- clearing for pipeline construction in sensitive wildlife habitat (including areas with nesting migratory birds, bears, woodland caribou, moose, mountain goats and amphibians) scheduled to avoid identified sensitive seasons and life-stages whenever possible.
- clearing of natural vegetation to occur outside of the breeding season of migratory birds.
- completing pre-disturbance surveys to identify important wildlife habitat features.
- during construction, sites that were noted, flagged or fenced during preconstruction surveys to protect sensitive wildlife habitat, be left undisturbed, where possible.
- maintaining a year-round setback for wetlands that will be avoided.
- imposing flight guidelines on aircraft use to adhere to flight corridors, minimum altitudes and minimum distances from sensitive areas.

### *Effects on Fishing*

See below under the headings 'Watercourse Crossings' and 'Traditional Use.'

*Watercourse Crossings, Including Wapiti River*

Northern Gateway offered to conduct a watercourse crossing technical session in the community in both September and December 2010, as a follow-up from the May 2009 watercourse crossing meeting. Northern Gateway confirmed a watercourse crossing meeting in December 2010. Later in December, MNA Region 6 cancelled the planned December 2010 watercourse crossing meeting. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project. For information on the proposed Wapiti River crossing, see Table 5-2.

**Table 5-2 Crossing Method at Wapiti River**

KP (Route Rev. T)	Watercourse Name	Proposed Crossing Method (Construction Timing)	Alternate Crossing Method (Construction Timing)
495.6	Wapiti River	HDD	Open Cut (Nov to Feb)

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the MNA Region 6 the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

*Traditional Use, Including Burial Grounds*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The MNA Region 6 has completed its ATK study work plan and fieldwork is expected to start in the spring of 2011. If the Project is approved, additional engagement will be undertaken with the MNA Region 6 during detailed routing and engineering to provide an opportunity for review of the route and determine whether route adjustments or other mitigation measures are required to protect site-specific resources and cultural features, including burial grounds, if they are identified.

*Protection of Environment*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects.

Specifically to address the MNA Region 6’s interest in the environmental effects of the Project, Northern Gateway has conducted an open house, and has offered to conduct a technical session with the MNA Region 6.

### ***Project Greenhouse Gas Footprint***

Project greenhouse gas emissions are discussed as part of the atmospheric environment discussion in the environmental assessment (the Application, Volume 6A, Part 1, Section 4). Atmospheric emissions are considered to be low in magnitude, regional in extent, short term in duration, occur at sporadic intervals, and reversible. Key Project issues considered are the emission of air contaminants, hazardous air pollutants as well as greenhouse gases. Incorporating proven mitigation measures, such as using low-sulphur fuel and applying best technology (at the Kitimat Terminal), will reduce emissions at their sources. Therefore, environmental effects of the Project on air quality, including greenhouse gas emissions, are expected to be not significant.

### ***Aboriginal Traditional Knowledge Program***

During the Update Period, the MNA Region 6 completed its ATK study work plan for a collaborative ATK study. The MNA Region 6 has advised that ATK study fieldwork is anticipated to start in the spring of 2011.

## **5.4.7 Valleyview Métis Local #1929**

### ***Geographic Setting***

The Valleyview Métis Local #1929 is a member of the MNA Region 6.

### ***Engagement Activities during the Update Period***

Northern Gateway continues to engage the Valleyview Métis Local #1929 through the MNA Region 6. The Valleyview Métis Local #1929 participate in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4. In March 2011, Valleyview Métis Local #1929 attended the Grande Prairie CAB.

Northern Gateway continued to keep the Valleyview Métis Local #1929 up to date and informed about the Project, copying them on the written notices and correspondence sent to the MNA Region 6.

### ***Interests and Concerns of the Valleyview Métis Local #1929***

In the Application, Volume 5A, Section 5.4.7, it stated that Valleyview Métis Local #1929 had not identified any interests and concerns about the Project. Similarly, no interests or concerns were identified during the Update Period.

### ***Aboriginal Traditional Knowledge Program***

During the Update Period, the MNA Region 6 completed its ATK study work plan for a collaborative ATK study. ATK study work will start in the spring of 2011 and will include the Valleyview Métis Local #1929



## **5.4.8 Grande Prairie Métis Local #1990**

### ***Geographic Setting***

The Grande Prairie Métis Local #1990 is a member of the MNA Region 6.

### ***Engagement Activities during the Update Period***

Northern Gateway continues to engage the Grande Prairie Métis Local #1990 through the MNA Region 6.

The Grande Prairie Métis Local #1990 participates in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4. In March 2011, Grande Prairie Métis Local #1990 participated in the Grande Prairie CAB meeting.

Northern Gateway continued to keep the Grande Prairie Métis Local #1990 up to date and informed about the Project, copying them on the written notices and correspondence sent to the MNA Region 6.

### ***Interests and Concerns of the Grande Prairie Métis Local #1990***

In the Application, Volume 5A, Section 5.4.8, the interests and concerns identified by the Grande Prairie Métis Local #1990 were summarized as follows:

- protection of environment
- employment and training opportunities
- protection of traditional use
- protection of burial grounds
- Project greenhouse gas foot print
- watercourse crossing in relation to the Wapiti River

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

See Section 5.4.6 above, under the heading ‘Commitments and Mitigation Measures.’

### ***Aboriginal Traditional Knowledge Program***

During the Update Period, the MNA Region 6 completed its ATK study work plan for a collaborative ATK study. ATK study work will start in the spring of 2011 and will include the Grande Prairie Métis Local #1990.

## **5.4.9 East Prairie Métis Settlement**

### ***Geographic Setting***

The East Prairie Métis Settlement is a member of the Métis Settlements General Council and is located approximately 40 km southeast of High Prairie, Alberta.

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway contacted the East Prairie Métis Settlement to advise that it would be working with a new Aboriginal Relations Director for Northern Gateway and to request a meeting. Northern Gateway subsequently met with representatives of the East Prairie Métis Settlement Council and its legal counsel to provide information about the Project and the ATK study process. Northern Gateway offered the East Prairie Métis Settlement funding for an ATK study and discussed the next steps for an ATK study. Northern Gateway followed up with a letter to East Prairie Métis Settlement to ensure a shared understanding of issues, provide a formal offer for funding for an ATK study, and to address next steps.

In February 2010, Northern Gateway provided a confidentiality agreement for access to the environmental TDR.

In August 2010, Northern Gateway received a request from the East Prairie Métis Settlement for hard copies of the August 2010 Update to the Application, Volume 3, Appendix G.2, Preliminary HDD Feasibility Assessments and Preliminary Geotechnical HDD Feasibility Assessments. Northern Gateway responded to this request and provided hard copies in November 2010.

In September 2010, Northern Gateway sent a letter to the East Prairie Métis Settlement informing them that, based on the engagement activities and information garnered, Northern Gateway had determined that it was unlikely that the Project would affect the rights and interests of the East Prairie Métis Settlement. Northern Gateway also informed the East Prairie Métis Settlement that the ATK funding offer had expired due to the lack of response from East Prairie Métis Settlement. Northern Gateway indicated that it was willing to revisit that decision if the East Prairie Métis Settlement were to provide Northern Gateway with information showing how its rights may be impacted by the Project.

Also during September 2010, the East Prairie Métis Settlement made written submissions in response to the JRP Procedural Direction of July 2010 expressing an interest in sufficiency of ATK studies. Northern Gateway responded to this interest in its submission in response to the JRP Procedural Direction of July 2010.

Northern Gateway kept the East Prairie Métis Settlement up to date and informed about the Project by sending written notices and correspondence.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway offered the East Prairie Métis Settlement funding for an ATK study in January 2010. In September 2010, Northern Gateway informed the East Prairie Métis Settlement that the offer had expired due to the lack of response from East Prairie Métis Settlement.

## **5.5 Northeast British Columbia Region**

### **5.5.1 Kelly Lake Cree Nation**

#### ***Geographic Setting***

The Kelly Lake Cree Nation has a comprehensive land claim from Jasper to the Peace River and Rocky Mountains, with its base located near the community of Kelly Lake, approximately 44 km from the proposed RoW (see the Update to Appendix C, Figure C-5).

#### ***Engagement Activities during the Update Period***

In March 2010, Northern Gateway met with representatives of the Kelly Lake Cree Nation to discuss upcoming technical sessions and outstanding issues identified in the ATK study. The Kelly Lake Cree Nation indicated that it would like to be involved in decommissioning and reclamation, and was interested in training and monitoring. In March 2010, the Kelly Lake Cree Nation also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In July 2010, Northern Gateway met with representatives of the Kelly Lake Cree Nation to provide a Project update, discuss the existing protocol agreement, the ATK study process and next steps for moving forward with engagement activities. As a follow-up to this meeting, Northern Gateway provided the Kelly Lake Cree Nation with data for the ATK study sensitivity maps.

In August 2010, Northern Gateway met with representatives of the Kelly Lake Cree Nation to explore the Nation's interest in pursuing Project-related business opportunities and to determine whether the Nation had any businesses or any member-owned businesses that could be engaged early to prepare for such opportunities.

In October 2010, Northern Gateway and the Kelly Lake Cree Nation discussed Project mitigation and planning for traditional land use. Northern Gateway also sent a letter to the Kelly Lake Cree Nation offering to provide a technical meeting for a presentation on watercourse crossings, pipeline integrity and construction, and to address outstanding issues that were identified in the Kelly Lake Cree Nation ATK study.

In November 2010, December 2010 and January 2011, Northern Gateway and the Kelly Lake Cree Nation attempted to schedule a technical meeting and a meeting to present an Aboriginal Economic Benefits Package to the Kelly Lake Cree Nation for consideration.

In January 2011, Northern Gateway and the Kelly Lake Cree Nation corresponded several times and confirmed a meeting to introduce an Aboriginal Economic Benefits Package. During these discussions, Northern Gateway offered to meet to discuss outstanding issues relating to traditional land use, the Aboriginal Economic Benefits Package, and the existing protocol agreement. Additionally, Northern Gateway was advised of a new contact person for the Kelly Lake Cree Nation, and Northern Gateway provided a summary of the July 2010 meeting to the new contact. Subsequently, the Kelly Lake Cree Nation requested that the existing protocol agreement, and the confirmed meeting, be cancelled.

In March 2011, Northern Gateway sent two letters to the Kelly Lake Cree Nation. The first letter included a large corridor reroute map and a smaller map, showing that the Kelly Lake community is 44 km from the pipeline RoW. The second letter acknowledged the Kelly Lake Cree Nation request to cancel the protocol agreement. Northern Gateway offered a meeting to discuss next steps relating to ATK study issues and Project opportunities. Northern Gateway included an Aboriginal Economic Benefits Package for Kelly Lake Cree Nation's review and consideration.

A Kelly Lake Cree Nation member participates in the Peace Country (Grande Prairie) Community Advisory Board (CAB). For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kelly Lake Cree Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Kelly Lake Cree Nation***

In the Application, Volume 5A, Section 5.1.2, the interests and concerns identified by the Kelly Lake Cree Nation were summarized as follows:

- route alignment (including First Nation involvement and identification of traditional areas)
- watercourse crossings (Imperial Creek, Wapiti River and Simonette River)
- access
- effects (trapline, traditional areas, wildlife)
- local employment (environmental monitoring), education and training
- ATK studies (concern over ownership of the documentation)
- economic benefits
- pipeline spills
- wildlife disturbance

During the Update Period, the Kelly Lake Cree Nation indicated that involvement in decommissioning and reclamation was an interest and concern.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kelly Lake Cree Nation's interests and concerns follows.

#### ***Route Alignment (Including First Nation Involvement and Identification of Traditional Areas)***

The proposed RoW crosses approximately 325 km of the Kelly Lake Cree Nation traditional territory (KP 360 to KP 685). As described in the Application, Volume 5B, Section 5.2.8, the Kelly Lake Cree Nation is maintaining confidentiality of traditional areas, but it will share high-, medium- and low-potential areas with Northern Gateway through the consultation process. In its ATK study, the Kelly Lake Cree Nation identified the importance of protecting and preserving berry-picking and medicinal-plant-gathering areas, and other traditionally and culturally significant areas, such as graveyards, archaeological sites and other spiritual areas. Maintaining access to, and integrity of, traplines, trails, hunting, fishing and

camping areas was also identified as a concern. Northern Gateway is committed to reducing the environmental effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. The Kelly Lake Cree Nation ATK study and information shared with Northern Gateway will be considered in Project planning and execution, with a particular emphasis on identifying site-specific resources or features that need to be considered in detailed routing and during construction. Where appropriate, mitigation measures can be developed to reduce or avoid effects on such sites or features. These measures will be incorporated into the Construction Environmental Protection and Monitoring Plan (Construction EPMP) (see the Application, Volume 7A) as they are identified and addressed through consultation with the Kelly Lake Cree Nation.

In October 2010, Northern Gateway had several discussions with representatives of the Kelly Lake Cree Nation, to discuss Project mitigation and planning for traditional land use. If the Project is approved, additional engagement will be undertaken with the Kelly Lake Cree Nation during detailed routing and engineering, to provide an opportunity for reviewing the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for site-specific resources and cultural features. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. The detailed route will incorporate further site-specific constraint mapping, results of ATK studies, further field investigations and input from Aboriginal groups, including the Kelly Lake Cree Nation.

### *Watercourse Crossings*

Northern Gateway conducted a watercourse crossing meeting with the Kelly Lake Cree Nation in 2009. In October 2010, Northern Gateway offered to provide an additional watercourse crossing technical meeting in the community. The Kelly Lake Cree Nation identified an interest in crossings of Simonette River, Wapiti River and a tributary to Imperial Creek. For information on these crossings, see Table 5-3.

**Table 5-3 Crossing Methods at Simonette River, Wapiti River and Imperial Creek**

KP (Route Rev. T)	Watercourse Name	Proposed Crossing Method (Construction Timing)	Alternate Crossing Method (Construction Timing)
360.1	Simonette River	Bore	Open cut (July 16 to 31)
495.6	Wapiti River	HDD	Open cut (November to February)
622.5	Tributary to Imperial Creek	Open cut (anytime)	N/A

Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Kelly Lake Cree Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

## Access

In its ATK study, the Kelly Lake Cree Nation stated its concern about access to, and integrity of, traplines, trails, hunting, fishing and camping areas. The Kelly Lake Cree Nation is concerned that construction of, or improvement to, existing roads near the Project site could increase access to the area by recreational hunters and trappers. Existing access to the proposed RoW will be used wherever practical. Northern Gateway's Access Management Plan, which is included in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.2), includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups, including the Kelly Lake Cree Nation, and stakeholders.

There is also concern that construction may temporarily cut off access to traplines, berry-picking sites and medicinal-plant-gathering sites. The Kelly Lake Cree Nation will provide maps to Northern Gateway that identify high-, medium- and low-risk areas. Kelly Lake Cree Nation environmental monitors have knowledge of specific sites in medium- and high-risk areas that they can share while working with Northern Gateway. The Kelly Lake Cree Nation noted that several alternative routes exist that are more suitable for construction vehicles. The Kelly Lake Cree Nation will provide Northern Gateway with maps of alternative routes and Northern Gateway will consider these routes when developing its construction access plan. After construction, the RoW will be reclaimed to a stable condition and equivalent land capability. The Access Management Plan will be implemented to reduce the potential effects of any new access.

Regarding access for wildlife, the Kelly Lake Cree Nation stated in its ATK study that its monitors will alert construction crews to the presence of animal habitats, food sources and travel corridors near the work sites, so that Northern Gateway can limit disruption to wildlife travel corridor access.

In its ATK study, the Kelly Lake Cree Nation stated a concern that the pipeline and construction zone may change the landscape enough to act as a barrier to normal animal migration and movement. Northern Gateway will implement RoW clean-up and other construction activities as quickly as possible to prepare areas for reclamation and to limit environmental effects. Northern Gateway will recontour the RoW as close to the pre-construction profile as practical, or to a stable angle of repose.

## *Effects on Traplines, Traditional Areas and Wildlife*

In its ATK study, the Kelly Lake Cree Nation stated that, based on traditional knowledge about animal migration, any habitat and conservation development activities within 100 km of a trapline are likely to affect animals that pass through traplines. Trapping remains an important part of the livelihood for the Kelly Lake Cree Nation, and it owns eight traplines. The pipeline will cross one trapline owned by a Kelly Lake Cree Nation member. Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

Kelly Lake Cree Nation is concerned that the pipeline will affect wildlife, traditional hunting and fishing grounds, cabin and camp sites, medicinal-plant and berry-picking areas and trails used by the Kelly Lake Cree Nation. As discussed above, Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. If the Project is approved, additional engagement will be undertaken with the Kelly Lake Cree Nation during detailed routing and engineering, to provide an opportunity for reviewing the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for wildlife, traditional hunting and fishing grounds, cabin and camp sites, medicinal-plant and berry-picking areas and trails.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Kelly Lake Cree Nation before construction starts, and could include measures such as:

- undertaking a ‘route walk’ before clearing and construction
- undertaking, post-certification, additional studies, where warranted, in areas of high value and high risk. These studies will incorporate traditional knowledge, where applicable.
- providing opportunities for Aboriginal groups to harvest medicinal and food source plants before the RoW and pump station sites are cleared, if the RoW or pump stations overlap traditional use areas of Aboriginal groups residing near Project construction activities

### *Economic Opportunities*

The Kelly Lake Cree Nation’s interest in economic opportunities included:

- local employment (environmental monitoring)
- education and training

Northern Gateway will provide opportunities for economic participation to the Kelly Lake Cree Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Kelly Lake Cree Nation, to assess the current capacity of the Nation’s members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

Northern Gateway acknowledges the desire of the Kelly Lake Cree Nation for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Kelly Lake Cree Nation and other entities operating in the area, to develop community-based environmental effects monitoring.

### *Ownership of ATK Study Documentation*

Northern Gateway respects the value and confidentiality of traditional knowledge that participating Aboriginal groups provide. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect. Northern Gateway understands the Kelly Lake Cree Nation intellectual property conventions, as described in the summary of Kelly Lake Cree Nation's ATK study. Northern Gateway understands that the Kelly Lake Cree Nation will provide Northern Gateway with maps identifying where culturally sensitive areas are likely to occur and the type of traditional use associated with that area, but it will not identify specific site locations. Where the map identifies a medium or high potential for sites to occur, Northern Gateway will consult with the Kelly Lake Cree Nation about appropriate mitigation measures. The Kelly Lake Cree Nation will provide monitors, who have knowledge of cultural and traditional sites, to work alongside pipeline personnel during preconstruction and construction, to advise Northern Gateway whether Project activities threaten to disturb or destroy significant resources or sites.

### *Pipeline Spills*

In October and November 2010, Northern Gateway offered to conduct a technical session that included a component on pipeline integrity and emergency response. Northern Gateway will continue to offer a technical session in 2011.

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12. Several examples are considered in Volume 7B to assess spills on land, which includes identification of mitigation measures, clean-up and recovery measures, and will be addressed in the emergency response plan that will be completed before operations start. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses the land response to an oil spill, including options for containment techniques.

Northern Gateway will share more detailed information with the Kelly Lake Cree Nation about emergency preparedness and first response before operations start.

### *Decommissioning and Reclamation*

The ESA includes an assessment of effects of the Project on vegetation, including forest resources. Reclamation of the RoW is addressed in the Construction EPMP (see the Application, Volume 7A). Where possible, native seed mixes will be used. Northern Gateway will consider suggestions that the Kelly Lake Cree Nation may have about preferred methods of RoW reclamation. Decommissioning is addressed in the Application, Volume 3, Section 13.

### *Aboriginal Traditional Knowledge Program*

A summary of the Kelly Lake Cree Nation independent ATK community report is in the Application, Volume 5B, Appendix C, Table C-5.



## **5.5.2 Kelly Lake First Nation**

### ***Geographic Setting***

The Kelly Lake First Nation is a registered society in BC and is located in northeast BC near Dawson Creek, with its base located in the community of Kelly Lake, approximately 44 km from the proposed RoW (see the Update to Appendix C, Figure C-5).

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway followed up with the members of the Kelly Lake First Nation that had provided their contact information at a recent open house. Northern Gateway also invited the Kelly Lake First Nation to the Northern Gateway Aboriginal Business Summit and contacted Kelly Lake First Nation to arrange a meeting to discuss the ATK study.

In March, April, June and July 2010, Northern Gateway and Kelly Lake First Nation attempted to schedule a meeting to review the ATK community report. In August 2010, Northern Gateway met with representatives of the Kelly Lake First Nation to conduct a review of the ATK community report.

In October 2010, Northern Gateway offered to hold a technical meeting with the Kelly Lake First Nation to address watercourse crossings and other technical issues raised by the Kelly Lake First Nation during ongoing engagement.

In November 2010, Northern Gateway met with representatives of the Kelly Lake First Nation to provide a Project update and move forward with engagement activities.

In December 2010, Northern Gateway requested confirmation of the proper contact at the Kelly Lake First Nation for the Project. The Kelly Lake First Nation sent a letter to Northern Gateway identifying the name of a new contact for Project-related matters.

In January 2011, Northern Gateway met with the Kelly Lake First Nation to present an Aboriginal Economic Benefits Package for consideration, to provide a Project update, information relating to the JRP and to discuss the community report.

In March 2011, the Kelly Lake First Nation approved the summary table for the ATK study and the final community report was submitted to Northern Gateway. Additionally, Northern Gateway met with the Kelly Lake First Nation to discuss next steps, including a technical meeting to address ATK study issues and Project opportunities.

The Kelly Lake First Nation also participates in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kelly Lake First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Kelly Lake First Nation***

In the Application, Volume 5A, Section 5.5.1, the interests and concerns identified by Kelly Lake First Nation were summarized as follows:

- route alignment (including First Nation involvement and identification of traditional areas)
- watercourse crossings (Imperial Creek, Wapiti River and Simonette River)
- access
- effects (trapline, traditional areas, wildlife)
- local employment (environmental monitoring), education and training
- ATK studies (concern over ownership of the documentation)
- economic benefits
- pipeline spills
- wildlife disturbance in relation to the Project
- participation in the environmental assessment process
- economic and business procurement opportunities
- employment opportunities
- community investment opportunities
- capacity building, in particular as it relates to employment and procurement opportunities

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kelly Lake First Nation's interests and concerns follows.

#### ***Route Alignment (First Nation Involvement; Identification of Traditional Areas)***

In its ATK study, the Kelly Lake First Nation identified an area of intensive harvesting and cultural use within its traditional territory. This area, identified as Priority Area A, extends 51 km north and 47 km south of the RoW between KP 517 and KP 585, with the centre of the area between KP 523 and KP 573. The Kelly Lake First Nation has suggested that it be provided an opportunity to identify and map wildlife habitat in Primary Area A, and that a 500 m buffer zone be maintained around identified wildlife habitat. The Nation also suggested the alternative of rerouting the pipeline around identified habitat and rerouting south of Wapiti River, the southernmost boundary of Priority Area A, to ensure water quality, protect the river from accidents or malfunctions and limit effects on harvesting, gathering and cultural use. Northern Gateway has conducted extensive work in selecting the location for the Wapiti River crossing, as described in the Application, Volume 3, Section 2.4.8, and will not be able to relocate the pipeline corridor as suggested.

Northern Gateway is committed to reducing the effects of the Project on traditional use lands. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. The information from the ATK study and other information shared with Northern Gateway will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction.

Where appropriate, mitigation measures can be developed to reduce or avoid effects on such sites or features. These measures will be incorporated into the Construction EPMP (see the Application, Volume 7A) as they are identified and addressed through consultation with the Kelly Lake First Nation. If the Project is approved, additional engagement will be undertaken with the Kelly Lake First Nation during detailed routing and engineering, to provide an opportunity to review the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these site-specific resources and cultural features. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. Although a major corridor re-route is not feasible, the detailed route will incorporate further site-specific constraint mapping, results of ATK studies, further field investigations and input from Aboriginal groups, including the Kelly Lake First Nation.

#### *Watercourse Crossings (Imperial Creek, Wapiti River and Simonette River)*

In August 2009, Northern Gateway conducted an open house and technical sessions with the Kelly Lake First Nation that included a component on watercourse crossings. The Kelly Lake First Nation identified an interest in the crossings at Simonette River, Wapiti River and a tributary to Imperial Creek. For information on these crossings, see Table 5-3 in Section 5.5.1. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Kelly Lake First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

#### *Access*

In its ATK study, the Kelly Lake First Nation stated its concern about access to trails, camping areas and cabins. The Kelly Lake First Nation reported that access to two cabins was blocked during field studies, and identified several places where access to trails, roads and camping areas may be affected. The Kelly Lake First Nation has asked for an opportunity to identify the exact locations of trails, camps and cabins, so that Northern Gateway may create a buffer zone and avoid blocking access to these sites. Several of these locations are far enough from the RoW that access is not likely to be affected. For locations that have the potential to be affected, Northern Gateway will offer to discuss mitigation plans with the Kelly Lake First Nation. Existing access to the proposed RoW will be used wherever practical. Northern Gateway will implement RoW clean-up and other construction activities as quickly as possible to prepare areas for reclamation and to limit environmental effects.

There is also a concern that construction may temporarily cut off access to traplines, berry-picking sites and medicinal-plant-gathering sites. In its ATK study, the Kelly Lake First Nation identified four medicinal-plant-gathering locales and six berry-picking locales. The Access Management Plan will be implemented to reduce potential effects on medicinal-plant and berry-picking locations. After construction, the RoW will be reclaimed to a stable condition and equivalent land capability.

The Kelly Lake First Nation is also concerned that construction of, or improvement to, existing roads near the Project site could increase access to the area by recreational hunters and trappers. Existing access to the proposed RoW will be used wherever practical. Northern Gateway's Access Management Plan, which

is included in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.2), includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

#### *Effects on Traplines, Traditional Areas and Wildlife*

Although trapping no longer part of the economic livelihood for the Kelly Lake First Nation, it is an important cultural activity. The Kelly Lake First Nation identified nine traplines in its ATK study, and provided the specific location and distance from the RoW for four of the traplines. Due to the distance from the RoW, it is unlikely that these traplines will be affected. The exact locations of the other five traplines have not yet been identified.

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups. As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

The Kelly Lake First Nation is concerned that Project development will have an adverse effect on all forms of harvesting, gathering and cultural use in Priority Area A and within the Tumbler Ridge multi-use area, located between KP 569 and KP 602. The southernmost extent of the Tumbler Ridge multi-use area extends between 24 and 53 km north of the RoW. The Kelly Lake First Nation is specifically concerned about effects on medicinal-plant harvesting and berry picking at the sites identified above. The Kelly Lake First Nation also identified four important fishing locales near the RoW that may be affected by the Project.

As discussed previously, Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This will be primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Kelly Lake First Nation has completed an ATK study. If the Project is approved, additional engagement will be undertaken with the Kelly Lake First Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these site-specific resources and cultural features.

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Kelly Lake First Nation before construction starts, and could include measures such as:

- reducing or relocating the temporary workspace
- locating Project infrastructure (e.g., stockpile sites, construction camps) outside sensitive wildlife areas
- limiting the area of RoW cleared during construction
- limiting the area of RoW maintained during operations

### *Economic Opportunities*

The Kelly Lake First Nation's interest in economic opportunities included:

- local employment (environmental monitoring)
- education and training
- business procurement opportunities
- capacity building

Northern Gateway will provide opportunities for economic participation to the Kelly Lake First Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Kelly Lake First Nation, to assess the current capacity of the Nation's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

Northern Gateway acknowledges the desire of the Kelly Lake First Nation for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Kelly Lake First Nation, and other entities operating in the area, to develop community-based environmental effects monitoring.

### *Ownership of ATK Study Documentation*

Northern Gateway respects the confidentiality of traditional knowledge that participating Aboriginal groups provide, and the value of that knowledge. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect. In its ATK study, the Kelly Lake First Nation has identified confidential ecological areas that are important features to Kelly Lake First Nation members. The Kelly Lake First Nation has requested that an opportunity be provided to reveal locations of confidential ecological areas when the RoW is finalized. Northern Gateway will provide this opportunity.

### *Pipeline Spills*

In October 2010, Northern Gateway offered to conduct a technical session with the Kelly Lake First Nation that included a component on pipeline integrity and emergency response. This offer was not accepted. Northern Gateway will continue to offer a technical session in 2011.

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12. Several examples are considered in Volume 7B to assess spills on land, which includes identification of mitigation measures, clean-up and recovery measures, and will be addressed in the emergency response plan that will be completed before operations start. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses the land response to an oil spill, including options for containment techniques.

### *Participation in the Environmental Assessment Process*

Northern Gateway provided the Kelly Lake First Nation the opportunity to access funding for review of the ESA and participation in the ESA by entering into a protocol agreement with Northern Gateway in September 2005 and October 2009. In addition, Northern Gateway has offered to provide an issue-specific technical session to the Kelly Lake First Nation to address issues and concerns about the environmental effects of the Project.

### *Community Investment Opportunities*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Aboriginal Traditional Knowledge Program*

The Kelly Lake First Nation has completed an ATK study. The Kelly Lake First Nation approved the summary table for the ATK study in March 2011. For the summary table of the Kelly Lake First Nation's independent ATK study, see the Update to Volume 5B, Appendix C, Table C-18.

## **5.5.3 Kelly Lake Métis Settlement Society**

### ***Geographic Setting***

The Kelly Lake Métis Settlement Society is a not-for-profit entity, which has traditional territory from Tumbler Ridge to the Alberta-BC border, and a base located near Kelly Lake, approximately 45 km from the proposed RoW (see the Update to Appendix C, Figure C-5).

### ***Engagement Activities during the Update Period***

In July 2010, Northern Gateway met with representatives of the Kelly Lake Métis Settlement Society to provide a Project update and discuss the process for addressing ATK study issues. The regulatory review process and next steps for engagement activities were also discussed. The Kelly Lake Métis Settlement Society discussed different business ventures it is exploring and requested financial support for a building project.

In September 2010, Northern Gateway sent the final version of an update to the ATK study to the Kelly Lake Métis Settlement Society for review.

In October 2010, Northern Gateway offered to hold a technical meeting with the Kelly Lake Métis Settlement Society to address the issues and concerns raised in its ATK study. The Kelly Lake Métis Settlement Society also approved the final version of the update to the ATK study for release to Northern Gateway.

In December 2010, Northern Gateway met with representatives of the Kelly Lake Métis Settlement Society to address issues and concerns raised in its ATK study. Northern Gateway addressed issues relating to watercourse crossings and safety, litter control during construction, pipeline construction and integrity, effects on human health, monitoring, wildlife disturbance, wildlife protection along the RoW, health and safety of wildlife (moose), access management, reclamation and vegetation. The Kelly Lake Métis Settlement Society requested access to wood piles created from clearing the RoW for the Project for a proposed bio-mass project.

In January 2011, Northern Gateway met with representatives of the Kelly Lake Métis Settlement Society to present an Aboriginal Economic Benefits Package. The Kelly Lake Métis Settlement Society expressed dissatisfaction that an equity offer was presented to the community of Kelly Lake, instead of to the individual Aboriginal groups comprising the community.

In February 2011, Northern Gateway and the Kelly Lake Métis Settlement Society's legal counsel discussed information on an Aboriginal Economic Benefits Package, including the equity offer.

In March 2011, the Kelly Lake Métis Settlement Society submitted suggested changes to the MOU for Northern Gateway's consideration and review.

The Kelly Lake Métis Settlement Society also participates in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kelly Lake Métis Settlement Society up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Kelly Lake Métis Settlement Society***

In the Application, Volume 5A, Section 5.5.1, the interests and concerns identified by the Kelly Lake Métis Settlement Society were summarized as follows:

- environmental effects
- access to land after Project construction
- effect of the Project on traplines

- Project legacy opportunities
- gainful local employment
- contract opportunities outside the Kelly Lake Métis Settlement area
- traditional knowledge
- education and training
- Project safety and emergency response plan
- medicinal plants
- berry-picking areas
- wildlife (bears in particular)
- watercourse crossing issues

During the Update Period, the following new interests and concerns were identified:

- litter control during construction
- pipeline construction and integrity
- effects on human health
- monitoring
- health and safety of wildlife (moose)
- reclamation
- vegetation
- community investment opportunities
- business opportunities
- access to wood piles created from clearing the RoW for the Project for a proposed bio-mass project

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kelly Lake Métis Settlement Society's interests and concerns follows.

#### ***Environmental Effects***

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short-term and long-term environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. Other mitigation measures will be taken to reduce effects during operations, such as ongoing programs to monitor the integrity of the pipelines and reduce operation effects.

Northern Gateway has provided funding through the protocol agreement, to assist with the review of the ESA and participation in the ESA process. Specifically to address the Kelly Lake Métis Settlement Society's interest in the environmental effects of the Project, Northern Gateway conducted an open house in April 2009 and two technical sessions. The first technical session, held in August 2009, addressed watercourse crossings specifically, the second technical session, in December 2010, addressed several environmental issues.



### *Access to Land after Project Construction*

In its ATK study, the Kelly Lake Métis Settlement Society expressed an interest in ensuring that any disturbed wildlife trails be restored so that animals can reach mineral licks and access wildlife trails. The Kelly Lake Métis Settlement Society identified five mineral licks in its ATK studies. As noted in the Construction EPMP, environmentally sensitive features, such as wildlife trails and associated mineral licks, will be identified through preconstruction surveys and information will be provided to contractors and Project inspection staff. The construction drawings and environmental alignment sheets will have specific mitigation measures related to specific and sensitive environmental information.

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

The Kelly Lake Métis Settlement Society is also concerned that trails and travel routes will be disturbed since they identified six historic trails connected to cabin and settlement sites that will be intersected by the proposed RoW. Sensitive sites, such as historic trails, will be noted on construction drawings and environmental alignment sheets, and specific mitigation measures will be implemented.

The Kelly Lake Métis Settlement Society is also concerned that Project development will result in increased access in the area, leading to non-community members using traditional lands for hunting, fishing, recreation and other purposes. The Kelly Lake Métis Settlement Society is concerned that the RoW will be located next to a road where restricted areas could be accessed. The Kelly Lake Métis Settlement Society would also like to limit construction of new roads. Northern Gateway will use existing access to the proposed RoW wherever practical. Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

### *Effect of the Project on Traplines*

In its ATK study, the Kelly Lake Métis Settlement Society identified four traplines within 60 km of the Project:

1. 3 km north of the RoW between KP 542 and KP 560
2. 15 km north of the RoW between KP 529 and KP 542
3. 20 to 47 km north of the RoW between KP 517 and KP 570
4. 25 to 45 km north of the RoW between KP 532 and KP 575

At these distances from the RoW, pipeline construction is not expected to affect trapping activity adversely. However, Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects, or is near, the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### *Project Legacy Opportunities and Community Investment*

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Economic Opportunities*

Kelly Lake Métis Settlement Society's interest in economic opportunities included:

- gainful local employment
- business opportunities
- contract opportunities outside the Kelly Lake Métis Settlement Society's area
- education and training

Northern Gateway will provide opportunities for economic participation to the Kelly Lake Métis Settlement Society. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Kelly Lake Métis Settlement Society to assess the current capacity of the settlement society's members to be employed on Project construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

Northern Gateway acknowledges the desire of the Kelly Lake Métis Settlement Society for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Kelly Lake Métis Settlement Society, and other entities operating in the area, to develop community-based environmental effects monitoring.

### *Aboriginal Traditional Knowledge*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Kelly Lake Métis Settlement Society completed an ATK study and updated that study in 2010. In the study, the Kelly Lake Métis Settlement Society identified within the region trails, travel routes, traplines, fishing areas, fish spawning grounds, berry-picking locations, sacred sites or graves, battle sites, historic settlements, family settlements and community camps that are important to the Kelly Lake Métis Settlement Society. If the Project is approved, additional engagement will be undertaken with the Kelly Lake Métis Settlement Society during detailed routing and engineering, to provide an opportunity to review the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these site-specific resources and cultural features.

### *Pipeline Integrity and Project Safety*

Enbridge has extensive experience in constructing pipelines in various geographic settings. However, Northern Gateway acknowledges that different communities along the pipeline route have varying degrees of experience and knowledge about pipelines. Northern Gateway has offered basic information on pipeline construction and operations to communities – both Aboriginal and non-Aboriginal – along the route. Northern Gateway will continue to provide that information as the Project proceeds. For information about pipeline construction techniques, see the Application, Volume 3, Section 10.

In December 2010, Northern Gateway conducted a technical session with the Kelly Lake Métis Settlement Society that included a component on pipeline integrity.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Emergency Response Plan*

Northern Gateway will share information with the Kelly Lake Métis Settlement Society about emergency preparedness and first response before operations start.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

### *Medicinal Plants and Berry-Picking Areas*

In its ATK study, the Kelly Lake Métis Settlement Society identified an important berry-picking and medicinal-plant-gathering area crossed by the RoW between KP 549 and KP 552.5. The Kelly Lake Métis Settlement Society has requested that a 500 m buffer be established around the area. If the Project is approved, additional engagement will be undertaken with the Kelly Lake Métis Settlement Society during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these site-specific resources.

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Sites, such as this berry-picking and medicinal-plant-gathering area will be considered in Project planning and execution, with a particular emphasis on identifying site-specific resources or features that need to be considered in detailed routing and during construction. If the Project is approved, additional engagement will be undertaken with the Kelly Lake Métis Settlement Society during detailed routing and engineering, to provide an opportunity to review the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for site-specific resources, such as the berry-picking and medicinal-plant-gathering area.

### *Wildlife Health and Safety*

As discussed above, the Kelly Lake Métis Settlement Society identified five mineral licks and wildlife trails, and has requested that community members be hired as monitors to ensure mineral licks and wildlife trails near the RoW are identified and avoided. The Kelly Lake Métis Settlement Society also requested that a 200 m buffer be established around these sites.

In December 2010, Northern Gateway held a technical session with components on wildlife disturbance, wildlife protection along the RoW, and the health and safety of wildlife. The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9), and includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

### *Watercourse Crossings*

In December 2010, Northern Gateway conducted a technical session with the Kelly Lake Métis Settlement Society that included a component on watercourse crossings. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the

Kelly Lake Métis Settlement Society the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Litter Control during Construction*

Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. The Waste and Hazardous Materials Management Plan will contain specific mitigation measures related to litter control.

### *Human Health*

The Kelly Lake Métis Settlement Society stated concerns about the effects of the Project and other oil and gas activity on the health and well-being of the community. The ESA provides an assessment of potential effects of the Project on human health near the Kitimat Terminal (see the Application, Volume 6C, Section 4.2). The assessment evaluated Project-related emissions of potentially harmful substances and determined whether those emissions pose any risk to human health. The assessment considered potential contamination on traditional foods, and other plants and animals that may be consumed by people. The assessment considered issues raised by the public and in ATK community reports. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's plans related to mitigating human health effects include the Waste and Hazardous Materials Management Plan, Noise Management Plan, Atmospheric Environment Protection and Management Plan, Spill Contingency Plan and Fire Response Contingency Plan. In December 2010, Northern Gateway held a technical session with a component on effects on human health.

### *Monitoring*

Northern Gateway acknowledges the desire of the Kelly Lake Métis Settlement Society for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Kelly Lake Métis Settlement Society, and other entities operating in the area, to develop community-based environmental effects monitoring.

### *Reclamation*

Northern Gateway recognizes that reclamation and revegetation are critical steps in reducing environmental effects of Project development. Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. The Application includes assessment of effects of the Project on vegetation (see the Application, Volume 6A, Part 1, Section 8). Reclamation of the RoW is addressed in the Construction EPMP (see the Application, Volume 7A). Where possible, native seed mixes will be used. Northern Gateway will consider suggestions that Aboriginal groups may have about preferred methods of RoW reclamation.

In December 2010, Northern Gateway conducted a technical session with the Kelly Lake Métis Settlement Society that included a component on reclamation.

### *Vegetation*

In December 2010, Northern Gateway conducted a technical session with the Kelly Lake Métis Settlement Society that included a component on vegetation. The ESA provides an assessment of potential effects of the Project on vegetation (see the Application, Volume 6A, Part 1, Section 8). The ESA considered the loss of vegetation due to surface disturbance, changes in surface water flow or changes in shallow groundwater flow, the increased presence of non-native weed species and changes in vegetation health due to air emissions. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A).

### *Access to Wood Piles*

The Kelly Lake Métis Settlement Society's interest in accessing wood piles created from clearing the RoW for a proposed biomass project was discussed at a technical session in December 2010. Northern Gateway informed the Kelly Lake Métis Settlement Society that this interest would be addressed during ongoing engagement in 2011.

### ***Aboriginal Traditional Knowledge Program***

An update to the Kelly Lake Métis Settlement Society ATK study was completed in 2009. A summary of the Kelly Lake Métis Settlement Society's collaborative ATK community report is in the Application, Volume 5B, Appendix C, Table C-9. The ATK community report was finalized and approved for release to Northern Gateway in October 2010.

## **5.5.4 Treaty 8 Tribal Association**

### ***Geographic Setting***

The Treaty 8 Tribal Association is a service delivery organization that is funded by INAC's Tribal Council Funding, to provide advisory services and claims research. The Treaty 8 Tribal Association acts as a coordinator and facilitator and provides technical support on various issues as mandated by the elected Chiefs of member nations. The Treaty 8 Tribal Association maintains a head office in Fort St. John and covers an area in the northeastern quarter of BC (see the Update to Appendix C, Figure C-6).

West Moberly First Nations and Saulteau First Nations, which are members of the Treaty 8 Tribal Association, were engaged by Northern Gateway because they are within 80 km of the pipeline RoW. As the more distant Halfway River First Nation, which is also a member of the Treaty 8 Tribal Association, expressed an interest in the Project, Northern Gateway started engagement with the Halfway River First Nation in 2008, to provide Project information.

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway and the Treaty 8 Tribal Association discussed the environmental assessment process and timelines relating to business, employment and training opportunities.

In February 2010, Northern Gateway and the Treaty 8 Tribal Association discussed arranging a technical meeting about watercourse crossings. Technical meetings in March and April 2010 were offered to individual First Nations represented by the Treaty 8 Tribal Association.

In March 2010, the Treaty 8 Tribal Association attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Treaty 8 Tribal Association to conduct a technical meeting. The meeting was open to all off-reserve members of the Treaty 8 First Nations living in the greater Fort St. John area. Concerns raised by the Treaty 8 Tribal Association included wildlife and economic participation in the Project through employment, training, procurement and other opportunities. After the meeting, the Treaty 8 Tribal Association and Northern Gateway discussed potential opportunities to work together to enhance existing programs administered by the Treaty 8 Tribal Association to facilitate a greater understanding of the Project. The participants expressed interest in meeting again to discuss these concerns as the regulatory process moves forward.

In October 2010, Northern Gateway met with representatives of the Treaty 8 Tribal Association to discuss funding an ATK study for the benefit of the First Nations represented by the Treaty 8 Tribal Association.

The Treaty 8 Tribal Association raised the concept of ‘mobility rights’ asserted by the First Nations that the Treaty 8 Tribal Association represents. The Treaty 8 Tribal Association explained that the First Nations it represents view their rights as portable and being shared with other First Nations within Treaty 8. The Treaty 8 Tribal Association also made a request for a financial contribution from Northern Gateway to support an economic development forum being organized by the Treaty 8 Tribal Association. Northern Gateway provided the financial contribution.

In November 2010, Northern Gateway informed the Treaty 8 Tribal Association that the funding request for community sponsorship had been approved.

In January and February 2011, Northern Gateway met with representatives of the Treaty 8 Tribal Association to further discuss a proposal and funding for an ATK study, as described above.

The Treaty 8 Tribal Association also participates in the Peace Country (Grande Prairie) CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Treaty 8 Tribal Association up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Treaty 8 Tribal Association***

In the Application, Volume 5A, Section 5.5.4, the interests and concerns identified by the Treaty 8 Tribal Association were summarized as follows:

- pipeline routing and alignment
- training, education and employment opportunities
- fisheries values (spawning habitat)

- wildlife values (caribou)
- the collective rights asserted by the First Nation communities represented by the Treaty 8 Tribal Association

During the Update Period, the following new interests and concerns were identified:

- mobility rights
- waterway crossings and wildlife habitat integrity
- ability to obtain training, education, employment, and procurement opportunities arising from the Project

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Treaty 8 Tribal Association's interests and concerns follows.

#### ***Pipeline Routing and Alignment***

The methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3. Northern Gateway considered various alternatives for the pipeline route during the preliminary design stage. The initial pipeline route has been revised at many locations in response to engineering and environmental studies and input that has been received through the engagement process. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. The detailed route will incorporate:

- detailed engineering, construction and operational considerations
- further site-specific constraint mapping
- results of ATK studies and further field investigations
- further input from participating Aboriginal groups and communities, landowners, the public, other interested parties and government agencies

If the Project is approved, additional engagement will be undertaken with the Treaty 8 Tribal Association, during detailed routing and engineering. This will provide an opportunity to review the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for site-specific resources and cultural features.

#### ***Economic Opportunities***

The Treaty 8 Tribal Association's interests in economic opportunities included:

- training and education
- employment
- procurement



Northern Gateway will provide opportunities for economic participation to the Treaty 8 Tribal Association. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Treaty 8 Tribal Association to assess the current capacity of the Treaty 8 Tribal Association's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Wildlife*

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Treaty 8 Tribal Association before construction starts.

Northern Gateway has met with the Treaty 8 Tribal Association several times to discuss the Association's concern about wildlife. In April 2010, Northern Gateway met with representatives of the Treaty 8 Tribal Association to conduct a technical session with a wildlife component. A team of Northern Gateway engineers and environmental experts met with representatives of the Treaty 8 Tribal Association and off-reserve members living in the greater Fort St. John area for a full day, to answer questions and concerns about the potential effects of the Project. Northern Gateway spent a considerable amount of time discussing wildlife habitat protection and several means by which wildlife access routes could be protected before and after construction and operation. Northern Gateway offered to return, as required, to answer additional questions about the interrelationship between the pipeline and the environment as the need arises. Northern Gateway and the Treaty 8 Tribal Association agreed to hold an additional technical session only on wildlife in the future, as well as a watercourse crossing session.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK and TUS work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including

Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Watercourse Crossings*

Northern Gateway met with representatives of the Treaty 8 Tribal Association and off-reserve members living in the greater Fort St. John area to conduct a technical session with a watercourse crossing component. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Treaty 8 Tribal Association the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Fisheries*

The ESA provides an assessment of potential effects of the Project on freshwater fish and fish habitat (see the Application, Volume 6A, Part 2, Section 11). Pipeline corridor studies and fish habitat surveys were completed to identify and evaluate initial and alternative pipeline routes from a fisheries perspective. Based on these assessments, the pipeline route has been realigned to accommodate sensitive habitats, important fish stocks and runs, known traditional and non-traditional harvest areas and fish species at risk. Mitigation measures have been incorporated into Project design.

### *Equity Participation*

Northern Gateway confirmed with the Treaty 8 Tribal Association that only two of its member nations are eligible for equity participation. These member nations, which qualified on the basis of their geographic proximity to the proposed RoW, are Saulteau First Nations and West Moberly First Nations.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway has met with the Treaty 8 Tribal Association several times to discuss scoping and budgeting for an ATK study. It was agreed that the parties would negotiate the terms of an ATK study to be undertaken, and the Treaty 8 Tribal Association committed to providing Northern Gateway with a short proposal about the ATK study. The proposal would address the study's scope, cost and the specific outcomes and deliverables sought by the study. Subsequently, the Treaty 8 Tribal Association advised that before providing the ATK study proposal, it would prefer to have Northern Gateway pay for a pre-ATK study proposal scoping exercise. This would be undertaken by a contractor of the Treaty 8 Tribal Association's choice, and would help formulate the ATK study proposal. Northern Gateway responded

that it was not looking for a lengthy ATK study proposal, and that, as agreed, a two- to three-page proposal would be sufficient and would not require the expense of a pre-scoping exercise. The Treaty 8 Tribal Association has not yet provided Northern Gateway with an ATK study proposal.

#### **5.5.4.1 Saulteau First Nations**

##### ***Geographic Setting***

The Saulteau First Nations is a signatory to Treaty 8 and has one reserve (East Moberly Lake #169) at the east end of Moberly Lake, located approximately 114.9 km from the proposed RoW. The traditional territory of the Saulteau First Nations spans the area from Tumbler Ridge to the Alberta–BC border (see the Update to Appendix C, Figure C- 7).

##### ***Engagement Activities during the Update Period***

In March 2010, Northern Gateway met with representatives of Saulteau First Nations to discuss the the Saulteau First Nations' concerns about watercourse crossings and wildlife habitat on the Saulteau First Nations' traditional territory. Northern Gateway engineers and environmental experts answered questions related to risk assessment and the environment. Various mitigation options were discussed. The topic of pipeline safety and integrity was discussed at length. The Saulteau First Nations raised a concern about the potential effects of the Project on raptor nests and their desire to help protect wildlife access routes in its traditional territory. The Saulteau First Nations expressed an interest in participating in upcoming fieldwork activities, especially related to the Murray River. Training, education, employment and other potential opportunities arising from the Project were also discussed.

In March 2010, the Saulteau First Nations attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In July 2010, Northern Gateway sent a letter confirming the Saulteau First Nations' interest in one-on-one consultation, separate from the Treaty 8 Tribal Association.

In August 2010, Northern Gateway met with representatives of the Saulteau First Nations to begin developing a capacity assessment of businesses held by the Saulteau First Nation and its members. Northern Gateway learned about the existing business capacity of Saulteau First Nations and the Saulteau First Nations obtained more information about potential opportunities arising from the Project. As a follow-up, the profile for Evergreen Resources LP was provided to Northern Gateway. Evergreen Resources LP is the officially designated and authorized flagship company for the Saulteau First Nations for natural resource development opportunities.

In October 2010, Northern Gateway and a representative of the Saulteau First Nations discussed arranging a meeting. However, the Saulteau First Nations representative was not able to attend.

In November 2010, the Saulteau First Nations requested a financial donation and invited Northern Gateway to participate in Christmas celebrations. Northern Gateway provided a donation and accepted the invitation.

In December 2010, Northern Gateway attended the Saulteau First Nations' Christmas Party and was informed that a new land manager had been appointed.

In January 2011, Northern Gateway met with representatives of Saulteau First Nations to present an Aboriginal Economic Benefits Package for consideration. Northern Gateway also provided an update on the Project.

In March 2011, Northern Gateway and representatives of the Saulteau First Nations discussed proceeding with a MOU and a trust agreement pursuant to the Aboriginal Economic Benefits Package.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Saulteau First Nations up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of Saulteau First Nations***

In the Application, Volume 5A, Section 5.5.5, the interests and concerns identified by the Saulteau First Nations were summarized as follows:

- need for a compensation plan in the event of an oil spill, both for marine and pipeline operations
- understanding the NEB process
- pipeline integrity, safety of the pipeline and how it would be inspected
- participation in the upcoming environmental fieldwork
- possibility that once an area is disturbed as a result of the pipeline, the area will not be the same
- request for further information on employment, training and education opportunities
- lack of communication between Saulteau First Nations political leadership and Northern Gateway

During the Update Period, the following new interests and concerns were identified:

- wildlife access routes
- raptor nests
- waterway crossings and wildlife habitat integrity
- ability to meaningfully participate in the wealth created by the Project

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Saulteau First Nations' interests and concerns follows.

#### ***Oil Spill Compensation Plan***

The Saulteau First Nations' interests included a compensation plan in the event of an oil spill, both for marine and pipeline operations. The goal of Northern Gateway's safety program is to reduce the chances of an oil spill to as close to zero as possible. Northern Gateway is committed to ensuring that the pipeline, terminal and tankers will be operated to Canadian and internationally recognized safety and environmental standards.

In the event of an oil spill from the pipeline or at the Kitimat Terminal, Northern Gateway would be the party responsible for cleaning up the spill and compensating affected parties. Northern Gateway would accept full responsibility for all the costs related to the emergency response and for any property damage

as a result of the spill. A team of claims representatives would address concerns and receive claims from those directly affected by the spill, and compensate them for losses incurred as a result of the spill.

In the event of an oil spill originating from a ship, the responsible party will be the tanker owner. Under Canadian law and international conventions, ship owners are required to carry insurance to cover spill damages. In addition, shippers of oil pay into international and Canadian pollution funds to cover the costs of spills over and above insured losses. The international and Canadian oil spill pollution funds provide up to \$1.3 billion in compensation in the event of a marine oil spill. In the event of a spill, a team of claims representatives from insurers and the international and Canadian fund administrators would address concerns and receive claims from those directly affected by the spill and compensate them for losses incurred as a result of the spill.

### *Understanding the NEB Process*

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to Saulteau First Nations through Northern Gateway's consultation materials, including brochures, newsletters and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas that Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise them of key steps in the regulatory process. During open houses and meetings with the Saulteau First Nations, Northern Gateway answered questions related to the joint NEB and CEA Agency process, lead by the JRP.

### *Pipeline Integrity, Safety and Inspections*

Northern Gateway conducted a technical session with the Saulteau First Nations that included a component on pipeline integrity and safety. Northern Gateway engineers and environmental experts answered questions related to risk assessment and the environment.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Monitoring and inspection during operations will include the following:

- in-line inspection tools which allow detection of frequency and location, and measurement of pipeline wall thickness changes and other technical information,
- patrolling of the pipelines using aircraft, land vehicles or foot patrols
- a line pressure monitor alarm system
- pipeline depth monitoring program
- investigative excavation
- slope stability monitoring

- annual soil survey
- using in-line devices, known as scraper traps, to clean and inspect pipeline from the inside

### *Participation in Environmental Fieldwork*

The involvement of Aboriginal groups in biophysical fieldwork is discussed in the Application, Volume 5A, Section 3.2. In 2005, the Saulteau First Nations participated in Northern Gateway's local assistants program for fieldwork. During the Update Period, the Saulteau First Nations expressed interest in participating in fieldwork activities, especially related to Murray River. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

### *Disturbed Areas and Reclamation*

The Saulteau First Nations expressed the possibility that once an area is disturbed as a result of the pipeline, the area will not be the same.

Northern Gateway recognizes that reclamation and revegetation are critical steps in reducing environmental effects of Project development. Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. Reclamation will include re-establishing agricultural land use, providing erosion control, re-establishing vegetation cover and diversity and re-establishing wildlife habitat. The Application includes an assessment of environmental effects on vegetation as a result of the Project (see the Application, Volume 6A, Part 1, Section 8). Depending on location, reclamation of the RoW is addressed in the Construction EPMP (see the Application, Volume 7A). Where possible, native seed mixes will be used. Northern Gateway will consider suggestions that Aboriginal groups may have about preferred methods of RoW reclamation.

### *Economic Opportunities*

Northern Gateway met with representatives of the Saulteau First Nations several times during the Update Period, to address the request for more information on employment, training and education, and to discuss:

- employment
- training and education
- participation in the wealth created by the Project

Northern Gateway and the Saulteau First Nations also developed a capacity assessment of businesses held by the Saulteau First Nations and its members. Northern Gateway offered to set up meetings with procurement and employment specialists employed by Northern Gateway to further discuss the ways in which the Saulteau First Nations' businesses and members could potentially benefit from employment and procurement opportunities arising from the Project.

The Saulteau First Nations indicated a strong desire to discuss, with Northern Gateway, the business opportunities potentially arising from the Project. One of the concerns raised by the Saulteau First Nations was the ability to truly benefit from the Project if it were to support Project construction. The Saulteau First Nations advised that too often in the past projects have been approved in its traditional territory without enough meaningful economic participation by its businesses and members. In January 2011, Northern Gateway presented an Aboriginal Economic Benefits Package to the Saulteau First Nations for consideration.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with Saulteau First Nations to assess the current capacity of the Nation’s members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

***Lack of Communication***

One of the concerns of the Saulteau First Nations was the lack of communication between the Saulteau First Nations political leadership and Northern Gateway

As discussed above under the heading ‘Engagement Activities during the Update Period,’ Northern Gateway has met with representatives of the Saulteau First Nations several times and has continued to keep the Saulteau First Nations up to date and informed about the Project through written notices and correspondence.

***Waterway Crossings and Wildlife Habitat Integrity***

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings and wildlife habitat. Northern Gateway assembled a team of engineers and environmental experts to meet with the Saulteau First Nations over a full day. Various mitigation options were discussed. The purpose of the meeting was to answer in detail questions and concerns raised by the Saulteau First Nations. Northern Gateway answered specific questions about Murray River. For information on the proposed Murray River crossing, see Table 5-4. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project. The Saulteau First Nations indicated an interest in participating in future fieldwork activities, particularly those associated with Murray River. Northern Gateway will provide this opportunity during detailed engineering and pipeline routing and any future SWAT work.

**Table 5-4 Crossing Methods at Murray River**

KP (Route Rev. T)	Watercourse Name	Proposed Crossing Method (Construction Timing)	Alternate Crossing Method (Construction Timing)
601.4	Murray River	Aerial	Other trenchless

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Saulteau First Nations the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

Northern Gateway also discussed raptor habitat and several ways in which wildlife access routes can be protected before, during and after construction and during operations. The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Saulteau First Nations before construction starts.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Saulteau First Nations. The Saulteau First Nations has advised that its primary interests in the Project are those relating to economic development opportunities.

#### **5.5.4.2 West Moberly First Nations**

##### ***Geographic Setting***

The West Moberly First Nations has one reserve (West Moberly Lake #168A), located on the west end of Moberly Lake, approximately 117.2 km from the proposed RoW. For the location of the West Moberly First Nations' traditional territory in relation to the proposed RoW, see the Update to Appendix C, Figure C-8.

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. That assessment contains a substantial amount of information about First Nations interests and strength of claim along the pipeline route. For a discussion of the interests of the West Moberly First Nations, and other Treaty 8 Tribal Association First Nations, see pages 207 to 214 of the Kitimat–Summit Lake Looping Pipeline assessment

[[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

##### ***Engagement Activities during the Update Period***

In March 2010, the West Moberly First Nations attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.



In March, April and May 2010, Northern Gateway and representatives of the West Moberly First Nations discussed arranging a technical meeting. Confirmation from the West Moberly First Nations to host this meeting is pending.

In August 2010, Northern Gateway met with representatives of the West Moberly First Nations to explore its interest in pursuing Project-related business opportunities and to determine whether the West Moberly First Nation has any businesses or member-owned businesses that could be engaged early to prepare for such opportunities.

In November 2010, Northern Gateway offered support to a representative of the West Moberly First Nations to attend an Aboriginal forum in Banff.

In January 2011, Northern Gateway met with representatives of the West Moberly First Nations to present an Aboriginal Economic Benefits Package for consideration.

In February 2011, Northern Gateway met with representatives of the West Moberly First Nations to further discuss the Aboriginal Economic Benefits Package. The parties discussed signing a MOU or letter of intent and the go-forward process. The parties also discussed moving one of the pump stations. The West Moberly First Nations expressed interest in an ATK study, and the parties discussed the Treaty 8 Tribal Association ATK study that was being scoped. Additional discussions and correspondence about the letter of intent occurred throughout February and March 2011.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the West Moberly First Nations up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of West Moberly First Nations***

In the Application, Volume 5A, Section 5.5.6, the interests and concerns identified by the West Moberly First Nations were summarized as follows:

- equity and economic benefits opportunities
- pipeline safety and integrity
- wildlife (caribou and species at risk)
- participation in fieldwork (archaeological)
- ATK study
- watercourse crossings

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the West Moberly First Nations' interests and concerns follows.

#### ***Economic Opportunities***

Northern Gateway met with representatives of the West Moberly First Nations to explore the Nation's interest in pursuing Project-related business opportunities and to determine whether the West Moberly

First Nations has any businesses or member-owned businesses that could be engaged early to prepare for such opportunities. Northern Gateway presented an Aboriginal Economic Benefits Package to the West Moberly First Nations in January 2011.

Northern Gateway will provide opportunities for economic participation to the West Moberly First Nations. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the West Moberly First Nations to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Pipeline Safety and Integrity*

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Wildlife*

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders. Northern Gateway will consider the following avoidance, mitigation and compensation measures developed for the Treaty 8 First Nations, including the West Moberly First Nations, for the adjacent Kitimat–Summit Lake Looping Pipeline Project, if they have not already been undertaken:

- undertaking a 'route walk' by a wildlife specialist before clearing and construction
- working expeditiously to maintain a tight construction spread to limit potential barriers and hazards to wildlife
- using native plant species to maintain biodiversity, reduce weed cover, and help create movement corridors
- limiting the width of clearing during operations and maintenance in areas with rare plant communities
- flagging off the plant and gathering sites identified by First Nations off the pipeline RoW before construction
- ensuring that First Nations may identify plants for revegetation along the disturbed areas of the pipeline route as part of reclamation planning

### *Participation in Archaeological Fieldwork*

The West Moberly First Nations expressed an interest in participating in any upcoming archeological fieldwork. During detailed engineering and routing, Northern Gateway will look for opportunities to include the West Moberly First Nations in archaeological fieldwork. Northern Gateway's processes and methods for archaeological surveys are described in the Application, Volume 6C, Section 6. Aboriginal people from several Aboriginal groups participated in biophysical fieldwork in 2005, 2006, 2008 and 2009. The West Moberly First Nation participated in archaeology and fisheries studies between 2005 and 2009.

### *ATK Study*

See below under the heading 'Aboriginal Traditional Knowledge Program.'

### *Watercourse Crossings and Fish*

Northern Gateway offered to conduct a technical meeting with the West Moberly First Nations that includes a component on watercourse crossings. As mentioned in the Application, Volume 5A, Section 5.5.6, watercourse crossing technical sessions and field trips were undertaken with the West Moberly First Nations to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will discuss site-specific plans, execution and monitoring with the West Moberly First Nations for crossings of interest to them.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway and the Treaty 8 Tribal Council have discussed scoping and budgeting for an ATK study. The West Moberly First Nations has advised that its primary interests in the Project are those relating to economic development opportunities.

#### **5.5.4.3 Halfway River First Nation**

##### ***Geographic Setting***

The Halfway River First Nation has one reserve (Halfway River #168) northwest of Fort St. John located approximately 183.2 km from the proposed RoW. For the location of the Halfway River First Nation traditional territory in relation to the proposed RoW, see the Update to Appendix C, Figure C-9.

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information about First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Halfway River First Nation is provided on pages 207 to 214 of the Kitimat–Summit Lake Looping Pipeline assessment, along with other Treaty 8

Tribal Association First Nations

[[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

### ***Engagement Activities during the Update Period***

In 2003, Northern Gateway initially provided the Halfway River First Nation with Project information. The Halfway River First Nation was not formally engaged after this initial meeting because the Nation is located more than 80 km from the proposed pipeline corridor. In 2008, Northern Gateway entered into formal discussions with the Halfway River First Nation through the Treaty 8 Tribal Association, which was prompted by the Halfway River First Nation's declared interest in the Project, based on its traditional territory and on family history and the geography of its gathering and settlement areas.

In March 2010, Northern Gateway offered to conduct a technical session with the Halfway River First Nations to better understand its interests and concerns in relation to the Project. Representatives of the Halfway River First Nation advised Northern Gateway that it was not in a position to go forward with a technical meeting.

In October 2010, Northern Gateway attempted to arrange a face-to-face meeting with the Halfway River First Nation. The Halfway River First Nation was unresponsive to engagement outreach efforts made by Northern Gateway.

Northern Gateway continued to keep the Halfway River First Nations up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Halfway River First Nation***

In the Application, Volume 5A, Section 5.5.7, the interests and concerns identified by the Halfway River First Nation were summarized as follows:

- pipeline safety and integrity
- access roads to the pipeline RoW
- effects on wildlife by the construction of access roads
- local employment (environmental monitoring), education, training
- economic benefits

Responses by Northern Gateway to a number of these interests and concerns are set out in Section 5.5.4 under the heading: Treaty 8 Tribal Association. Those interests and concerns which are not responded to by Northern Gateway in Section 5.5.4 remain unaddressed as the Halfway River First Nation is effectively and presently disengaged from consultation with Northern Gateway. The reason for this disengagement is set out under the Commitments and Mitigation Measures section directly below. No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

In October 2010, Northern Gateway attempted to arrange a face-to-face meeting with the Halfway River First Nation. The Halfway River First Nation was unresponsive to engagement outreach efforts made by Northern Gateway. A formal disengagement letter confirming the Halfway River First Nation's lack of

response to engagement outreach efforts made by Northern Gateway will be sent by Northern Gateway to the Halfway River First Nation shortly.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway has not scoped an ATK study with the Halfway River First Nation.

## **5.6 Central British Columbia Region**

### **5.6.1 McLeod Lake (McLeod Lake Indian Band)**

#### ***Geographic Setting***

The McLeod Lake (McLeod Lake Indian Band) has nineteen reserves, with the closest reserve (Sas Mighe #32) located within 1 km of the proposed RoW and Bear Lake pump station. The McLeod Lake (McLeod Lake Indian Band) traditional territory includes the basins of the Parsnip and Finely Rivers and the valley of the Peace River in BC as far east as the town of Peace River. This includes territory from the Arctic Pacific Divide in the south and west, north to the Yukon border and east to the Alberta border (see the Update to Appendix C, Figure C-10).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information about First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the McLeod Lake (McLeod Lake Indian Band) is provided on pages 207 to 214 of the Kitimat–Summit Lake Looping Pipeline assessment, along with Treaty 8 Tribal Association First Nations [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

#### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the McLeod Lake (McLeod Lake Indian Band) to assess their economic development capacity and economic development opportunities potentially arising from the Project.

In January 2010, a member of the McLeod Lake (McLeod Lake Indian Band) called Northern Gateway to express concern about a sensitive area near the Parsnip River. Northern Gateway ensured the concern for the area was documented.

In February 2010, Northern Gateway provided the McLeod Lake (McLeod Lake Indian Band) with the ATK summary table and requested approval to share the information. The McLeod Lake (McLeod Lake Indian Band) had some concerns with statements made in the table. Northern Gateway amended the table to McLeod Lake (McLeod Lake Indian Band)'s satisfaction.

In March 2010, Northern Gateway met with representatives of the McLeod Lake (McLeod Lake Indian Band) to conduct a watercourse crossing technical session. The meeting was held jointly with Lheidli T'enneh (Lheidli T'enneh Band) in Prince George. McLeod Lake (McLeod Lake Indian Band) raised

concerns about pipeline spills and emergency response scenarios, the need to potentially mitigate impacts on wildlife and traplines, the impacts on their traditional territory, and training, education and employment related opportunities.

In March 2010, Northern Gateway also met with representatives of the McLeod Lake (McLeod Lake Indian Band) for a pipeline construction, safety and integrity technical session. The meeting was held jointly with Lheidli T'enneh (Lheidli T'enneh Band) in Prince George. In addition to the technical discussion, McLeod Lake (McLeod Lake Indian Band) expressed an interest in future meetings to discuss training, employment and procurement opportunities. Northern Gateway and representatives of the McLeod Lake (McLeod Lake Indian Band) discussed arranging a meeting to discuss relocation of a pump station.

In March 2010, the McLeod Lake (McLeod Lake Indian Band) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In May, June and July 2010, Northern Gateway and representatives of the McLeod Lake (McLeod Lake Indian Band) discussed clarifications about the community report.

In July 2010, the McLeod Lake (McLeod Lake Indian Band) requested sponsorship from Northern Gateway for its Annual General Assembly in August. Northern Gateway provided sponsorship for the meeting.

In September 2010, a community member of the McLeod Lake (McLeod Lake Indian Band) gave an oral presentation in response to the JRP Procedural Direction of July 2010. This community member presented and represented his own opinions.

In October 2010, Northern Gateway met with representatives of the McLeod Lake (McLeod Lake Indian Band) at the 2010 Energy Conference in Fort St. John. The principal concern raised was pipeline structural integrity and the technologies that were planned to mitigate the risk of a spill.

In November 2010, Northern Gateway met with representatives of the McLeod Lake (McLeod Lake Indian Band) to present an Aboriginal Economic Benefits Package to the McLeod Lake (McLeod Lake Indian Band) for consideration.

In February 2011, Northern Gateway held an open house and community luncheon in McLeod Lake. Topics of discussion included the risk involved in equity ownership, whether First Nations would have to pay for an oil spill if they were equity owners, insurance coverage for oil spills, the source of qualified trades people, Enbridge's spill history, the source and destination of the oil shipped on the pipeline and potential opposition by other Aboriginal groups.

In March 2011, Northern Gateway contacted the McLeod Lake (McLeod Lake Indian Band) to thank them for the open house. Northern Gateway also confirmed its understanding that McLeod Lake (McLeod Lake Indian Band) wanted to do more due diligence before signing the MOU.

The McLeod Lake (McLeod Lake Indian Band) is a member of the Prince George CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the McLeod Lake (McLeod Lake Indian Band) up to date and informed about the Project through written notices and correspondence.

***Interests and Concerns of the McLeod Lake (McLeod Lake Indian Band)***

In the Application, Volume 5A, Section 5.6.1, the interests and concerns identified by the McLeod Lake (McLeod Lake Indian Band) were summarized as follows:

- recognition of Keyoh holders
- cumulative effects of modifications to access
- land modification and chemicals in the environment
- potential workforce for McLeod Lake (McLeod Lake Indian Band)
- equity investment
- training initiatives
- participation in economic and employment opportunities
- business procurement opportunities
- route alignment (requested digital shape files)
- watercourse crossings
- access to pipeline RoW after construction
- traditional knowledge studies
- emergency response and preparedness
- interest in providing stockpiles for the Project
- wetlands and swamps
- caribou
- fish
- education
- skills transfer
- locating the Bear Lake pump station on reserve lands
- migration patterns

During the Update Period, the following new interests and concerns were identified:

- sensitive area near the Parsnip river
- impact on traditional territory
- pipeline spills and emergency response
- wildlife corridor and trapline concerns
- pipeline integrity
- insurance coverage for spills
- risk in equity investment in the Project
- During its oral presentation in response to the JRP Procedural Direction of July 2010, the McLeod Lake (McLeod Lake Indian Band) raised an interest in information on the need of the Project.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the McLeod Lake (McLeod Lake Indian Band)'s interests and concerns follows. In addition, a member of the McLeod Lake (McLeod Lake Indian Band) made oral submissions to the JRP in response to the JRP Procedural Direction, which Northern Gateway responded to in its submission to the JRP dated October 28, 2010.

#### ***Recognition of Keyoh Holders***

Northern Gateway recognizes that the proposed RoW may cross Keyohs held by McLeod Lake (McLeod Lake Indian Band) members. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes, including land used by Keyoh holders.

#### ***Access to Pipeline RoW***

In its ATK study, the McLeod Lake (McLeod Lake Indian Band) stated its concern that new roads opened by the Project could increase access for the public. The McLeod Lake (McLeod Lake Indian Band) also requested that access by its members to hunting, fishing and plant-gathering areas not be restricted.

The McLeod Lake (McLeod Lake Indian Band) raised a similar concern about the Kitimat–Summit Lake Looping Pipeline, requesting that foot trails for hunters and animals be preserved. In that case, Pacific Trails Pipelines Limited Partnership Ltd. stated that trails crossing the Kitimat–Summit Lake Looping Pipeline RoW will be restored where appropriate and that the Kitimat–Summit Lake Looping Pipeline would not limit access that is already in place other than during construction, to adhere to safety precautions. As noted in the Construction EPMP (see the Application, Volume 7A), Northern Gateway will make provisions for Aboriginal groups to access the RoW by:

- providing opportunities for Aboriginal groups to harvest medicinal and food-source plants before the RoW and pump station sites are cleared, if the RoW or pump stations overlap traditional use areas of Aboriginal groups residing near the RoW
- considering requests by Aboriginal groups for firewood from the clearing slash
- facilitating ongoing access for Aboriginal trappers and hunters to their traplines and hunting trails during active construction, by providing breaks in the rollback at flagged trails and strategically placing trench plugs

The McLeod Lake (McLeod Lake Indian Band) also raised a concern in its ATK study that more public access to traditional hunting and trapping grounds may lead to an increase in the number of people hunting and removing game from bush. Existing access to the proposed RoW will be used wherever practical. Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.



### *Land Modification and Chemicals in the Environment*

Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. Northern Gateway will recontour the RoW as close to the preconstruction profile as practical, or to a stable angle.

The ESA considered the disposition of contaminants, hazardous air pollutants and greenhouse gases and their effects. The ESA provides an assessment of potential effects of the Project on vegetation (Application, Volume 6A, Part 1, Section 8). In that context, some of the suggested mitigation measures for the Project include:

- avoiding the use of herbicides and pesticides in RoW maintenance activities within Reserves and Traditional Territories, using hand clearing instead
- monitoring the presence of herbicide and pesticide contamination on berries that grow near the RoW

Northern Gateway's Weed Management Plan is provided in the Application, Volume 7A, Appendix A.3.34.

### *Equity Investment*

The McLeod Lake (McLeod Lake Indian Band) expressed an interest in equity investment and a concern about the risk of equity investment in the Project. Northern Gateway presented an Aboriginal Economic Benefits Package to the McLeod Lake (McLeod Lake Indian Band) in November 2010.

### *Economic Opportunities*

The McLeod Lake (McLeod Lake Indian Band) expressed its desire to know more about the potential economic opportunities arising from the Project, including:

- training and education
- employment and potential workforce
- business procurement opportunities
- skills transfer

In response to this request, Northern Gateway offered to be available to meet with the McLeod Lake (McLeod Lake Indian Band), as required, to discuss these opportunities. In 2010, the McLeod Lake (McLeod Lake Indian Band) had many conversations with Northern Gateway about such opportunities.

Northern Gateway will provide opportunities for economic participation to the McLeod Lake (McLeod Lake Indian Band). This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the McLeod Lake (McLeod Lake Indian Band) to assess the current

capacity of the Band's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Route Alignment Digital Shape Files*

In June 2009, Northern Gateway provided digital shape files for the proposed RoW to the McLeod Lake (McLeod Lake Indian Band) as requested.

### *Watercourse Crossings and Fish*

Northern Gateway conducted a technical meeting with the McLeod Lake (McLeod Lake Indian Band) that included a component on watercourse crossings. As mentioned in the Application, Volume 5A, Section 5.6.1, watercourse crossing technical sessions and field trips were undertaken with the McLeod Lake (McLeod Lake Indian Band) to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the watercourse crossings, fisheries habitat compensation would be developed to ensure no net loss of the productive capacity of these aquatic systems. In that event, Northern Gateway will discuss site-specific plans, execution and monitoring with the McLeod Lake (McLeod Lake Indian Band) for crossings of interest to them.

### *Aboriginal Traditional Knowledge Studies*

The McLeod Lake (McLeod Lake Indian Band) completed a collaborative ATK study with Northern Gateway. As noted below, this is summarized in the Application, Volume 5B, Appendix C, Table C-12.

### *Stockpile Locations*

The McLeod Lake (McLeod Lake Indian Band) expressed an interest in providing stockpile locations for the Project. Northern Gateway will consider this request during detailed engineering and construction planning when making its decision about the location of stockpile sites. Protection measures for stockpile sites are described in the Construction EPMP (see the Application, Volume 7A).

### *Wetlands and Swamps*

In its ATK study, the McLeod Lake (McLeod Lake Indian Band) noted its concern that the Project was too close to wetlands. The McLeod Lake (McLeod Lake Indian Band) identified the following wetlands either intersected by or in proximity to the RoW:

- Slender Lake, located approximately 0.2 km south of KP 744 on the proposed RoW
- Area near Parsnip River, intersected by the RoW at KP 676
- Swamp River along Chuchinka Creek in close proximity to the RoW, between KP 688 and KP 712
- Tacheeda Lakes, located approximately 17 km north of KP 712 on the proposed RoW

Tacheeda Lakes is a substantial distance from the proposed RoW and should not be affected by the Project. Northern Gateway has proposed winter construction to address wetlands and swamps. Where

winter construction will not be done, route adjustments and mitigation measures as described in the Construction EPMP (see the Application, Volume 7A) will be used.

The McLeod Lake (McLeod Lake Indian Band) requested additional information on watercourse crossings. As noted above, Northern Gateway conducted a technical session with the McLeod Lake (McLeod Lake Indian Band) that included a component on watercourse crossings.

The McLeod Lake (McLeod Lake Indian Band) raised a concern about the potential Project effects on wetlands (swamps, muskegs) from construction. In the Kitimat–Summit Lake Looping Pipeline application, the McLeod Lake (McLeod Lake Indian Band) raised a similar concern stating that there are many marshy areas where construction should be done in winter. The Pacific Trails Pipelines Limited Partnership Ltd. responded that it had proposed winter construction in specific areas. As described above, Northern Gateway has likewise proposed winter construction in certain areas to address this concern.

### *Wildlife*

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will also limit the effects on caribou by:

- working to situate the pipeline route in valley bottoms (which avoids preferred high-elevation old growth habitat used in late winter)
- avoiding the use of seed mixtures that will attract ungulates (particularly in woodland caribou herd areas and near roads) during construction
- avoiding disturbance of identified key caribou habitat during critical restricted activity periods

Northern Gateway will also consider the avoidance, mitigation and compensation measures developed for the adjacent Kitimat–Summit Lake Looping Pipeline. Specific measures developed by Pacific Trails Pipelines to address concerns related to caribou for the Kitimat–Summit Lake Looping Project included the following:

- using native plant species to maintain biodiversity and reduce weed cover in woodland caribou summer feeding areas
- pipeline routing avoids sensitive woodland caribou winter ranges and calving ranges

### *Locating the Bear Lake Pump Station on Reserve Lands*

There have been several conversations with the McLeod Lake (McLeod Lake Indian Band) in response to its request to relocate the Bear Lake pump station onto the Sas Mighe No. 32 Indian Reserve. As described in Section 4.3.2 of this Update, Northern Gateway relocated the pipeline RoW and the Bear

Lake pump station onto the Sas Mighe No. 32 Indian Reserve in the December 2010 Update to the Application, Volume 3. This site has been determined by both Northern Gateway and the McLeod Lake (McLeod Lake Indian Band) to be the preferred site. Technical confirmation of the pump station relocation to this site will be undertaken during detailed routing and engineering, which would follow regulatory approval.

### *Migration Patterns and Wildlife Corridors*

The ESA provides an assessment of potential effects of the Project on wildlife, including wildlife habitat, corridors and migration (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders. Northern Gateway will also consider the avoidance, mitigation and compensation measures developed for the adjacent Kitimat–Summit Lake Pipeline Looping Project and will review and enhance habitat protection and restoration measures with the McLeod Lake (McLeod Lake Indian Band) before construction starts.

### *Traplins*

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### *Pipeline Spills and Emergency Preparedness and Response*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Northern Gateway will share information with the McLeod Lake (McLeod Lake Indian Band) about emergency preparedness and first response before operations start.

### *Pipeline Integrity*

One of the key messages conveyed to Northern Gateway by the McLeod Lake (McLeod Lake Indian Band) was that it is very interested in the economic stimulus arising from the construction and operation of the Project in its traditional territory, provided that the risk potentially posed to the natural environment is small by comparison with the economic gains that would potentially accrue. Northern Gateway has carefully listened to this concern and has made several of its expert engineers and environmental protection specialists available to the McLeod Lake (McLeod Lake Indian Band) to answer questions posed about the structural integrity of the pipeline, the scale and scope of the pipeline corridor, and the emergency response system that would be in operation to mitigate any potential compromise of the pipeline. Several technical meetings were held with the McLeod Lake (McLeod Lake Indian Band), which have provided attendees with the opportunity to get a detailed understanding of the technology and materials that would be used to construct and maintain the Project.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Insurance Coverage for Spills*

The McLeod Lake (McLeod Lake Indian Band) has asked about insurance coverage for spills. One of the McLeod Lake (McLeod Lake Indian Band)'s concerns with equity ownership was whether, as an equity owner, it would be responsible for costs in the event of a spill. Northern Gateway explained the insurance and compensation schemes for pipeline spills.

### *Need for the Project*

The McLeod Lake (McLeod Lake Indian Band) expressed an interest in obtaining information on the need for the Project. This is addressed in the Application, Volume 1, Section 3 and Volume 2, Section 1.6. The Project provides access for Western Canadian Sedimentary Basin production to new international markets. New markets and expanded transportation capacity are essential to the development of this production, which has already been determined to be in the public interest.

### *Aboriginal Traditional Knowledge Program*

A summary of the McLeod Lake (McLeod Lake Indian Band) collaborative ATK study community report is in the Application, Volume 5B, Appendix C, Table C-12. Northern Gateway is prepared to meet with the McLeod Lake (McLeod Lake Indian Band) to clarify and confirm understanding of its identified interests and concerns. Northern Gateway will also follow up with the McLeod Lake (McLeod Lake Indian Band) during detailed engineering, to offer to review and discuss proposed responses to the identified interests and concerns and to attempt to resolve any outstanding issues.

## 5.6.2 Red Bluff (Red Bluff Indian Band)

The Red Bluff (Red Bluff Indian Band) is geographically located outside the scope of Northern Gateway's Aboriginal consultation program. In December 2009, Northern Gateway confirmed this in a letter to the Red Bluff Indian Band, and advised that the Red Bluff Indian Band may contact Northern Gateway if it has any questions about the Project. Northern Gateway is prepared to meet with the Red Bluff (Red Bluff Indian Band) at any time to discuss Project-related interests or concerns.

## 5.6.3 Lheidli T'enneh First Nation (Lheidli T'enneh Band)

### *Geographic Setting*

The Lheidli T'enneh First Nation (Lheidli T'enneh Band) has four reserves near the Fraser Nechako and Chilako Rivers, with the closest reserve (Fort George #2) located approximately 51.4 km from the proposed RoW. The traditional territory of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) encompasses the areas around Prince George, including from the Nechako and Fraser River areas to the Alberta-BC border (see the Update to Appendix C, Figure C-11).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat-Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) is provided on pages 200 to 206 of the Kitimat-Summit Lake Looping Pipeline assessment [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

### *Engagement Activities during the Update Period*

In January 2010, Northern Gateway met with representatives of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) to discuss sponsorship opportunities potentially available to the Lheidli T'enneh First Nation (Lheidli T'enneh Band) arising from the Project.

In March 2010, Northern Gateway met with representatives of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) to conduct a watercourse crossing technical session. This was held jointly with the neighbouring McLeod Lake Indian Band in Prince George.

In March 2010, the Lheidli T'enneh (Lheidli T'enneh Band) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In March 2010, Northern Gateway met with representatives of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) to conduct a pipeline construction, safety and integrity technical session. This was held jointly with the neighbouring McLeod Lake Indian Band in Prince George. The Lheidli T'enneh First Nation (Lheidli T'enneh Band) expressed an interest in a future meeting to discuss training, employment and procurement opportunities that would potentially be available.

In October 2010, Northern Gateway met with representatives of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) to discuss their interest in working to secure economic benefit in the form of employment

and procurement opportunities. Northern Gateway reviewed the content of a pending Aboriginal Economic Benefits Package.

In November 2010, Northern Gateway met with representatives of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) to present an Aboriginal Economic Benefits Package formally for consideration.

In December 2010, Northern Gateway sent a letter to the Lheidli T'enneh First Nation (Lheidli T'enneh Band) with a donation to its annual community dinner.

In March 2011, Northern Gateway met with representatives of the Lheidli T'enneh First Nation (Lheidli T'enneh Band) in the community, to discuss progress about completing the ATK study, and support for a community-based health initiative.

The Lheidli T'enneh First Nation (Lheidli T'enneh Band) also actively participates in the Prince George CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Lheidli T'enneh First Nation (Lheidli T'enneh Band) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Lheidli T'enneh First Nation (Lheidli T'enneh Band)***

In the Application, Volume 5A, Section 5.6.4, the interests and concerns identified by the Lheidli T'enneh First Nation (Lheidli T'enneh Band) were summarized as follows:

- resources for traditional knowledge studies
- identification and protection of burial sites
- employment opportunities
- education and training
- community benefits agreement in relation to community legacy
- watercourse crossing information
- cumulative effects
- environmental effects
- During the Update Period, the following new interests and concerns were identified:
- sponsorship and economic development opportunities
- wildlife corridor and trapline concerns
- pipeline spills and emergency response
- procurement opportunities

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Lheidli T'enneh First Nation (Lheidli T'enneh Band)'s interests and concerns follows.

#### ***Resources for ATK Study***

Northern Gateway has provided funding for a Lheidli T'enneh First Nation (Lheidli T'enneh Band) independent ATK study. That study is now underway.

### *Burial Sites*

The Lheidli T'enneh First Nation (Lheidli T'enneh Band) is concerned about the identification and protection of burial sites. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. The information from the ATK study and other information shared with Northern Gateway will be considered in Project planning and execution, with a particular emphasis on identification of site-specific features, such as burial sites, that need to be considered in detailed routing and during construction. Work on an ATK study for the Lheidli T'enneh First Nation (Lheidli T'enneh Band) is underway. Where appropriate, mitigation measures can be developed to reduce or avoid effects on such sites, and strict protocols will be in place regarding the treatment of burial sites discovered during construction. These measures will be incorporated into the Construction EPMP (see the Application, Volume 7A) as they are identified and addressed through consultation with the Lheidli T'enneh First Nation (Lheidli T'enneh Band). If the Project is approved, additional engagement will be undertaken with the Lheidli T'enneh First Nation (Lheidli T'enneh Band) during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these site-specific features.

### *Economic Opportunities*

The Lheidli T'enneh First Nation (Lheidli T'enneh Band)'s interest in economic opportunities include education, training and employment opportunities. Northern Gateway presented an Aboriginal Economic Benefits Package in November 2010. Northern Gateway will provide opportunities for economic participation to the Lheidli T'enneh First Nation (Lheidli T'enneh Band). This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Lheidli T'enneh First Nation (Lheidli T'enneh Band) to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Community Investment*

The Lheidli T'enneh First Nation (Lheidli T'enneh Band) is interested in the legacy and sponsorship aspects of the community benefits agreement. Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway has contributed towards sponsorship for the upgrade and infrastructure of the Lheidli T'enneh First Nation



(Lheidli T'enneh Band) Geographic Information System and made contributions to its annual community dinner.

### *Watercourse Crossings*

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings. As mentioned in the Application, Volume 5A, Section 5.6.4, technical sessions and field trips have been undertaken with Lheidli T'enneh First Nation's (Lheidli T'enneh Band) to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Lheidli T'enneh First Nation (Lheidli T'enneh Band) the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Cumulative Effects*

A project inclusion list has been developed for the Project that identifies other planned projects in the vicinity. Project residual effects that may overlap with effects from other projects on the inclusion list are to be considered in the cumulative effects assessment (see the Application, Volumes 6 and 8B and the October 2010 update to the Application, Volume 6C, Section 4.4).

The ESA for the Project considers both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with participating Aboriginal groups to discuss the ESA and reduce any potential environmental effects and other areas of concern to the extent possible.

### *Environmental Effects*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. One of the key messages conveyed to Northern Gateway by the Lheidli T'enneh First Nation (Lheidli T'enneh Band) has been that the Band is very interested in the economic stimulus arising from the construction and operation of the Project in its traditional territory, provided that the risk potentially posed to the natural environment is small by comparison with the economic gains that would potentially accrue to them. Northern Gateway has carefully listened to this concern and has made several of its expert engineers and environmental protection specialists available to the Lheidli T'enneh First Nation (Lheidli T'enneh Band) to answer questions posed about the structural integrity of the pipeline, the scale and scope of the pipeline corridor, and the emergency response system that would be in operation in the event of a spill. Northern Gateway has held several technical meetings with the Lheidli T'enneh First Nation (Lheidli T'enneh Band) which have provided attendees with the opportunity to get a detailed understanding of the new technology and materials that would be used to construct and maintain the Project, and to ask questions.

### *Wildlife Corridor*

The Lheidli T'enneh (Lheidli T'enneh Band) expressed wildlife corridor and trapline concerns during technical sessions. Engineering and environmental protection specialists were made available on several occasions to answer their questions about habitat and trapline integrity after construction and operations of the Project. Northern Gateway described how it has taken into consideration habitat corridors and in many cases accommodated these concerns by rerouting the pipeline to avoid environmentally sensitive areas.

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

### *Traplines*

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects, or is near, the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

### *Pipeline Spills and Emergency Response*

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Lheidli T'enneh First Nation (Lheidli T'enneh Band) about emergency preparedness and first response before operations start.

### *Aboriginal Traditional Knowledge Program*

The Lheidli T'enneh (Lheidli T'enneh Band) is in the process of completing an independent ATK study.

#### **5.6.4 Carrier-Sekani Tribal Council**

##### ***Geographic Setting***

The Carrier-Sekani Tribal Council is a not-for-profit society with an objective of helping its eight member First Nations achieve self-reliance through the delivery of support services in a variety of program areas. The eight member First Nations comprising the Carrier-Sekani Tribal Council are:

- Burns Lake Band (Ts'il Kaz Koh First Nation)
- Nadleh Whut'en First Nation
- Nak'azdli Band
- Saik'uz First Nation
- Stelat'en First Nation
- Tl'azt'en Nation
- Takla Lake First Nation
- Wet'suwet'en First Nation

The member First Nations span the area west of Burns Lake to Prince George and from Nazko to Thomas Peak. Each First Nation has its own distinct territory.

##### ***Engagement Activities during the Update Period***

In July 2010, Northern Gateway wrote a letter to the Carrier-Sekani Tribal Council to outline the process for using the Carrier Sekani Tribal Council's Aboriginal Interests and Use Study in the regulatory process for the Project. The letter explained that a summary table compiled from the Aboriginal Interests and Use Study had been included in the ESA and had also been made available to other disciplines conducting assessments for the Project's ESA. The letter explained that the study itself would not be included in the Application, but would be available to the NEB upon request. The recipients of the letter were requested to state their preference in writing, for whether they would like to 1) submit the Aboriginal Interests and Use Study publicly or 2) submit the Aboriginal Interests and Use Study confidentially with the NEB, following the issuance by the NEB of an order allowing a confidential filing under Section 16.1 of the *NEB Act*.

In September 2010, Northern Gateway advised the Carrier-Sekani Tribal Council that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Carrier-Sekani Tribal Council up to date and informed about the Project through written notices and correspondence.

##### ***Interests and Concerns of the Carrier-Sekani Tribal Council***

Northern Gateway's responses to concerns previously expressed by the Carrier-Sekani Tribal Council on behalf of its members are described in the individual community updates to follow. No new interests or concerns were identified during the Update Period.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Carrier-Sekani Tribal Council independent Aboriginal Interests and Use study community report is in the Application, Volume 5B, Appendix C, Table C-4. Northern Gateway is reviewing the ATK study and will meet with the Carrier-Sekani Tribal Council, if required, to clarify and ensure understanding of the identified interests and concerns. Northern Gateway will follow up with the Carrier-Sekani Tribal Council during detailed engineering, to review and discuss proposed responses to the identified interests and concerns and to attempt to resolve any outstanding issues.

#### **5.6.4.1 Saik'uz First Nation**

##### ***Geographic Setting***

The Saik'uz First Nation has 10 reserves in the area south of Vanderhoof, with the closest reserve (Noonla #6) located approximately 36.8 km from the proposed RoW. These include lands near Nulki, Tachick, Tatuk and Sinkut Lakes on the Nechako River (see the Update to Appendix C, Figure C-12).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Saik'uz First Nation is provided on pages 194 to 199 of the Kitimat–Summit Lake Looping Pipeline assessment, as part of the assessment of project effects on Carrier-Sekani Tribal Council

[[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

##### ***Engagement Activities during the Update Period***

No meetings were held with the Saik'uz First Nation during the Update Period. Throughout the fall and winter of 2010 and 2011, Northern Gateway extended several offers to meet with the Saik'uz First Nation to determine a process for engagement and to address issues and concerns of importance to the Saik'uz First Nation, and to discuss potential benefits from the Project specific to the Saik'uz First Nation.

In September 2010, Northern Gateway advised the Saik'uz First Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In September 2010, representatives of the Saik'uz First Nation advised Northern Gateway that the community was opposed to the Project for several reasons, including:

- lack of resources to complete a proper ATK study
- their assessment of Enbridge's spill records and spill reporting practices
- the Saik'uz First Nation's belief that Enbridge was a part owner and therefore 'at fault' for the Gulf spill with British Petroleum (BP)
- the belief of the Saik'uz First Nation in relation to the validity of the NEB process and selection process for JRP members

Through ongoing dialogue, Northern Gateway is endeavouring to correct the misunderstandings articulated by the Saik'uz First Nation. After listening to these concerns, Northern Gateway advised that many Aboriginal communities are engaging with Northern Gateway, and that Northern Gateway would be presenting possible benefits in an Aboriginal Economic Benefits Package in the near future.

In October 2010, the Saik'uz First Nation sent Northern Gateway a letter introducing a newly formed Interior Alliance with Nadleh Whut'en First Nation, Nak'azdli First Nation, Takla Lake First Nation and Wet'suwet'en First Nation. The letter expressed concerns over the environmental and socio-economic impacts on the Interior Alliance territory and the federal review process being followed and its disregard for Aboriginal rights and title. The letter reiterated the view expressed in Carrier Sekani Tribal Council's Aboriginal Interests and Use Study that further studies were required and had not been completed. The letter stated that the Interior Alliance expected that no one from Northern Gateway would enter the territories of the Interior Alliance for further studies without explicit consent. The Interior Alliance stated that it intended to ensure that no project proceeds in its territory without the free, prior and informed consent of its people. The letter stated that the Interior Alliance expected the President of Northern Gateway to attend all meetings and that future communication and correspondence with the Saik'uz First Nation, Nadleh Whut'en First Nation, Nak'azdli Band, Takla Lake First Nation and Wet'suwet'en First Nation be directed to a project lead.

In December 2010, Northern Gateway sent a letter to the Saik'uz First Nation thanking the Saik'uz First Nation for drawing attention to the newly formed Interior Alliance. Northern Gateway acknowledged the Interior Alliance's concerns with the Project and confirmed its commitment to work with the Saik'uz First Nation to address questions, interests and concerns in a manner benefitting the Saik'uz First Nation local protocol. Northern Gateway offered to meet with Saik'uz First Nation to understand the additional baseline study information sought by the Saik'uz First Nation and to provide information on an Aboriginal Economic Benefits Package.

In February 2011, Northern Gateway wrote to the Saik'uz First Nation, stating that as requested it would extend advance notice to the Saik'uz First Nation of activities on Saik'uz First Nation territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Saik'uz First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Saik'uz First Nation***

In the Application, Volume 5A, Section 5.6.2.4, the interests and concerns identified by the Saik'uz First Nation were summarized as follows:

- effects of the Project on Aboriginal rights and title
- the environmental assessment process

During the Update Period, the following new interests and concerns were identified:

- the need for additional studies to collect baseline information
- concerns over Northern Gateway entering the Saik'uz First Nation territory without prior consent
- concerns over the environmental and socio-economic impacts of the Project
- concerns over the federal review process and its perceived disregard for Aboriginal rights and title

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Saik'uz First Nation's interests and concerns follows.

#### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

#### ***Participation in the Environmental Assessment Process***

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Saik'uz First Nation through Northern Gateway's consultation materials, including brochures, newsletters and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

Northern Gateway's protocol agreements with the Aboriginal groups provide funding that may be used for the review of the Application and ESA. Northern Gateway has included Aboriginal groups in the environmental assessment by supporting ATK studies that identify environmental components in traditional territory and by involving Aboriginal groups in biophysical fieldwork, as discussed in the Application, Volume 5A, Section 3.2.

### *Additional Studies for Baseline Information*

The Saik'uz First Nation considers that additional studies are needed to collect baseline information. Northern Gateway has offered to meet with the Saik'uz First Nation to understand the additional baseline study information sought by the Saik'uz First Nation. Northern Gateway also suggested the Saik'uz First Nation review the TDRs that are on Northern Gateway's website, to determine whether the information the Saik'uz First Nation wants to collect is in the reports. The TDRs have now been filed with the NEB.

### *Northern Gateway Entering Traditional Territory without Prior Consent*

Saik'uz First Nation expressed concerns about Northern Gateway entering Saik'uz First Nation territory without prior consent. Northern Gateway advised the Saik'uz First Nation that it would extend advance notice regarding Northern Gateway activities on the Saik'uz First Nation territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

### *Environmental and Socio-Economic Effects of the Project*

The ESA provides an assessment of potential effects of the Project on the environment and socio-economics (see the Application, Volumes 6 and 8B). Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway continues to offer to meet with the Saik'uz First Nation on a regular basis to address specific environmental and socio-economic issues and concerns and to discuss potential Project benefits.

### *Disregard for Aboriginal Rights and Title*

Northern Gateway has listened to the concern raised by the Saik'uz First Nation and other members of the Interior Alliance that the federal review process disregards Aboriginal rights and title. Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as its consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

### *Aboriginal Traditional Knowledge Program*

A summary of the Carrier-Sekani Tribal Council independent Aboriginal Interests and Use study community report is in the Application, Volume 5B, Appendix C, Table C-4. The Saik'uz First Nation was included in that study. Northern Gateway continues to offer the Saik'uz First Nation the opportunity to complete an ATK study, if it wishes to supplement the Carrier Sekani Tribal Council's study.

#### **5.6.4.2 Nak'azdli Band**

##### ***Geographic Setting***

The Nak'azdli Band has 16 reserves, with the closest reserve (Six Mile Meadow #6) located approximately 2.7 km from the proposed RoW (see the Update to Appendix C, Figure C-13).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Nak'azdli Band (Ts'il Kaz Koh First Nation) is provided on pages 194 to 199 of the Kitimat–Summit Lake Looping Pipeline assessment, as part of the discussion of project effects on the interests of the Carrier-Sekani Tribal Council:

[[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

##### ***Engagement Activities during the Update Period***

In March 2010, the Nak'azdli Band attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In September 2010, Northern Gateway advised the Nak'azdli Band that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In October 2010, the Nak'azdli Band sent Northern Gateway a letter introducing a newly formed Interior Alliance with the Saik'uz First Nation, the Nadleh Whut'en First Nation, the Takla Lake First Nation and the Wet'suwet'en First Nation. The letter expressed concerns over the environmental and socio-economic impacts on the Interior Alliance territory and the federal review process being followed and its disregard for Aboriginal rights and title. The letter reiterated the view expressed in Carrier Sekani Tribal Council's Aboriginal Interests and Use Study that further studies were required and had not been completed. The letter stated that the Interior Alliance expected that no one from Northern Gateway would enter the territories of the Interior Alliance for further studies without explicit consent. The Interior Alliance stated that it intended to ensure that no project proceeds in its territory without the free, prior and informed consent of its people. The letter stated that the Interior Alliance expected the President of Northern Gateway to attend all meetings and that future communication and correspondence with the Saik'uz First Nation, the Nadleh Whut'en First Nation, the Nak'azdli Band, the Takla Lake First Nation and the Wet'suwet'en First Nation should be directed to a project lead.

In December 2010, Northern Gateway sent a letter to the Nak'azdli Band thanking the Nak'azdli Band for drawing attention to the newly formed Interior Alliance. Northern Gateway acknowledged the Interior Alliance's concerns with the Project and confirmed its commitment to work with the Nak'azdli Band to address questions, interests and concerns in a manner benefitting the Nak'azdli Band local protocol. Northern Gateway offered to meet with the Nak'azdli Band to understand the additional baseline study information sought by the Nak'azdli Band and to provide information on an Aboriginal Economic Benefits Package.



In February 2011, Northern Gateway wrote to the Nak'azdli Band, stating that as requested it would extend advance notice to the Nak'azdli Band of activities on Nak'azdli Band territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Nak'azdli Band up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Nak'azdli Band***

In the Application, Volume 5A, Section 5.6.2.3, the interests and concerns identified by the Nak'azdli Band were summarized as follows:

- the cumulative effects brought on by industrial development and settlement in its traditional territory
- herbicide and pesticide spraying against weed species, with the potential contamination of plants and berries harvested by Carrier Sekani Tribal Council peoples
- siltation of streams due to slumping of stream banks and the potential threat to salmon spawning grounds
- water quality
- air quality during operation
- effects on wildlife during construction of the Project
- the effects the Project may have on the Nak'azdli Band's asserted rights and title to its territory
- participation in the regulatory and environmental assessment process
- Keyoh holders' rights
- employment and training opportunities
- safety and integrity of the pipelines
- Enbridge's record in Canada and the United States
- access to Keyoh traditional lands before, during and after construction

During the Update Period, the following new interests and concerns were identified:

- the need for additional studies to collect baseline information
- concerns over Northern Gateway entering the Nak'azdli Band territory without prior consent
- concerns over the environmental and socio-economic impacts of the Project
- concerns over the federal review process and its disregard for Aboriginal rights and title

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Nak'azdli Band's interests and concerns follows.

### *Cumulative Effects of Industrial Development*

A project inclusion list has been developed for the Project that identifies other planned projects in the vicinity. Project residual effects that may overlap with effects from other projects on the inclusion list are be considered in the cumulative effects assessment (see the Application, Volumes 6 and 8B and the October 2010 Update to the Application, Volume 6C, Section 4.4).

The ESA for the Project considers both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with participating Aboriginal groups to discuss the ESA and reduce any potential environmental effects and other areas of concern to the extent possible.

### *Contamination from Herbicide and Pesticides*

The Nak'azdli Band expressed concern about the potential contamination of numerous plants and berries from herbicides and pesticides being sprayed to control weed species.

The ESA provides an assessment of potential effects of the Project on vegetation (see the Application, Volume 6A, Part 1, Section 8.2) and Northern Gateway's Weed Management Plan is in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.34).

### *Threats to Salmon Spawning Grounds*

The Nak'azdli Band expressed concern about the siltation of streams from slumping of stream banks during pipeline construction. The risk of siltation and slumping has been mitigated by avoiding deep-seated slopes in routing and preliminary engineering and applying appropriate routing and engineering design for medium and low-seated slopes. Considerations for environmental management plans for critical areas, such as watercourse crossings or sections of pipeline RoW near surface water are described in the Application, Volume 7, Section 8.

### *Water Quality*

The ESA provides an assessment of potential effects of the Project on surface water resources, including water quality. See the Application, Volume 6A, Part 2, Section 10.

Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as surface water sources, that need to be considered in detailed routing and during construction. If the Project is approved, additional engagement will be offered to the Nak'azdli Band during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect surface water sources. Mitigation measures for water quality include limiting the number of water crossings, using appropriate water crossing techniques, avoiding crossings with unstable channel bed and banks, revegetating channel banks after construction to increase bank stability, managing storm water runoff at pump stations and the Kitimat Terminal and providing adequate wastewater treatment.

### *Air Quality during Operation*

An assessment of air quality effects is in the Application, Volume 6A, Part 1, Section 4.

The pipelines will have virtually no emissions because they are buried underground. Minor emissions could occur at scraper trap facilities when pipeline maintenance equipment is removed from the system. The oil and condensate tanks at the Kitimat Terminal will have minor emissions associated with their operation.

As pump stations will use electrically-powered pumps, the only substantial operational source of emissions will be from the operation of marine vessels loading oil and off-loading condensate at two separate, dedicated tanker berths. Any changes to air quality are expected to occur primarily within the immediate area of the terminal, and none of these changes are considered to be of concern to human health or the environment.

### *Effects on Wildlife during Construction*

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Nak'azdli Band before construction starts, if they wish to participate in such discussions.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Participation in the Regulatory Process*

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Nak'azdli Band through Northern Gateway's consultation materials, including brochures, newsletters and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

### *Participation in the Environmental Assessment Process*

Northern Gateway's protocol agreements with the Aboriginal groups provide funding that may be used for the review of the Application and ESA. Northern Gateway has included Aboriginal groups in environmental assessment by supporting ATK studies that identify environmental components in traditional territory and by involving Aboriginal groups in biophysical fieldwork as discussed in the Application, Volume 5A, Section 3.2.

### *Keyoh Holders' Rights*

Northern Gateway recognizes that the proposed RoW may cross Keyohs held by Nak'azdli Band members. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes, including land used by Keyoh holders.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Nak'azdli Band. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet opportunities for the meetings with the Nak'azdli Band to assess the current capacity of the Band's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Pipeline Integrity and Safety*

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Enbridge's Safety Record*

In Canada and the United States, Enbridge has an excellent pipeline safety record, notwithstanding the two events during the summer of 2010 on Lines 6A and 6B in the United States. In 2010, in Canada and the United States, Enbridge recorded 78 reportable spills along its liquids pipeline system. Of these spills, 59 were contained within Enbridge facilities, and 72 were fewer than 100 barrels of product. The spills represented about 32,622 barrels, a small fraction of the total volume transported on the system in 2010, which was approximately 950 million barrels. Most of the spills that Enbridge experiences on its liquids pipelines system are small and take place at Enbridge facilities, such as pump stations and terminals. As a result, Enbridge is able to clean them up quickly, and they have either low or no environmental effect. In addition, when looking at government statistics in the United States for the number of pipeline releases for 2002 to 2009, the average for Enbridge's pipeline systems is 40% better than the industry average.

### *Access to Keyoh Traditional Lands*

The Nak'azdli Band questions whether the Project will impact its ability to use the land for traditional purposes, and how the Project will affect access to Keyoh traditional lands before, during and after construction. Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. The Access Management Plan will be implemented to reduce the potential adverse effects of the new access, while ensuring continued use of Keyohs by Keyoh holders.

### *Additional Studies for Baseline Information*

The Nak'azdli Band considers that additional studies are needed to collect baseline information. Northern Gateway has offered to meet with the Nak'azdli Band to understand the additional baseline study information sought by the Nak'azdli Band. Northern Gateway also suggested that the Nak'azdli Band review the TDRs that are on Northern Gateway's website, to determine whether the information the Nak'azdli Band wants to collect is in the reports. The TDRs have now been filed with the NEB.

### *Northern Gateway Entering Traditional Territory without Prior Consent*

The Nak'azdli Band expressed concerns about Northern Gateway entering Nak'azdli Band territory without prior consent. Northern Gateway advised the Nak'azdli Band that, as requested, it would extend advance notice to the Nak'azdli Band of activities on Nak'azdli Band territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

### *Environmental and Socio-Economic Effects of the Project*

The ESA provides an assessment of potential effects of the Project on the environment and socio-economics (see the Application, Volumes 6, and 8B). Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway continues to offer to meet with the Nak'azdli Band on a regular basis to address specific environmental and socio-economic issues and concerns and to discuss potential Project benefits.

### *Disregard for Aboriginal Rights and Title*

Northern Gateway has listened to the concern raised by the Nak'azdli Band and other members of the Interior Alliance that the federal review process disregards Aboriginal rights and title. Northern Gateway has communicated, and will continue to communicate, concerns about federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

### **Aboriginal Traditional Knowledge Program**

Northern Gateway continues to offer the Nak'azdli Band the opportunity to complete an ATK study, if it wishes to supplement the Carrier Sekani Tribal Council's study.

#### **5.6.4.3 Tl'azt'en Nation**

##### ***Geographic Setting***

The Tl'azt'en Nation has 49 reserves, with the closest reserve (North Road #19) being located approximately 7.6 km from the proposed RoW. The traditional territory of the Tl'azt'en Nation encompasses an area along Stuart Lake and up Tache River to Takla Lake to the north (see the Update to Appendix C, Figure C-14).

##### ***Engagement Activities during the Update Period***

In January, February and March 2010, Northern Gateway and representatives of the Tl'azt'en Nation corresponded frequently about the completion of the community report and a summary table for use in the Application.

In March 2010, the Tl'azt'en Nation attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In March 2010, representatives of the Tl'azt'en Nation contacted Northern Gateway to inform them of the status of the Elders Society and new invoicing procedures for the ATK study.

In April 2010, Northern Gateway met with representatives of the Tl'azt'en Nation to provide an update on the final community report in the community. Tl'azt'en Nation discussed its concerns about the environmental impacts of the Project. Tl'azt'en Nation provided Northern Gateway with an update on the election.

In May 2010, Northern Gateway met with representatives of Tl'azt'en Nation to follow up on the community report. Northern Gateway discussed its commitments about procurement benefits and opportunities. Northern Gateway representatives were requested to meet with the Tl'azt'en Nation Chief and Council to discuss the amended protocol agreement. The Tl'azt'en Nation wanted a written commitment about procurement benefits and opportunities arising from the Project.

In June, July and August 2010, Northern Gateway and representatives of the TI'azt'en Nation worked to finalize the community report.

In July 2010, Northern Gateway wrote a letter to the TI'azt'en Nation to outline the process for using the TI'azt'en Nation ATK study in the regulatory process for the Project. The letter explained that a summary table compiled from the ATK study had been included in the ESA and had also been made available to other disciplines conducting assessments for the Project's ESA. The letter explained that the ATK study itself would not be included in the Application, but would be available to the NEB upon request. The recipients of the letter were requested to state their preference in writing, about whether they would like to: 1) submit the ATK study publicly, or 2) submit the ATK study confidentially with the NEB, following the issuance by the NEB of an order allowing a confidential filing under Section 16.1 of the *NEB Act*.

In September 2010, Northern Gateway advised the TI'azt'en Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In October 2010, Northern Gateway met with the newly elected TI'azt'en Nation Chief and Executive Director. The TI'azt'en Nation requested an opportunity to meet with Northern Gateway representatives in its community to discuss employment, training, and procurement opportunities. A second meeting was held in October to discuss the interests and concerns of the TI'azt'en Nation. This was followed up with a letter proposing an additional meeting in November.

In November 2010, Northern Gateway contacted representatives of the TI'azt'en Nation to ask if the Chief and Executive Director were interested in attending a training program entitled 'Best Practices in Aboriginal Business and Economic Development,' to be held at the Banff centre in Alberta in January 2011. Northern Gateway also encouraged representatives of the TI'azt'en Nation to attend a forum in Prince George later in November.

In November 2010, Northern Gateway met with representatives of the TI'azt'en Nation to present an Aboriginal Economic Benefits Package to the TI'azt'en Nation for consideration. Northern Gateway also provided technical information about pipeline construction and operation with a focus on pipeline safety.

In December 2010, Northern Gateway contacted the TI'azt'en Nation to thank them for engagement discussions to date and request a meeting in early in 2011 to discuss the Project further.

In January 2011, Northern Gateway sponsored four representatives of the TI'azt'en Nation to attend the 'Best Practices in Aboriginal Business and Economic Development Program' at the Banff Centre.

In February 2011, Northern Gateway met with the Chief and Council of the TI'azt'en Nation to further discuss the Aboriginal Economic Benefits Package. The TI'azt'en Nation told Northern Gateway that it found the January training course in Banff to be informative and asked if any other training courses were planned. The TI'azt'en Nation requested a technical session with the community in February 2011, and asked for detailed mapping of the proposed RoW for areas close to its reserves.

In February 2011, Northern Gateway attended a community open house and technical session with the TI'azt'en community and leadership. Northern Gateway provided a technical presentation which was attended by Project engineers, environmental experts, business policy analysts, and other specialists who answered questions posed by members of the TI'azt'en Nation. Detailed mapping of the proposed RoW for areas close to the TI'azt'en Nation was provided, as requested. At the conclusion of the technical

meeting, Northern Gateway representatives met with Elders of the TI'azt'en Nation to understand the Elders' interests about the Project and to discuss preferred methods of ongoing engagement.

In February 2011, representatives of the TI'azt'en Nation requested community sponsorship from Northern Gateway for recreation activities.

In February 2011, representatives of the TI'azt'en Nation contacted Northern Gateway to ask several questions about the cost to ship oil, estimated revenue and profit, the amount of oil refined, where it is refined and what processes are involved in refining. The questions stemmed from concerns about the equity offering in an Aboriginal Economic Benefits Package compared to industry revenue. Northern Gateway contacted the TI'azt'en Nation to provide information on the role of Northern Gateway in the process and industry practices. Northern Gateway and TI'azt'en Nation discussed feedback from a recent community meeting.

In March 2011, Northern Gateway and representatives of the TI'azt'en Nation planned a meeting to provide an update on the ATK study final report.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the TI'azt'en Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the TI'azt'en Nation***

In the Application, Volume 5A, Section 5.6.2.6, the interests and concerns identified by the TI'azt'en Nation were summarized as follows:

- potential legacy agreement on youth training and school funding
- potential discussions on components of a comprehensive agreement, the community benefits segment and a request for details relating to the equity offer
- the proposed equity offer to First Nations
- participation in the regulatory and environmental assessment process
- environmental protection
- protecting traditional harvesting activities, including fish, fowl, moose, bear and birds
- commercial hunting and fishing on a sustainable basis as part of a negotiated fisheries management plan
- protecting sensitive areas as special Aboriginal protection zones
- short and long-term employment and training opportunities
- Keyoh holders' rights and compensation

During the Update Period, the following new interests and concerns were identified:

- pipeline integrity
- Northern Gateway safety programming in the event of a pipeline spill
- the Michigan spill and how Enbridge handled it



- a proposed amendment to the current protocol agreement
- Project procurement and employment opportunities
- education and training and employment
- watercourse crossing and events management
- regulatory environmental assessment process
- potential impact on environment
- accessibility for harvesting practices
- equity participation
- cost to ship oil, estimated revenue and profit, the amount of oil refined, where it is refined and what processes are involved in refining

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Tl'azt'en First Nation's interests and concerns follows.

#### ***Community Investment***

The Tl'azt'en First Nation was interested in:

- the potential legacy agreement on youth training and school funding
- discussions on the community benefits segment of a comprehensive agreement

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway has contributed toward the Tl'azt'en Elders' Cultural Camps initiative and to the 'Feasibility Study of Fertilizing Takla Lake for Early Stuart Sockeye Recovery' project.

#### ***Participation in the Regulatory Process***

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Tl'azt'en Nation through Northern Gateway's consultation materials, including brochures, newsletters and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

### *Participation in the Environmental Assessment Process*

Northern Gateway's protocol agreements with the Aboriginal groups provide funding that may be used for the review of the Application and ESA. Northern Gateway has included Aboriginal groups in environmental assessment by supporting ATK studies that identify environmental components in traditional territory and by involving Aboriginal groups in biophysical fieldwork as discussed in the Application, Volume 5A, Section 3.2.

### *Potential Effects on the Environment and Environmental Protection*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project (see the Application, Volumes 6, 7A and 8B) considers both short- and long-term environmental effects.

### *Protecting Traditional Harvesting Activities*

The Tl'azt'en Nation has stated its concern that the Project will impact some of its traditional land-use practices, and is interested in protecting traditional harvesting activities, including fishing and hunting for fowl, moose, bear and birds and in maintaining accessibility for harvesting practices. The Tl'azt'en Nation has identified potential impacts from the Project on traditional territory, wildlife, watercourses and integrity of pipelines. The Tl'azt'en Nation has indicated that the Project appears to cross five traplines, has the potential to alter landscapes, and that the noise and disturbance potentially created by the Project might change animal habitats for an indefinite period in its traditional territory. The Tl'azt'en Nation is concerned animal populations may be further reduced due to these factors and that this will have an impact on traditional cultural practices including trapping and hunting.

Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. Existing access to the proposed RoW will be used wherever practical. Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

Northern Gateway representatives are planning to provide a wildlife workshop with the TI'azt'en Nation in 2011. Northern Gateway representatives will also discuss a noise management plan with the TI'azt'en Nation in 2011.

### *Commercial Hunting and Fishing*

The TI'azt'en Nation has stated its interest in commercial hunting and fishing on a sustainable basis, as part of a negotiated fisheries management plan. Northern Gateway will clarify the nature and scope of this concern in future discussion with the TI'azt'en Nation.

### *Protecting Sensitive Areas*

The TI'azt'en Nation is interested in protecting sensitive areas as special Aboriginal protection zones. Sensitive soil areas, terrain, vegetation habitats and wildlife habitats have been identified in the ESA and ATK studies. These areas have been taken into account in pipeline routing. The methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3. Northern Gateway considered various alternatives for the pipeline route during the preliminary design stage. The initial pipeline route has been revised at many locations in response to engineering and environmental studies and input that has been received through the engagement process. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. The detailed route will incorporate detailed engineering, construction, and operations considerations, further site-specific constraint mapping, results of ATK studies and further field investigations, and further input from participating Aboriginal groups and communities, landowners, the public, other interested parties, and government agencies. The TI'azt'en Nation has completed an ATK study and updated it in 2010. If the Project is approved, additional engagement will be undertaken with the TI'azt'en Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect sensitive areas.

### *Economic Opportunities*

The TI'azt'en Nation's interest in economic opportunities included:

- equity participation
- short and long-term employment
- training
- procurement

Northern Gateway presented an Aboriginal Economic Benefits Package to the TI'azt'en Nation in November 2010. The TI'azt'en Nation and Northern Gateway have had several discussions about the Aboriginal Economic Benefits Package. Northern Gateway will provide opportunities for economic participation to the TI'azt'en Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the

Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the TI'azt'en Nation to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Keyoh Holders' Rights and Compensation*

Northern Gateway recognizes that the proposed RoW may cross Keyohs held by TI'azt'en Nation members. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes, including land used by Keyoh holders.

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

### *Pipeline Integrity and Spill Response*

The TI'azt'en Nation expressed concern about Northern Gateway safety programming in the event of a pipeline spill. Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12. Several examples are considered in the Application, Volume 7B to assess spills on land, which includes identification of mitigation measures, cleanup and recovery measures, and will be addressed in the emergency response plan that will be completed before operations start. Northern Gateway's General Oil Spill Response Plan, (filed with the NEB on March 31, 2011) addresses the land response to an oil spill, including options for containment techniques.

Northern Gateway will share information with the TI'azt'en Nation about emergency preparedness and first response before operations start.

### *The Michigan Incident*

Northern Gateway provided correspondence to the TI'azt'en Nation about the pipeline leak in Marshall, Michigan, and Enbridge's response. Within one hour of being alerted to the leak, Enbridge had emergency crews starting initial containment. At the height of the response, there were approximately 2,000 to 2,500 workers in the Marshall and Battle Creek areas. The workforce increased and decreased as needed, according to the clean-up activities that were undertaken, and in accordance with approved work plans.

### *Proposed Amendment to the Current Protocol Agreement*

In November 2010, Northern Gateway and the TI'azt'en Nation signed an amendment to their protocol agreement, addressing the TI'azt'en Nation's concern.

### *Watercourse Crossing and Events Management*

As discussed in its ATK study, fish are a primary traditional food source for the TI'azt'en Nation. Northern Gateway conducted a technical meeting with a component on watercourse crossing with the

Tl'azt'en Nation. Northern Gateway is working to arrange a further watercourse crossing technical session with the Tl'azt'en Nation in 2011. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Tl'azt'en Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### ***Shipping and Refining Processes***

The Tl'azt'en Nation raised several questions with Northern Gateway about:

- the cost to ship oil
- estimated revenue and profit
- the amount of oil refined
- where oil is refined
- what processes are involved in refining

The questions stemmed from concerns about the equity offering in an Aboriginal Economic Benefits Package compared to industry revenue. Northern Gateway responded to these questions and provided information on the role of pipeline transportation service providers in the energy industry.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Carrier-Sekani Tribal Council independent Aboriginal Interests and Use study community report is in the Application, Volume 5B, Appendix C, Table C-4. The Tl'azt'en Nation was included in that study. They also completed an independent ATK study. A summary of the Tl'azt'en Nation independent community report is in the Application, Volume 5B, Appendix C, Table C-16. Northern Gateway and Tl'azt'en Nation representatives will continue to review the final community report in 2011.

#### **5.6.4.4 Takla Lake First Nation**

##### ***Geographic Setting***

The Takla Lake First Nation has 17 reserves, located near the Driftwood, Kotsine, Omineca, Bear and Sustut Rivers and Bear, Takla and Cheztianya Lakes, with the closest reserve (Takla Lake #9) located approximately 118.7 km from the proposed RoW (see the Update to Appendix C, Figure C-15). Note that the proposed RoW does not traverse the Takla Lake First Nation traditional territory.

From Kitimat to the Prince George area, the pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. Due to the distance from the Takla Lake First Nation traditional territory and the Kitimat–Summit Lake Looping Pipeline, the Takla Lake First Nation's interests are not discussed in that environmental assessment.

Northern Gateway has however engaged with the Takla First Nation due to its membership in the Carrier-Sekani Tribal Council and more recently, the Interior Alliance.

### ***Engagement Activities during the Update Period***

In June 2010, Northern Gateway met with representatives of the Takla Lake First Nation to provide a brief Project update and determine the interests and priorities of the Takla Lake First Nation. The Takla Lake First Nation discussed its concerns and sought more information on baseline studies. Northern Gateway stated that this information could be collected jointly by the Takla Lake First Nation and the Northern Gateway technical team and captured through a supplementary ATK study. The Takla Lake First Nation said it would need to go back to the community to seek a mandate on the elements of the proposed draft protocol agreement, which included the ATK study.

In September 2010, Northern Gateway advised the Takla Lake First Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In October 2010, the Takla Lake First Nation sent Northern Gateway a letter introducing a newly formed Interior Alliance with the Saik'uz First Nation, the Nak'azdli First Nation, the Nadleh Whut'en First Nation and the Wet'suwet'en First Nation. The letter expressed concerns over the environmental and socio-economic impacts on the Interior Alliance territory and the federal review process being followed and its disregard for Aboriginal rights and title. The letter reiterated the view expressed in Carrier Sekani Tribal Council's Aboriginal Interests and Use Study that further studies were required and had not been completed. The letter stated that the Interior Alliance expected that no one from Northern Gateway would enter the territories of the Interior Alliance for further studies without explicit consent. The Interior Alliance stated that it intended to ensure that no project proceeds in its territory without the free, prior and informed consent of its people. The letter stated that the Interior Alliance expected the President of Northern Gateway to attend all meetings and that future communication and correspondence with the Saik'uz First Nation, the Nadleh Whut'en First Nation, the Nak'azdli Band, the Takla Lake First Nation and the Wet'suwet'en First Nation be directed to a project lead.

In December 2010, the Chief of the Takla Lake First Nation delivered the 'Save the Fraser Declaration' to Northern Gateway's offices in Vancouver. The declaration referred to potential environmental effects on the Fraser River, which will not be traversed by the pipeline RoW. The declaration was endorsed by a substantial number of First Nations communities in BC. However, a review of the traditional territories of the First Nation signatories revealed that only six of the signatories are located within the geographic scope of the Project.

In December 2010, Northern Gateway sent a letter to the Takla Lake First Nation thanking the Takla Lake First Nation for drawing attention to the newly formed Interior Alliance. Northern Gateway acknowledged the Interior Alliance's concerns with the Project and confirmed its commitment to work with the Takla Lake First Nation to address questions, interests and concerns in a manner benefitting the Takla Lake First Nation local protocol. Northern Gateway offered to meet with the Takla Lake First Nation to understand the additional baseline study information sought by the Takla Lake First Nation and to provide information on an Aboriginal Economic Benefits Package.

In February 2011, Northern Gateway wrote to the Takla Lake First Nation, stating that as requested it would extend advance notice to the Takla Lake First Nation of activities on Takla Lake First Nation territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Takla Lake First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Takla Lake First Nation***

In the Application, Volume 5A, Section 5.6.2.7, the interests and concerns identified by the Takla Lake First Nation were summarized as follows:

- effects of the Project on Aboriginal rights and title
- the federal environmental assessment process

During the Update Period, the following new interests and concerns were identified:

- the risks related to the Project on traditional territory and lands
- Takla Lake First Nation fishing, hunting and trapping rights
- whether changes to the proposed route are still possible
- the need for additional studies to collect baseline information
- concerns over Northern Gateway entering Takla Lake First Nation territory without prior consent
- concerns over the environmental and socio-economic impacts of the Project
- concerns over the federal review process and its disregard for Aboriginal rights and title

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Takla Lake First Nation's interests and concerns follows.

#### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site -specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Environmental Assessment Process*

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Takla Lake First Nation through Northern Gateway's consultation materials, including brochures, newsletters, and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

### *Effects on Traditional Territory and Lands*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes including fishing, hunting and trapping. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The pipeline corridor does not traverse Takla Lake First Nation traditional territory.

### *Route Changes*

The Takla Lake First Nation wanted to know whether changes to the proposed route were still possible. Northern Gateway considered various alternatives for the pipeline route during the preliminary design stage, and the methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3. The initial pipeline route has been revised at many locations in response to engineering and environmental studies and input received during the engagement process. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed routing and engineering. The detailed route will incorporate detailed engineering, construction, and operations considerations, further site-specific constraint mapping, results of ATK studies and further field investigations, and further input from participating Aboriginal groups and communities, landowners, the public, other interested parties, and government agencies.

### *Additional Studies for Baseline Information*

The Takla Lake First Nation considers that additional studies are needed to collect baseline information. Northern Gateway has offered to meet with the Takla Lake First Nation to understand the additional baseline study information sought by the Takla Lake First Nation. Northern Gateway also suggested the Takla Lake First Nation review the TDRs on Northern Gateway's website to determine whether the information it wants to collect is in the reports. The TDRs have now been filed with the NEB.



### ***Northern Gateway Entering Traditional Territory without Prior Consent***

The Takla Lake First Nation expressed concerns about Northern Gateway entering Takla Lake First Nation territory without prior consent. Northern Gateway advised the Takla Lake First Nation that as requested it would extend advance notice to the Takla Lake First Nation of activities on Takla Lake First Nation territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

### ***Environmental and Socio-Economic Effects of the Project***

The ESA provides an assessment of potential effects of the Project on the environment and socio-economics (see the Application, Volumes 6 and 8B). Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway continues to offer to meet with the Takla Lake First Nation on a regular basis to address specific environmental and socio-economic issues and concerns and to discuss potential Project benefits.

### ***Disregard for Aboriginal Rights and Title***

Northern Gateway has listened to the concern raised by the Takla Lake First Nation and other members of the Interior Alliance that the federal review process disregards Aboriginal rights and title. Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

### ***Effects on the Environment***

The ESA provides an assessment of potential effects of the Project on the environment and socio-economics (see the Application, Volumes 6 and 8B). Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway continues to offer to meet with the Takla Lake First Nation to address specific environmental and socio-economic issues and concerns and to discuss potential Project benefits.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Carrier-Sekani Tribal Council independent Aboriginal Interests and Use study community report is in the Application, Volume 5B, Appendix C, Table C-4. The Takla Lake First Nation was included in that study.

#### **5.6.4.5 Nadleh Whut'en First Nation**

##### ***Geographic Setting***

The Nadleh Whut'en First Nation has seven reserves, with the closest reserve (Canyon Lake #7) located approximately 11.5 km from the proposed RoW (see the Update to Appendix C, Figure C-16).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information about First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Nadleh Whut'en First Nation is provided on pages 194 to 199 of the Kitimat–Summit Lake Looping Pipeline assessment, as part of the discussion of project effects on the interests of Carrier-Sekani Tribal Council [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

##### ***Engagement Activities during the Update Period***

Notwithstanding diligent efforts on the part of Northern Gateway throughout the fall and winter of 2010 to meet with the Nadleh Whut'en First Nation, no meetings were held with the Nadleh Whut'en First Nation during the Update Period. Northern Gateway continues to offer to meet with the Nadleh Whut'en First Nation on a regular basis to determine a process for engagement, to address issues and concerns of importance to the Nadleh Whut'en First Nation and to discuss potential Project benefits specific to the Nadleh Whut'en First Nation.

Northern Gateway is cognizant of the opposition expressed by the Nadleh Whut'en First Nation about the Project but remains committed to understanding the Nation's interests and concerns.

In September 2010, Northern Gateway advised the Nadleh Whut'en First Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In October 2010, the Nadleh Whut'en First Nation sent Northern Gateway a letter introducing a newly formed Interior Alliance with the Saik'uz First Nation, the Nak'azdli First Nation, the Takla Lake First Nation and the Wet'suwet'en First Nation. The letter expressed concerns over the environmental and socio-economic impacts on the Interior Alliance territory and the federal review process being followed and its disregard for Aboriginal rights and title. The letter reiterated the view expressed in Carrier Sekani Tribal Council's Aboriginal Interests and Use Study that further studies were required and had not been completed. The letter stated that the Interior Alliance expected that no one from Northern Gateway would enter the territories of the Interior Alliance for further studies without explicit consent. The Interior Alliance stated that it intended to ensure that no project proceeds in its territory without the free, prior and informed consent of its people. The letter stated that the Interior Alliance expected the President of Northern Gateway to attend all meetings and that future communication and correspondence with the Nak'azdli First Nation be directed to a Project lead.

In December 2010, Northern Gateway sent a letter to the Nadleh Whut'en First Nation thanking the Nation for drawing attention to the newly formed Interior Alliance. Northern Gateway acknowledged the Interior Alliance's concerns with the Project and confirmed its commitment to work with the Nadleh

Whut'en First Nation to address questions, interests and concerns in a manner benefitting the Nadleh Whut'en First Nation local protocol. Northern Gateway offered to meet with the Nadleh Whut'en First Nation to understand the additional baseline study information sought by the Nadleh Whut'en First Nation and to provide information on the Aboriginal Economic Benefits Package.

In February 2011, Northern Gateway wrote to the Nadleh Whut'en First Nation, stating that as requested it would extend advance notice to the Nadleh Whut'en First Nation of activities on Nadleh Whut'en First Nation territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Nadleh Whut'en First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Nadleh Whut'en First Nation***

In the Application, Volume 5A, Section 5.6.2.2, the interests and concerns identified by Nadleh Whut'en First Nation were summarized as follows:

- effects of the Project on Aboriginal rights and title
- exclusion from the environmental review process

During the Update Period, the following new interests and concerns were identified:

- the need for additional studies to collect baseline information
- concerns over Northern Gateway entering Nadleh Whut'en First Nation territory without prior consent
- concerns over the environmental and socio-economic impacts of the Project
- concerns over the federal review process and its disregard for Aboriginal rights and title

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Nadleh Whut'en First Nation's interests and concerns follows.

#### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and

programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

#### *Exclusion from the Environmental Review Process*

Northern Gateway's protocol agreements with the Aboriginal groups provide funding that may be used for the review of the Application and ESA. Northern Gateway has included Aboriginal groups in environmental assessment by supporting ATK studies that identify environmental components in traditional territory and by involving Aboriginal groups in biophysical fieldwork as discussed in the Application, Volume 5A, Section 3.2.

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Nadleh Whut'en First Nation through Northern Gateway's consultation materials, including brochures, newsletters and CAB materials (see the Application, Volume 5A, Section 2.7.1) One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

#### *Additional Studies for Baseline Information*

The Nadleh Whut'en First Nation considers that additional studies are needed to collect baseline information. Northern Gateway has offered to meet with the Nadleh Whut'en First Nation to understand the additional baseline study information sought by Nadleh Whut'en First Nation. Northern Gateway also suggested that the Nadleh Whut'en First Nation view the TDRs that are on Northern Gateway's website, to determine whether the information the Nadleh Whut'en First Nation wants to collect is in the reports. The TDRs have now been filed with the NEB.

#### *Northern Gateway Entering Traditional Territory without Prior Consent*

The Nadleh Whut'en First Nation expressed concerns about Northern Gateway entering Nadleh Whut'en First Nation territory without prior consent. Northern Gateway advised the Nadleh Whut'en First Nation that, as requested, it would extend advance notice to the Nadleh Whut'en First Nation of activities on Nadleh Whut'en First Nation territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

#### *Environmental and Socio-Economic Effects of the Project*

The ESA provides an assessment of potential effects of the Project on the environment and socio-economics (see the Application, Volumes 6 and 8B). Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway continues to offer to meet with the Nadleh Whut'en First

Nation on a regular basis to address specific environmental and socio-economic issues and concerns and to discuss potential Project benefits.

#### *Disregard for Aboriginal Rights and Title*

Northern Gateway has listened to the concern raised by the Nadleh Whut'en First Nation and other members of the Interior Alliance that the federal review process disregards Aboriginal rights and title. Northern Gateway has communicated, and will continue to communicate, concerns about federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

#### **Aboriginal Traditional Knowledge Program**

A summary of the Carrier-Sekani Tribal Council independent Aboriginal Interests and Use study community report is in the Application, Volume 5B, Appendix C, Table C-4. The Nadleh Whut'en First Nation was included in that study.

#### **5.6.4.6 Stellat'en First Nation**

##### ***Geographic Setting***

The Stellat'en First Nation has two reserves, Binta Lake #2 and Stellaquo (Stella) #1, with the closest reserve (Stellaquo #1) located approximately 22.5 km from the proposed RoW (see the Update to Appendix C, Figure C-17).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Stellat'en First Nation is provided on pages 194 to 199 of the Kitimat–Summit Lake Looping Pipeline assessment, as part of the assessment of potential project effects on Carrier-Sekani Tribal Council members [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

##### ***Engagement Activities during the Update Period***

No meetings were held with the Stellat'en First Nation during the Update Period. Throughout the fall and winter of 2010 and 2011, Northern Gateway extended several offers to meet with the Stellat'en First Nation to determine a process for engagement, to address interests and concerns of the Stellat'en First Nation, and to discuss potential Project benefits specific to the Stellat'en First Nation.

In September 2010, Northern Gateway advised the Stellat'en First Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In March 2011, Northern Gateway sent a letter to the Stellat'en First Nation requesting a meeting with Chief and Council to provide a presentation on pipeline safety, integrity systems, construction processes and economic opportunities. Northern Gateway offered to provide a summary on the current regulatory process relating to the Project. Northern Gateway also offered to introduce a team of technicians and provide a comprehensive presentation on current Project developments.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Stellat'en First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Stellat'en First Nation***

In the Application, Volume 5A, Section 5.6.2.5, the interests and concerns identified by Stellat'en First Nation were summarized as follows:

- effects of the Project on Aboriginal rights and title
- the environmental assessment process

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Stellat'en First Nation's interests and concerns follows.

#### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site -specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

#### ***Participation in the Environmental Assessment Process***

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Stellat'en First Nation through Northern

Gateway's consultation materials, including brochures, newsletters, the April 2009 open house materials, and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

Northern Gateway's protocol agreements with the Aboriginal groups provide funding that may be used for the review of the Application and ESA. Northern Gateway has included Aboriginal groups in environmental assessment by supporting ATK studies that identify environmental components in traditional territory and by involving Aboriginal groups in biophysical fieldwork as discussed in the Application, Volume 5A, Section 3.2.

### ***Aboriginal Traditional Knowledge Program***

The Stelat'en First Nation has not completed an ATK study.

#### **5.6.4.7 Burns Lake Band (Ts'il Kaz Koh First Nation)**

##### ***Geographic Setting***

The Burns Lake Band (Ts'il Kaz Koh First Nation) has four reserves located in the towns of Burns Lake and Decker Lake and along the shores of the Endako River, with the closest reserve (Poison Creek #17) located within 1 km of the proposed RoW (see the Update to Appendix C, Figure C-18).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information about First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Burns Lake Band (Ts'il Kaz Koh First Nation) is provided on pages 194 to 199 of the Kitimat–Summit Lake Looping Pipeline assessment, a part of the discussion of project effects on Carrier-Sekani Tribal Council [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

##### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway emailed representatives of the Burns Lake Band (Ts'il Kaz Koh First Nation) a summary table compiled from the ATK study for review.

In February 2010, Northern Gateway and representatives of the Burns Lake Band (Ts'il Kaz Koh First Nation) discussed clarifications to the ATK study summary table and revisions were made to the table. Northern Gateway and representatives of the Burns Lake Band (Ts'il Kaz Koh First Nation) agreed to schedule a technical meeting in April 2010.

In March 2010, Northern Gateway met with representatives of the Burns Lake Band (Ts'il Kaz Koh First Nation) to discuss renewal of the protocol agreement and potential funding toward a geothermal project. Interests and concerns raised the meeting included watercourse crossing methods, Project impacts on traditional lands and an ATK study to review and identify protected Traditional Lands. A second meeting

was held in March to discuss renewal of the protocol agreement and potential funding toward a geothermal project. Funding for the renewal agreement was raised as a concern. Technical sessions were scheduled and confirmed.

In March 2010, the Burns Lake Band (Ts'il Kaz Koh First Nation) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Burns Lake Band (Ts'il Kaz Koh First Nation) for technical presentations about watercourse crossings, pipeline construction, pipeline safety and integrity, wildlife and marine. Interests and concerns raised at the meeting included pipeline spills and emergency response, training, education and employment (interested in opportunities), benefits and equity participation and access management.

In April 2010, Burns Lake Band (Ts'il Kaz Koh First Nation) also requested support for a project to produce coasters with the Raven crest and Northern Gateway logo. Northern Gateway provided support as requested.

In July 2010, Northern Gateway wrote a letter to the Burns Lake Band (Ts'il Kaz Koh First Nation) to outline the process for using their ATK study in the regulatory process for the Project. The letter explained that a summary table compiled from the ATK study had been included in the ESA and had also been made available to other disciplines conducting assessments for the Project's ESA. The letter explained that the study itself would not be included in the Application, but would be available to the NEB upon request. The recipients of the letter were requested to state their preference in writing, for whether they would like to: 1) submit the ATK study publicly, or 2) submit the ATK study confidentially with the NEB, following the issuance by the NEB of an order allowing a confidential filing under Section 16.1 of the *NEB Act*.

In August 2010, the Burns Lake Band (Ts'il Kaz Koh First Nation) informed Northern Gateway that Chief and Council elections were scheduled for October. Northern Gateway did not pursue meetings with the community throughout early fall, out of respect for the election process.

In September 2010, Northern Gateway advised the Burns Lake Band (Ts'il Kaz Koh First Nation) that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In October 2010, Northern Gateway visited the Burns Lake Band (Ts'il Kaz Koh First Nation) office to informally introduce the new Northern Gateway consultation and engagement team and schedule a date for formal meeting to provide an update on recent Project developments and to better understand current Burns Lake Band (Ts'il Kaz Koh First Nation) interests in the Project.

In October, Northern Gateway also provided the signed renewed protocol agreement to the new Chief, as requested.

In November 2010, the Burns Lake Band (Ts'il Kaz Koh First Nation) requested a summary of the proposed Aboriginal Economic Benefits Package. A meeting was scheduled to present the package.

In December 2010, Northern Gateway met with representatives of the Burns Lake Band (Ts'il Kaz Koh First Nation) to formally introduce the new Northern Gateway consultation and engagement team and provide an update on recent Project developments. Northern Gateway representatives also presented an Aboriginal Economic Benefits Package for consideration. The Chief and Council extended an invitation



for Northern Gateway to make a formal presentation to the membership at a community meeting scheduled for January 2011. Northern Gateway was subsequently advised that the community would prefer to delay a formal presentation. As a follow-up to the December 2010 meeting, Northern Gateway provided a Project route map requested at the meeting.

In February 2011, Northern Gateway met with representatives of the Burns Lake Band (Ts'il Kaz Koh First Nation) to provide further details on the Aboriginal Economic Benefits Package. The Burns Lake Band (Ts'il Kaz Koh First Nation) also requested funding support for expansion of its gas station. Northern Gateway requested a written outline of the expansion project. The Burns Lake Band (Ts'il Kaz Koh First Nation) suggested Northern Gateway be on the agenda at a future community meeting.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Burns Lake Band (Ts'il Kaz Koh First Nation)***

In the Application, Volume 5A, Section 5.6.2.1, the interests and concerns identified by the Burns Lake Band (Ts'il Kaz Koh First Nation) were summarized as follows:

- cumulative effects of industrial development and settlement in its traditional territory
- herbicide and pesticide spraying against weed species, potentially causing contamination of numerous plants and berries
- siltation of streams from slumping of stream banks, thus threatening salmon spawning grounds
- water quality
- air quality
- effects on wildlife during construction
- effects the Project may have on its asserted rights and title to its territory
- participation in the regulatory process
- assistance with the environmental assessment process and identification of potential environmental effects in the traditional territory
- pipeline integrity and safety
- short-term and long-term employment and training opportunities
- legacy agreement components in the long-term community benefit agreement
- access to Keyoh traditional lands before, during and after construction
- monitoring of the pipeline corridor and marine transportation operations
- compensation for Keyoh holders and trappers

During the Update Period, the following new interests and concerns were identified:

- funding for expansion of the Burns Lake Band (Ts'il Kaz Koh First Nation) gas station
- funding for a community liaison
- location of the pipeline in relation to the community
- watercourse crossing methods
- development of a geothermal project

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Burns Lake Band (Ts'il Kaz Koh First Nation)'s interests and concerns follows.

### ***Cumulative Effects of Industrial Development***

A project inclusion list has been developed for the Project that identifies other planned projects in the vicinity. Project residual effects that may overlap with effects from other projects on the inclusion list are be considered in the cumulative effects assessment (see the Application, Volumes 6 and 8B and the October 2010 Update to the Application, Volume 6C, Section 4.4).

The ESA for the Project considers both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with participating Aboriginal groups to discuss the ESA and reduce any potential environmental effects and other areas of concern to the extent possible.

### ***Contamination from Herbicides and Pesticides***

The Burns Lake Band (Ts'il Kaz Koh First Nation) expressed concern about the potential contamination of numerous plants and berries from herbicides and pesticides being sprayed to control weed species.

The ESA provides an assessment of the potential effects of the Project on vegetation (see the Application, Volume 6A, Part 1, Section 8.2) and Northern Gateway's Weed Management Plan is in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.34).

### ***Threats to Salmon Spawning Grounds***

The Burns Lake Band (Ts'il Kaz Koh First Nation) expressed concern about the siltation of streams from slumping of stream banks during pipeline construction. The risk of siltation and slumping has been mitigated by avoiding deep-seated slopes in routing and preliminary engineering and applying appropriate routing and engineering design for medium and low-seated slopes. Considerations for environmental management plans for critical areas, such as watercourse crossings or sections of pipeline RoW near surface water are described in the Application, Volume 7, Section 8.

### ***Water Quality***

The ESA provides an assessment of potential effects of the Project on surface water resources, including water quality (see the Application, Volume 6A, Part 2, Section 10).

Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as surface water sources, that need to be considered in detailed routing and during construction. The Burns Lake Band (Ts'il Kaz Koh First Nation) has completed an ATK study. If the Project is approved, additional engagement will be undertaken with the Burns Lake Band (Ts'il Kaz Koh First Nation) during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect surface water sources. Mitigation measures for water quality include limiting the number of water crossings, using appropriate water crossing techniques, avoiding crossings with unstable channel bed and banks, revegetating channel banks after construction to increase bank stability, managing storm water runoff at pump stations and the Kitimat Terminal and providing adequate wastewater treatment.

#### *Air Quality during Operation*

An assessment of air quality effects is in the Application, Volume 6A, Part 1, Section 4).

The pipelines will have virtually no emissions because they are buried underground. Minor emissions could occur at scraper trap facilities when pipeline maintenance equipment is removed from the system. The oil and condensate tanks at the Kitimat Terminal will have minor emissions associated with their operation.

As pump stations will use electrically-powered pumps, the only substantial operational source of emissions will be from the operation of marine vessels loading oil and off-loading condensate at two separate, dedicated tanker berths. Any changes to air quality are expected to occur primarily within the immediate area of the terminal, and none of these changes are considered to be of concern to human health or the environment.

#### *Wildlife*

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Burns Lake Band (Ts'il Kaz Koh First Nation) before construction starts.

#### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have

significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Participation in the Regulatory Process*

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Burns Lake Band (Ts'il Kaz Koh First Nation) through Northern Gateway's consultation materials, including brochures, newsletters and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

### *Participation in the Environmental Assessment Process*

Burns Lake Band (Ts'il Kaz Koh First Nation) has continued to express a desire to review and discuss the Project, with the understanding that its objective is to identify potential environmental effects in its traditional territory, and making an informed decision about the Project.

The Burns Lake Band (Ts'il Kaz Koh First Nation) has carefully reviewed the pipeline integrity program and considered the potential for Project impacts on traditional territory, wildlife and watercourses. Northern Gateway is further considering the concerns raised by the Burns Lake Band (Ts'il Kaz Koh First Nation) as a component of the SWAT Program in 2011. Northern Gateway will continue to provide the Burns Lake Band (Ts'il Kaz Koh First Nation) with information about how watercourse crossings will be constructed, maintained, and monitored, along with a detailed overview of planned pipeline safety program precautionary measures.

### *Pipeline Integrity and Safety*

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Economic Opportunities*

The Burns Lake Band (Ts'il Kaz Koh First Nation)'s interest in economic opportunities included:

- equity participation

- economic benefits
- short-term and long-term employment and training

Northern Gateway presented an Aboriginal Economic Benefits Package to the Burns Lake Band (Ts'il Kaz Koh First Nation) in November 2010.

Northern Gateway will provide opportunities for economic participation to the Burns Lake Band (Ts'il Kaz Koh First Nation). This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Burns Lake Band (Ts'il Kaz Koh First Nation) to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

#### *Community Investment*

The Burns Lake Band (Ts'il Kaz Koh First Nation)'s interest in community investment included the legacy agreement components in the long-term community benefit agreement.

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs or community investment initiatives are considered on a case-by-case basis. Burns Lake Band (Ts'il Kaz Koh First Nation) has expressed interest in funding for expansion of their gas station, funding for a community liaison, and development of a geothermal project. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates.

#### *Access to Keyoh Traditional Lands*

The Burns Lake Band (Ts'il Kaz Koh First Nation) questions whether the Project will impact its ability to use the land traditionally, and how the Project will affect access to Keyoh traditional lands before, during and after construction. The Band has advised Northern Gateway that Project development may disturb or destroy traditional use sites like cabins, trails or caches described in the ATK study (six cache pit areas are either intersected by, or in close proximity, to the RoW). Traditional trail use still exists, though many trails are now logging roads.

Traditional sites will be identified before clearing activities with additional protection measures implemented. Any Aboriginal traditional land use sites or areas that are identified during Project-related studies, and that have approval to be disclosed, will be shown on the construction drawings and environmental alignment sheets. Community Aboriginal monitors, who identified the site or area, may be assigned to confirm acceptable implementation of any site-specific mitigation measures recommended by

the community, as noted in the Non-traditional Land Use Protection and Management Plan (see Appendix A, Section A.3.32 of the Construction EPMP).

After construction, clean-up of the pipeline RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. The Access Management Plan will be implemented to reduce the potential effects of the new access.

### *Monitoring the Pipeline Corridor and Marine Transportation Operations*

The pipelines are carefully and continuously monitored and controlled 24 hours a day, seven days a week, from Northern Gateway's control centre, where:

- every hour, the integrity of the pipelines is electronically monitored using SCADA computer systems and a material balance system that can detect even small releases
- systems collect data from strategically located meters and sensors and calculate the volume of liquid hydrocarbons in the pipeline systems
- If irregularities are detected, the material balance system sounds an alarm. The integrity management program (see the Application, Volume 3, Sections 11 and 12) monitors the strength of the pipelines.
- A real-time SCADA system will also be installed, so the Kitimat Terminal can be remotely controlled and monitored. Piping at the Kitimat Terminal will be almost entirely above ground, to facilitate visual monitoring.

### *Compensation for Keyoh Holders and Trappers*

Northern Gateway will undertake a program for trapper and harvester identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

### *Location of the Pipeline in Relation to the Community*

See above under the heading 'Geographic Setting.' Northern Gateway has provided more detailed map information in response to the Burns Lake Band (Ts'il Kaz Koh First Nation) concern about the location of the proposed RoW in relation to its reserve lands.

### *Watercourse Crossing Methods*

Northern Gateway offered to conduct a technical meeting with the Burns Lake Band (Ts'il Kaz Koh First Nation) that included a component on watercourse crossings. As mentioned in the Application, Volume 5A, Section 5.6.2.1, watercourse crossing technical sessions and field trips were undertaken with the Burns Lake Band (Ts'il Kaz Koh First Nation) to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the watercourse crossings, fisheries habitat compensation would be developed to ensure no net loss of the productive capacity of

these aquatic systems. In that event, Northern Gateway will discuss site-specific plans, execution and monitoring with the Burns Lake Band (Ts'il Kaz Koh First Nation) for crossings of interest to them.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Carrier-Sekani Tribal Council independent Aboriginal Interests and Use community report is in the Application, Volume 5B, Appendix C, Table C-4. The Burns Lake Band (Ts'il Kaz Koh First Nation) was included in that study. It also completed an independent ATK study. A summary of its independent community report is in the Application, Volume 5B, Appendix C, Table C-3.

#### **5.6.4.8 Wet'suwet'en First Nation**

##### ***Geographic Setting***

The Wet'suwet'en First Nation has 11 reserves in north-central BC between Burns Lake and Houston, with the closest reserve (Maxan Lake #4) located approximately 9.5 km from the proposed RoW. The traditional territory of the Wet'suwet'en First Nation encompasses areas as far south as the banks of Ootsa Lake, as far north as Smithers, as far east as Tibbest and as far west as Morice Lake (see the Update to Appendix C, Figure C- 19).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Wet'suwet'en First Nation is provided on pages 194 to 199 of the Kitimat–Summit Lake Looping Pipeline assessment, as part of the potential project effects on Carrier-Sekani Tribal Council members [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

##### ***Engagement Activities during the Update Period***

No meetings were held with the Wet'suwet'en First Nation during the Update Period. Throughout the fall and winter of 2010 and 2011, Northern Gateway extended several offers to meet with the Wet'suwet'en First Nation to engage in dialogue respecting issues and concerns of importance to the Wet'suwet'en First Nation, including dialogue specific to employment, training and procurement opportunities potentially arising from the Project.

In September 2010, Northern Gateway advised the Wet'suwet'en First Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In October 2010, the Wet'suwet'en First Nation sent Northern Gateway a letter introducing a newly formed Interior Alliance with the Saik'uz First Nation, the Nak'azdli First Nation, the Nadleh Whut'en First Nation and the Takla First Nation. The letter expressed concerns over the environmental and socio-economic impacts on the Interior Alliance territory and the federal review process being followed and its disregard for Aboriginal rights and title. The letter reiterated the view expressed in Carrier Sekani Tribal Council's Aboriginal Interests and Use Study that further studies were required and had not been

completed. The letter stated that the Interior Alliance expected that no one from Northern Gateway would enter the territories of the Interior Alliance for further studies without explicit consent. The Interior Alliance stated that it intended to ensure that no project proceeds in its territory without the free, prior and informed consent of its people. The letter stated that the Interior Alliance expected the President of Northern Gateway to personally attend all meetings and that future communication and correspondence with the Saik'uz First Nation, the Nadleh Whut'en First Nation, the Nak'azdli Band, the Takla Lake First Nation and the Wet'suwet'en First Nation should be directed to the project lead.

In December 2010, Northern Gateway sent a letter to Wet'suwet'en First Nation thanking the Wet'suwet'en First Nation for drawing attention to the newly formed Interior Alliance. Northern Gateway acknowledged the Interior Alliance's concerns with the Project and confirmed its commitment to work with the Wet'suwet'en First Nation to address questions, interests and concerns in a manner benefitting the Wet'suwet'en First Nation local protocol. Northern Gateway offered to meet with the Wet'suwet'en First Nation to understand the additional baseline study information sought by the Wet'suwet'en First Nation and to provide information on an Aboriginal Economic Benefits Package.

In February 2011, Northern Gateway wrote to the Wet'suwet'en First Nation, stating that as requested it would extend advance notice to the Wet'suwet'en First Nation of activities on Wet'suwet'en First Nation territory. Northern Gateway requested a map of the territory to better understand where and when advance notice was required.

In February 2011, the Wet'suwet'en First Nation Chief and Council members attended a Northern Gateway open house and technical session in Burns Lake.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Wet'suwet'en First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Wet'suwet'en First Nation***

In the Application, Volume 5A, Section 5.6.2.8, the interests and concerns identified by the Wet'suwet'en First Nation were summarized as follows:

- participation in the regulatory and environmental assessment processes
- employment and training opportunities
- pump station safety
- access to Keyoh traditional lands before, during and after construction
- the effects the Project may have on its asserted rights and title to its territory
- education and skills training
- pipeline integrity

During the Update Period, the following new interests and concerns were identified:

- the need for additional studies to collect baseline information
- concerns over Northern Gateway entering Wetsu'wet'en First Nation territory without prior consent
- concerns over the environmental and socio-economic impacts of the Project
- concerns over the federal review process and its disregard for Aboriginal rights and title



### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Wet'suwet'en First Nation's interests and concerns follows.

#### ***Participation in the Regulatory Process***

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Wet'suwet'en First Nation through Northern Gateway's consultation materials, including brochures, newsletters, and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

#### ***Participation in the Environmental Assessment Process***

Northern Gateway's protocol agreements with the Aboriginal groups provide funding that may be used for the review of the Application and ESA. Northern Gateway has included Aboriginal groups in the environmental assessment by supporting ATK studies that identify environmental components in traditional territory and by involving Aboriginal groups in biophysical fieldwork as discussed in the Application, Volume 5A, Section 3.2.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Wet'suwet'en First Nation. This may include contracting opportunities, as well as employment, training and educational opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Wet'suwet'en First Nation to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

#### ***Pump Station Safety***

Safety features on the pump stations are described in the Application, Volume 3, Section 8. Each pump station will have numerous safety standard measures incorporated into its design to eliminate accidents and malfunctions or reduce severity. This will be supported by:

- remote monitoring

- well trained personnel who will visit each site on a regular basis
- appropriate maintenance and operational procedures for the safety and integrity of the facility

### *Access to Keyoh Lands*

Northern Gateway recognizes that the proposed RoW may cross Keyohs held by Wet'suwet'en First Nation members, and acknowledges the interests of Keyoh holders. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes, including land used by Keyoh holders. The Access Management Plan (see the Application, Volume 7A, Appendix A.3.2) will be implemented to reduce the potential effects of the new access. Access management is part of a comprehensive strategy that will address potential environmental effects of the Project. Northern Gateway will consult with resource managers, participating Aboriginal groups and stakeholders as Project planning proceeds, and will update the construction Access Management Plan within 60 days of pipeline construction starting. Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability.

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Pipeline Integrity*

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Additional Studies for Baseline Information*

The Wet'suwet'en First Nation considers that additional studies are needed to collect baseline information. Northern Gateway has offered to meet with the Wet'suwet'en First Nation to understand the additional baseline study information sought by Wet'suwet'en First Nation. Northern Gateway also

suggested the Wet'suwet'en First Nation review the TDRs on Northern Gateway's website, to determine whether the information the Wet'suwet'en First Nation wants to collect is in the reports. The TDRs have now been filed with the NEB.

#### ***Northern Gateway Entering Traditional Territory without Prior Consent***

The Wet'suwet'en First Nation expressed concerns about Northern Gateway entering Wet'suwet'en First Nation territory without prior consent. Northern Gateway advised the Wet'suwet'en First Nation that as requested it would extend advance notice to the Wet'suwet'en First Nation of activities on Wet'suwet'en First Nation territory. Northern Gateway also requested confirmation from the Wet'suwet'en First Nation, by way of a current map, of their traditional territory boundaries to ensure that it properly understands the area over which the advance notice would apply. As of the writing of this Update, the map requested has not yet been received by Northern Gateway.

#### ***Environmental and Socio-Economic Effects of the Project***

The ESA provides an assessment of potential effects of the Project on the environment and socio-economics (see the Application, Volumes 6 and 8B). Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway continues to offer to meet with the Wet'suwet'en First Nation on a regular basis to address specific environmental and socio-economic issues and concerns and to discuss potential Project benefits.

#### ***Disregard for Aboriginal Rights and Title***

Northern Gateway has listened to the concern raised by the Wet'suwet'en First Nation and other members of the Interior Alliance that the federal review process disregards Aboriginal rights and title. Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as its consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

#### ***Aboriginal Traditional Knowledge Program***

A summary of the Carrier-Sekani Tribal Council independent Aboriginal Interests and Use study community report is in the Application, Volume 5B, Appendix C, Table C-4. The Wetsu'wet'en First Nation was included in that study. Northern Gateway continues to offer the Wetsu'wet'en First Nation the opportunity to complete an ATK study, if it wishes to supplement the Carrier Sekani Tribal Council's study.

## **5.6.5 Yekooche (Yekooche First Nation)**

### ***Geographic Setting***

The Yekooche (Yekooche First Nation) has four reserves, located near Stuart, Babine and Cunningham Lakes and Nancut Creek, with the closest reserve (Nan-Tl'At #13) located approximately 26.2 km from the proposed RoW. The traditional territory of the Yekooche (Yekooche First Nation) includes Cunningham Lake, Nancut Creek and areas around Fort St. James, northwest of Prince George, but is focused in the area of Stuart Lake (see the Update to Appendix C, Figure C-20).

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Yekooche (Yekooche First Nation) to discuss renewal of the protocol agreement. There was also discussion of the potential Project effects on the Yekooche (Yekooche First Nation) traditional territory.

In March 2010, the Yekooche (Yekooche First Nation) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In March 2010, Northern Gateway met with representatives of the Yekooche (Yekooche First Nation) to further discuss, and review, the proposed renewed protocol agreement. Changes to the renewed protocol agreement were suggested. In addition, the Yekooche (Yekooche First Nation) requested a commitment in writing about training, education, employment and procurement opportunities discussed with Northern Gateway in November 2009.

In March 2010, Northern Gateway delivered a letter to the Yekooche (Yekooche First Nation) describing opportunities for the Yekooche to participate in ownership of, and economic opportunities provided by, the Project. Northern Gateway indicated it was finalizing an Aboriginal Economic Benefits Package that would make 10% ownership interest available to Aboriginal groups and explained that support would be provided to assist with equity participation. Northern Gateway suggested another meeting to discuss these issues.

In April 2010, Northern Gateway met with representatives of the Yekooche (Yekooche First Nation) to further discuss, and review, the proposed renewed protocol agreement. Changes to the renewed protocol agreement were suggested.

In June 2010, Northern Gateway met with representatives of the Yekooche (Yekooche First Nation) to further discuss, and review, the revised renewed protocol agreement.

In July 2010, Northern Gateway sent a letter to the Yekooche (Yekooche First Nation) to outline the process for using the Yekooche (Yekooche First Nation) ATK study in the regulatory process for the Project.

In July 2010, Northern Gateway sent a letter to the Yekooche (Yekooche First Nation) with the amended protocol agreement. Northern Gateway requested a meeting to conclude the agreement.

In August 2010, Northern Gateway met with representatives of the Yekooche (Yekooche First Nation) to introduce one of Northern Gateway's new Aboriginal directors. Northern Gateway and the Yekooche (Yekooche First Nation) agreed that finalization of the renewed protocol agreement was a priority. They

also agreed to continue discussing potential procurement and other economic development opportunities arising from the Project. Northern Gateway followed up to provide further information about the economic benefits that would be communicated in an Aboriginal Economic Benefits Package.

In September 2010, Northern Gateway attended the Yekooche (Yekooche First Nation) Annual General Meeting, and had a tour of the Yekooche (Yekooche First Nation)'s new health facility. Northern Gateway and the Yekooche (Yekooche First Nation) discussed procurement and the other economic development opportunities as a result of the Project, including the potential use of a joint venture entity called Ruby Rock Resources Ltd. The amendment to the renewed protocol agreement was entered into by the Yekooche (Yekooche First Nation) at this meeting.

In October 2010, Northern Gateway met with representatives of the Yekooche (Yekooche First Nation) to provide information about an invitation to attend an Aboriginal business forum being held at the Banff Centre in January 2011, and a First Nations Forum in November 2010, where an Aboriginal Economic Benefits Package would be presented. The Yekooche (Yekooche First Nation) had technical questions about pumping capacities and pump station locations. The questions were answered through correspondence from Northern Gateway's engineering department.

In November 2010, the Yekooche (Yekooche First Nation) requested a donation to the Yekooche Children's Christmas Celebrations from Northern Gateway.

In November 2010, Northern Gateway met with representatives of the Yekooche (Yekooche First Nation) to present an Aboriginal Economic Benefits Package to the Yekooche (Yekooche First Nation) for consideration.

In November and December 2010, Northern Gateway and the Yekooche (Yekooche First Nation) discussed, by telephone and email, signing of the MOU from the Aboriginal Economic Benefits Package.

In December 2010, Northern Gateway sent a letter to the Yekooche (Yekooche First Nation) with a donation to the Yekooche Children's Christmas Celebrations.

In December 2010, Northern Gateway met with the Yekooche (Yekooche First Nation) Chief and Council to discuss the Northern Gateway Pipeline Project Economic Participation MOU.

In March 2011, Northern Gateway met with the Yekooche (Yekooche First Nation) to further discuss the Northern Gateway Pipeline Economic Participation MOU.

In March 2011, Northern Gateway sent an email to the Yekooche (Yekooche First Nation) with a revised MOU, now called a Letter of Intent. This was followed up with additional contacts by Northern Gateway.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Yekooche (Yekooche First Nation) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Yekooche (Yekooche First Nation)***

In the Application, Volume 5A, Section 5.6.5, the interests and concerns identified by the Yekooche (Yekooche First Nation) were summarized as follows:

- commitment and demonstrated honesty by Project officials

- respectful treatment of Elders
- the regulatory process
- protecting traditional harvesting activities, including fish, fowl, moose, bear and birds
- sustainable commercial hunting and fishing, as part of a negotiated fisheries management plan
- routing of the pipeline corridor and location of the pump stations
- air quality
- water quality
- Keyoh holders' rights
- employment and training opportunities
- safety of the pipelines

During the Update Period, the following new interests and concerns were identified:

- renewal of the Yekooche (Yekooche First Nation) protocol agreement with Northern Gateway
- the role of pump stations relative to water crossings, pump station locations and pipeline integrity
- procurement opportunities arising from the Project
- equity ownership

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Yekooche (Yekooche First Nation)'s interests and concerns follows.

#### ***Commitment and Demonstrated Honesty by Project Officials***

The Yekooche (Yekooche First Nation) is concerned about commitment and demonstrated honesty by Project officials. Northern Gateway is committed to honest and transparent engagement with all of the Aboriginal groups.

#### ***Respectful Treatment of Elders***

Northern Gateway respects the contribution that Elders make to the ongoing design of the Project. In soliciting input from Elders, Northern Gateway demonstrates respect for cultural and traditional protocols and customs.

#### ***Participation in the Regulatory Process***

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to Yekooche (Yekooche First Nation) through Northern Gateway's consultation materials, including brochures, newsletters, the January 2009 open house materials, and CAB materials (see the Application, Volume 5A, Section 2.7.1).

One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

### *Protecting Traditional Harvesting*

The Yekooche (Yekooche First Nation) is concerned about protecting traditional harvesting activities, including fishing and hunting for fowl, moose, bears and birds. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as harvesting sites, that need to be considered in detailed routing and during construction. The Yekooche (Yekooche First Nation) has completed an ATK study. In that study, several different types of traditional use areas were identified in the ATK study area: fishing, hunting, plant harvesting, and trails. In the ATK community report, the Yekooche (Yekooche First Nation) notes an important hunting trail that crosses the Sutherland River and goes to Orman Lake, which will be crossed by the RoW. If the Project is approved, additional engagement will be undertaken with the Yekooche (Yekooche First Nation) during detailed routing and engineering, to provide an opportunity to review the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these specific sites. For example, steps can be taken for preconstruction surveys to occur before clearing the RoW, to flag hunting trails identified in the ATK study, and to limit disruptions to the use of the hunting trail during and after construction. Northern Gateway will make provisions for Aboriginal groups to access the RoW by:

- providing opportunities for Aboriginal groups to harvest medicinal and food-source plants before the RoW and pump station sites are cleared
- facilitating ongoing access for Aboriginal trappers and hunters to their traplines and hunting trails during active construction, by providing breaks in the rollback at flagged trails and strategically placing trench plugs

### *Commercial Hunting and Fishing*

The Yekooche (Yekooche First Nation) is interested in commercial hunting and fishing on a sustainable basis, as part of a negotiated fisheries management plan. Where potential effects on resource use such as commercial hunting and fishing are identified, Northern Gateway will work with the Yekooche (Yekooche First Nation) to find ways to reduce those effects, such as enhancements to the Access Management Plan (see the Application, Volume 7A) or site-specific mitigation measures.

### *Routing of RoW and Location of Pump Stations*

The methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3. Northern Gateway considered various alternatives for the pipeline route during the preliminary design stage. The initial pipeline route has been revised at many locations in response to engineering and environmental studies and input that has been received through the engagement process. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. The detailed route will incorporate detailed engineering, construction, and operations considerations, further site-specific constraint mapping, results of ATK studies and further field investigations, and further input from participating Aboriginal groups and communities, landowners, the public, other interested parties, and government agencies.

The oil pipeline will have seven pump stations, including the initiating pump station near Bruderheim. The condensate pipeline will have nine pump stations, including the initiating pump station at the Kitimat Terminal. Pump station locations are primarily governed by hydraulic requirements and only small location refinements are possible.

### *Air Quality*

An assessment of air quality effects was conducted as part of the ESA (see the Application, Volume 6A, Part 1, Section 4).

The pipelines will have virtually no emissions because they are buried underground. Minor emissions could occur at scraper trap facilities when pipeline maintenance equipment is removed from the system. The oil and condensate tanks at the Kitimat Terminal will have minor emissions associated with their operation.

As pump stations will use electrically powered pumps, the only substantial operational source of emissions will be from the operation of marine vessels loading oil and offloading of condensate at two separate, dedicated tanker berths. Any changes to air quality are expected to occur primarily within the immediate area of the terminal, and none of these changes are considered to be of concern to human health or the environment.

### *Water Quality*

The ESA provides an assessment of potential effects of the Project on surface water resources, including water quality (see the Application, Volume 6A, Part 2, Section 10). Mitigation measures for water quality include limiting the number of water crossings, using appropriate water crossing techniques, avoiding crossings with unstable channel bed and banks, revegetating channel banks after construction to increase bank stability, managing storm water runoff at pump stations and the Kitimat Terminal, and providing adequate wastewater treatment.

Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as surface water sources, that need to be considered in detailed routing and during construction. The Yekooche (Yekooche First Nation) has completed an ATK study. If the Project is approved, additional engagement will be undertaken with the Yekooche (Yekooche First Nation) during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect surface water sources.

### *Keyoh Holders' Rights*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes, including land used by Keyoh holders.

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.



### *Economic Opportunities*

The Yekooche (Yekooche First Nation) is very interested in the training, employment and procurement opportunities arising from the Project. During the Update Period, there was much consultation about these topics. Because the Yekooche (Yekooche First Nation) is located in a relatively isolated part of north central BC, its future welfare, to a great degree, relies on its ability to become economically self-sufficient. Accordingly, the Yekooche (Yekooche First Nation) is keenly interested in securing long-term benefits from the Project, including training, employment and procurement opportunities. To increase its chances of participating in economic benefits arising from the Project and other opportunities in northern BC, the Yekooche (Yekooche First Nation) entered into a joint venture agreement operating under the name Ruby Rock Resources Ltd. Literature on Ruby Rock Resources Ltd. was provided to the Northern Gateway Aboriginal director, and has been reviewed in anticipation of ongoing discussions about economic benefits.

### *Pipeline Safety*

Integrity management, monitoring and leak detection for the proposed pipelines, including safety features, are discussed in the Application, Volume 3, Sections 11 and 12.

### *Renewal of the Protocol Agreement*

As described above under the heading ‘Engagement Activities during the Update Period,’ numerous meetings were held between the Yekooche (Yekooche First Nation) and Northern Gateway about renewal of the protocol agreement from July 2008. After substantial discussion, the parties came to an agreement about the terms of the renewed protocol agreement.

### *Pump Stations, Water Crossings and Pipeline Integrity*

One of the key concerns raised by the Yekooche (Yekooche First Nation) arose in connection with questions about pipeline integrity and the ability to turn off valves and pump stations in the event of a rupture or compromised pipeline in its traditional territory. The Yekooche’s Chief inquired whether pump stations could be strategically located at either side of watercourse crossings, to allow for the flow of pipeline product to be stopped in the event of a rupture or problem with the pipeline. The Chief also had several questions about the volume and speed of the pipeline product flow. These questions were recorded by the Northern Gateway Aboriginal director, and redirected to Northern Gateway engineers, who then provided the Yekooche’s Chief with a memorandum answering his questions.

As mentioned in the Application, Volume 5A, Section 5.6.5, technical sessions and field trips have been undertaken with the Yekooche (Yekooche First Nation) to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Yekooche (Yekooche First Nation) the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Equity Ownership*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Yekooche (Yekooche First Nation) in November 2010.

### **Aboriginal Traditional Knowledge Program**

A summary of the Yekooche (Yekooche First Nation) community report is in the Application, Volume 5B, Appendix C, Table C-17. The ATK study was updated in 2010.

## **5.6.6 Lake Babine Nation**

### **Geographic Setting**

The Lake Babine Nation has 24 reserves near Nilkitkwa, Babine, Augier, Pinkut and Tahlo Lakes and the Babine River, with the closest reserve (Woyenne #27) being located approximately 0.3 km from the proposed RoW. The traditional territory of the Lake Babine Nation encompasses an area surrounding Babine Lake and Babine River and includes several smaller lakes north of Burns Lake (see the Update to Appendix C, Figure C-21).

### **Engagement Activities during the Update Period**

In January, February and March 2010, Northern Gateway and the Lake Babine Nation discussed budgeting, scoping and work plan development for an ATK study through email, telephone calls and in person meetings.

In January 2010, Northern Gateway sent a letter to the Lake Babine Nation to indicate that Northern Gateway would provide funding resources towards the Lake Babine Nation community development plan for enhancing senior management skills and expertise.

In March 2010, the Lake Babine Nation attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, the Lake Babine Nation requested additional funding from Northern Gateway for professional development. Northern Gateway also met with representatives of the Lake Babine Nation on three occasions. The first meeting was to discuss proposed procurement opportunities. The Lake Babine Nation requested a commitment letter on the procurement opportunities.

The second meeting was to conduct a technical session on watercourse crossings, pipeline construction, pipeline safety and integrity, wildlife and marine issues. The interests and concerns of the Lake Babine Nation were discussed at that meeting.

The third meeting was with the new Lake Babine Nation ATK study coordinator to discuss the approach to the ATK study. Throughout April, May, June and July, Northern Gateway and the Lake Babine Nation ATK study coordinator discussed planning and logistics for the ATK study.

In September 2010, Northern Gateway advised the Lake Babine Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway. Northern Gateway and the Lake Babine Nation also discussed the status of the ongoing work for the ATK study and plans to arrange a meeting with the

Nation's Chief and Council. Northern Gateway was unsuccessful in securing a meeting commitment from the Lake Babine Nation.

In November 2010, Northern Gateway spoke with representatives of the Lake Babine Nation about the support it needed to complete the ATK study following a change in personnel. The possibility of a community report review meeting was discussed.

In December 2010, Northern Gateway met with representatives of the Lake Babine Nation to formally introduce the new Northern Gateway consultation and engagement team and provide an update on recent Project developments. Northern Gateway representatives also presented in an Aboriginal Economic Benefits Package to the Lake Babine Nation for consideration. Northern Gateway representatives also provided a detailed overview of the JRP process. Lake Babine Nation representatives indicated that a full report would be provided to Chief and Council and Northern Gateway would subsequently be invited to respond to questions and concerns. Northern Gateway followed up by providing additional copies of an Aboriginal Economic Benefits Package for review by Lake Babine Nation. The Lake Babine Nation also provided Northern Gateway with a signed copy of the ATK information sharing agreement.

In February 2011, a representative of the Lake Babine Nation attended an open house and technical session hosted by Northern Gateway in Burns Lake.

In February 2011, the Lake Babine Nation reviewed the ATK community report and the summary table.

In March 2011, Northern Gateway sent a letter to the Lake Babine Nation requesting a meeting to provide a Project update, to further discuss an Aboriginal Economic Benefits Package and to provide technical presentations on pipeline safety, integrity systems, construction processes and economic opportunities.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Lake Babine Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Lake Babine Nation***

In the Application, Volume 5A, Section 5.6.3, the interests and concerns identified by the Lake Babine Nation were summarized as follows:

- regulatory process (First Nation decision-making participation in assessment process)
- traditional knowledge sharing, and compensation for Elders' participation
- protected harvesting areas
- education and training (upgrading and apprenticeship training programs)
- monitoring and security of RoW
- traditional knowledge study
- safety prevention plan
- safety and integrity of the pipelines
- first response and emergency response plans
- equity package clarification
- community benefits agreement (legacy components)
- watercourse crossings

During the Update Period, the following new interests and concerns were identified:

- potential Project effects on water quality from the construction and operational phases
- maintaining current (i.e., 2010) levels of air, water and vegetation quality
- potential Project effects on all forms of resource harvesting
- avoiding traditional use areas by rerouting the Project to Tweedsmuir Provincial Park
- allowing continued access to traditional use areas
- reclaiming all disturbed land and restoring it to pre-Project conditions
- possible use of herbicides by Northern Gateway to maintain the RoW
- cumulative effects resulting from Project development in Lake Babine Nation Traditional Territory
- the potential for elevated incidence of cancer and other illnesses in the Lake Babine Nation community as a result of Project activities
- training, employment and economic opportunities
- emergency response planning in case of a rupture or other unexpected events along the RoW
- effective and meaningful consultation with Lake Babine Nation for the life of the Project

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Lake Babine Nation's interests and concerns follows.

#### ***Participation in Regulatory Process***

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for Aboriginal groups to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Lake Babine Nation through Northern Gateway's consultation materials, including brochures, newsletters, the April 2009 open house materials, and CAB materials (see the Application, Volume 5A, Section 2.7.1).

One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to the Lake Babine Nation to advise of key steps in the regulatory process.

#### ***Sharing Aboriginal Traditional Knowledge, and Compensation for Elders' Participation***

Northern Gateway respects the confidentiality of traditional knowledge provided to it by participating Aboriginal groups and the value of that knowledge. In seeking input from Aboriginal groups, Northern Gateway has been guided by the principles of confidentiality and respect.

Northern Gateway encourages participation by Elders in ATK studies. Northern Gateway respects the contribution that Elders can make. Presentations are made specifically to Elders and meetings are also

conducted. Traditional use data gathered from Elders assists in Project planning. Elders participated through interviews.

Northern Gateway has also provided funding for activity-specific initiatives, such as ATK studies pursuant to specific letter agreements. For example, Elders were provided honoraria as compensation for participation.

### *Protected Harvesting Areas*

The Lake Babine Nation was concerned about the potential Project effects on all forms of resource harvesting. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as harvesting sites, that need to be considered in detailed routing and during construction.

All vegetation features requiring mitigation measures, such as protected harvesting areas, will be marked on the construction drawings and environmental alignment sheets. Local Aboriginal traditional knowledge will be sought and considered when assessing which vegetation features require mitigation measures. Additional information for protecting the vegetation resources will be included on the construction drawings and the environmental alignment sheets. Additional information about vegetation protection measures is in the Vegetation Protection and Management Plan in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.24).

The Lake Babine Nation has now completed an ATK study. If the Project is approved, additional engagement will be undertaken with the Lake Babine Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect harvesting sites.

The ESA provides an assessment of potential effects of the Project on vegetation (see the Application, Volume 6A, Part 1, Section 8) and specifics of reclamation are discussed in the Construction EPMP (see the Application, Volume 7A, Section 8.5.8).

### *Economic Opportunities*

The Lake Babine Nation's interest in economic opportunities included education and training (upgrading and apprenticeship training programs) and employment.

Northern Gateway will provide opportunities for economic participation to the Lake Babine Nation. This may include contracting opportunities, as well as employment and education/training opportunities such as upgrading and apprenticeship programs.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Lake Babine Nation to assess the current capacity of the Nation's

members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Monitoring and Security of the RoW*

Northern Gateway will clarify the nature of this concern in future engagement with the Lake Babine Nation.

### *Aboriginal Traditional Knowledge Study*

See above under the heading ‘Engagement Activities during the Update Period’, and below under the heading ‘Aboriginal Traditional Knowledge Program’.

### *Pipeline Safety and Integrity*

This issue was discussed at an open house held in April 2009 with the Lake Babine Nation. To further address Lake Babine Nation’s interest in pipeline safety and integrity, Northern Gateway also conducted a technical session with the Nation that included a component on pipeline integrity, monitoring and emergency response. Northern Gateway remains committed to continuing this dialogue in 2011.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Safety and Emergency Response*

The Lake Babine Nation’s concerns about safety and emergency response, in case of a rupture or other unexpected events along the RoW, included:

- spill prevention plan
- first response and emergency response plans
- emergency response planning.

These issues were discussed in an open house held in April 2009 with the Lake Babine Nation. To further address Lake Babine Nation’s interest in safety and emergency response, Northern Gateway also conducted a technical session with the Nation that included a component on pipeline integrity, monitoring and emergency response. Northern Gateway remains committed to continuing this discussion in 2011.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Northern Gateway will share information with the Lake Babine Nation about emergency preparedness and first response before operations start.

### *Equity Clarification*

An Aboriginal Economic Benefits Package was presented to the Lake Babine Nation in December 2010.

### *Community Investment*

The Lake Babine Nation was interested in the legacy components of a community benefits agreement. Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

### *Watercourse Crossings*

As discussed in its ATK study, fish are a primary traditional food source for the Lake Babine Nation. Northern Gateway held a technical meeting with a component on watercourse crossings with the Lake Babine Nation. Northern Gateway is working to arrange a further watercourse crossing technical session with the Lake Babine Nation in 2011. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Lake Babine Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Effects on Water Quality*

The ESA provides an assessment of potential effects of the Project on surface water resources, including water quality (see the Application, Volume 6A, Part 2, Section 10).

Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as surface water sources, that need to be considered in detailed routing and during construction. The Lake Babine Nation has now completed an ATK study. If the Project is approved, additional engagement will be undertaken with the Lake Babine Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect surface water sources.

### *Air, Water and Vegetation Quality*

The Lake Babine Nation was interested in maintaining current (i.e., 2010) levels of air, water and vegetation quality. The ESA provides an assessment of potential effects of the Project on air, water, and vegetation quality (see the Application, Volume 6A, Part 1, Sections 4 and 8 and Part 2, Section 10). Conclusions reached in the ESA indicate that the environmental effects of the Project on air quality, surface water resources such as water flow and quality, groundwater and the movement of groundwater, and vegetation are expected to be not significant.

Vegetation has the potential to be affected by the Project through surface disturbance (clearing), disruption of surface water or shallow groundwater flow patterns, the introduction and spread of non-native weed species, and air emissions. Vegetation clearing for the Project is less than 1% of the vegetation Project effects assessment area. Therefore, the direct effects of Project clearing are limited relative to regional conditions. Disruption of surface water or shallow groundwater flow patterns on wetlands and riparian ecosystems will be low to moderate in magnitude and can be successfully reduced. The weed management plan will limit the effect of non-native species on vegetation diversity to a low to moderate magnitude. Project effects, both Project-specific and cumulative, on vegetation, air and water quality, are expected to be not significant.

#### *Rerouting the RoW to Tweedsmuir Provincial Park*

The Lake Babine Nation was interested in avoiding traditional use areas by rerouting the RoW to Tweedsmuir Provincial Park. Although Northern Gateway considers a reroute of this magnitude not feasible, it is prepared to consider less drastic route refinements within the 1-km wide corridor and other mitigation measures to reduce effects on traditional use areas.

#### *Access to Traditional Use Areas*

Northern Gateway recognizes the Lake Babine Nation's interest in maintaining access to its traditional use areas. Clean-up of the RoW and other construction activities will be completed as quickly as possible to prepare areas for reclamation and to limit environmental effects. After construction, the RoW will be reclaimed and returned to a stable condition and equivalent land capability. If the Project is approved, additional engagement will be undertaken with the Lake Babine Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to maintain access to Lake Babine Nation traditional lands.

#### *Disturbed Land and Reclamation*

The Lake Babine Nation is interested in having all disturbed land reclaimed and restored to pre-Project conditions. The ESA includes an assessment of effects of the Project on vegetation including forest resources. Reclamation of the RoW is addressed in the Construction EPMP (see the Application, Volume 7A). Where possible, native seed mixes will be used. Northern Gateway will consider suggestions that the Lake Babine Nation may have about preferred methods of RoW reclamation.

#### *Use of Herbicides to Maintain the RoW*

The Lake Babine Nation is concerned about the possible use of herbicides by Northern Gateway to maintain the RoW. The ESA provides an assessment of the potential effects of the Project on vegetation (see the Application, Volume 6A, Part 1, Section 8.2) and Northern Gateway's Weed Management Plan is in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.34). Depending on the type of vegetation to be controlled on or adjacent to its facilities, Northern Gateway or its contractors will consider various nonchemical (mechanical and manual) and chemical (herbicide) weed management



systems. An integrated approach combining chemical and nonchemical treatment options is generally the most effective when tailored to weed species and conditions.

### *Cumulative Effects of Industrial Development Traditional Territory*

The ESA for the Project considers both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with the Lake Babine Nation to discuss the ESA and reduce any potential environmental effects and other areas of concern to the extent possible.

### *Human Health*

The Lake Babine Nation is concerned about the potential for an elevated incidence of cancer and other illnesses in the Lake Babine Nation community as a result of Project activity. Information on the human health risk assessment (HHRA) near the Kitimat Terminal is provided in the Application, Volume 6C, Section 4.2. Detailed information on the HHRA for the Kitimat Terminal operations is provided in the HHRA Technical Data Report.

Aboriginal people were considered as a special population group in the human health assessment. The base assumption for the typical human receptor is that it is a First Nations individual, because First Nations people consume a greater amount of country foods, and are potentially more exposed to any contaminants in country foods.

Aboriginal communities along the proposed pipeline RoW will not experience any long-term effects on human health from construction and routine operation of the pipeline due to the transitory nature on the pipeline-related construction activities, and the lack of potential chemical releases from the pipeline itself during normal operations. All pumping stations will be electrically powered.

### *Effective and Meaningful Consultation with Lake Babine Nation for the Life of the Project*

The Lake Babine Nation is concerned about Northern Gateway having effective and meaningful consultation with the Lake Babine Nation for the life of the Project. Northern Gateway will continue to engage the Lake Babine Nation during all phases of the Project, including during detailed design and routing, construction and operation.

### **Aboriginal Traditional Knowledge Program**

The Lake Babine Nation has completed an ATK study. For a summary of the Lake Babine Nation ATK community report, see the Update to Volume 5B, Appendix C, Table C-19.

## **5.6.7 Skin Tyee Nation**

### **Geographic Setting**

The Skin Tyee Nation has six reserves, located near Uncha, Skins and François Lakes and Cheslatta River, with the closest reserve (Skins Lake #16A) located approximately 26.1 km from the proposed RoW (see the Update to Appendix C, Figure C-22).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Skin Tye Nation is provided on pages 180 to 186 of the Kitimat–Summit Lake Looping Pipeline assessment [[http://a100.gov.bc.ca/appsdata/epic/html/depoly/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/depoly/epic_document_270_26267.html)].

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway contacted the Skin Tye Nation and provided a summary table from the ATK study for review by the Skin Tye Nation. Northern Gateway also followed up about an ATK information sharing agreement. The Skin Tye Nation approved the summary table from the ATK study.

In March 2010, the Skin Tye Nation attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Skin Tye Nation and provided a Project presentation to the Skin Tye Elders.

In August 2010, Northern Gateway met with the Skin Tye Nation Chief and senior policy staff of the Skin Tye Nation to discuss the Skin Tye Nation's interests and concerns. Northern Gateway subsequently contacted the Skin Tye Nation to summarize the topics discussed and the commitments made by Northern Gateway. The parties agreed to another meeting in September. Northern Gateway advised the Skin Tye Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway. A letter formally introducing the new Aboriginal Relations Director for Northern Gateway was provided in September.

In September 2010, Northern Gateway met with representatives of the Skin Tye Nation to provide a Project update and discuss the interests and concerns of the Skin Tye Nation. There were approximately 25 Skin Tye Nation members in attendance. After the meeting, Northern Gateway sent a letter to the Skin Tye Nation summarizing the interests and concerns raised at the meeting and suggesting a further meeting to provide technical information to help resolve those issues and concerns. Northern Gateway also provided a response to a funding request from the meeting by providing the Skin Tye Nation with resources for a stay-in-school program.

In September 2010, Northern Gateway and the Skin Tye Nation were in contact about the final ATK community report.

In November 2010, Northern Gateway met with representatives of the Skin Tye Nation to present an Aboriginal Economic Benefits Package to the Skin Tye Nation for consideration. Northern Gateway also provided technical information about pipeline construction and operation with a focus on pipeline safety. Northern Gateway and the Skin Tye Nation had further discussions about an Aboriginal Economic Benefits Package by telephone. Northern Gateway also held an ATK follow-up technical session with the Skin Tye Nation in 2010.

In December 2010, Northern Gateway met with the Skin Tyee Nation to follow up on an Aboriginal Economic Benefits Package discussion held in November. The Skin Tyee Nation provided a strong commitment to continue to be engaged in dialogue about economic development opportunities arising from the Project. Northern Gateway followed up with an email message to thank the Skin Tyee Nation community for engagement discussions to date, and to initiate an opportunity to meet early in 2011 to further discussions about the Project.

In December 2010, Northern Gateway supported a Skin Tyee Nation community youth Project.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Skin Tyee Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Skin Tyee Nation***

In the Application, Volume 5A, Section 5.7.2, the interests and concerns identified by Skin Tyee were summarized as follows:

- lack of awareness of pipeline companies and pipeline construction
- Elders' participation
- potential effects of the Project on traditional use
- education, training and employment opportunities

During the Update Period, the following new interests and concerns were identified:

- procurement opportunities
- the amended protocol agreement
- the Michigan incident
- Aboriginal traditional knowledge
- pipeline integrity
- pipeline safety (earthquake stability)
- cultural programming opportunities, including canoe building using locally sourced cottonwood trees
- Project transition into the regulatory phase
- education, training and employment, including youth
- recognition of traditional territories
- cultural support (i.e., projects), including home building on the reserve to revive culture and tradition
- procurement opportunities
- watercourse crossing and effects management
- fishing, fish spawning and fish habitat locations
- accessibility for harvesting (non-Aboriginal)
- equity participation

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Skin Tyee Nation's interests and concerns follows.

### *Lack of Awareness About Pipeline Companies and Pipeline Construction*

Northern Gateway has met with the Skin Tyee Nation several times. These meetings have provided the Skin Tyee Nation with opportunities to learn more about pipeline companies and pipeline construction. Northern Gateway also provided technical information about pipeline construction and operation with a focus on pipeline safety.

### *Elders' Participation*

Northern Gateway encourages participation by Elders in ATK studies and respects the contribution that Elders can make. Presentations are made specifically to Elders, and meetings are also conducted. Traditional use data gathered from Elders assists in Project planning.

### *Traditional Use*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Skin Tyee Nation has completed an ATK study. If the Project is approved, additional engagement will be undertaken with the Skin Tyee Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect site-specific resources or features.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Skin Tyee Nation. This may include contracting opportunities, as well as education, employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Skin Tyee Nation to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Amended Protocol Agreement*

Northern Gateway and the Skin Tyee Nation entered into an amended protocol agreement.

### *The Michigan Incident*

Northern Gateway has provided correspondence to the Skin Tyee Nation about the pipeline leak in Marshall, Michigan, and Enbridge's response. Within one hour of being alerted to the leak, Enbridge had emergency crews starting initial containment. At the height of the response, there were approximately

2,000 to 2,500 workers in the Marshall and Battle Creek areas. The workforce increased and decreased as needed, according to the clean-up activities that were undertaken, and in accordance with approved work plans.

Enbridge has an excellent pipeline safety record, notwithstanding the two events during the summer of 2010 on Lines 6A and 6B in the United States. In 2010, in Canada and the United States, Enbridge recorded 78 reportable spills along its liquids pipeline system. Of these spills, 59 were contained within Enbridge facilities, and 72 were fewer than 100 barrels of product. The spills represented about 32,622 barrels, a small fraction of the total volume transported on the system in 2010, which was approximately 950 million barrels. Most of the spills that Enbridge experiences on its liquids pipelines system are small and take place at Enbridge facilities, such as pump stations and terminals. As a result, Enbridge is able to clean them up quickly, and they have either low or no environmental effect. In addition, when looking at government statistics in the United States for the number of pipeline releases for 2002 to 2009, the average for Enbridge's pipeline systems is 40% better than the industry average.

### *Aboriginal Traditional Knowledge*

The Skin Tyee Nation completed a collaborative ATK study with Northern Gateway that has been considered, and will continue to be considered during Project development. Traditional land and activity information, as summarized in the Kitimat–Summit Lake Looping Pipeline assessment, will also be considered by Northern Gateway.

### *Pipeline Integrity*

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Pipeline Safety*

The Skin Tyee Nation is concerned about pipeline safety, particularly regarding pipeline stability in relation to earthquakes. Seismic events and consequences are discussed in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic issues have been extensively studied and are not considered a major issue for the pipeline route and terminal sites. Where hazards exist, they can be satisfactorily mitigated during detailed engineering. The discussion below provides a summary of the extensive work that has been done to date and the conclusions from the work:

- Although earthquakes may be felt occasionally along the pipeline route, they have been very low-magnitude events, as reflected in the low to moderate seismic motions determined in the detailed seismic hazard analyses that have been undertaken.
- A report reviewing potential seismic motions and parameters over the entire pipeline is summarized in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic accelerations are moderate at the west end of the Project and decrease rapidly to the east. The accelerations and resultant forces and strains on the facilities will be considered during detailed engineering but are not viewed as a major engineering problem.

2,000 to 2,500 workers in the Marshall and Battle Creek areas. The workforce increased and decreased as needed, according to the clean-up activities that were undertaken, and in accordance with approved work plans.

Enbridge has an excellent pipeline safety record, notwithstanding the two events during the summer of 2010 on Lines 6A and 6B in the United States. In 2010, in Canada and the United States, Enbridge recorded 78 reportable spills along its liquids pipeline system. Of these spills, 59 were contained within Enbridge facilities, and 72 were fewer than 100 barrels of product. The spills represented about 32,622 barrels, a small fraction of the total volume transported on the system in 2010, which was approximately 950 million barrels. Most of the spills that Enbridge experiences on its liquids pipelines system are small and take place at Enbridge facilities, such as pump stations and terminals. As a result, Enbridge is able to clean them up quickly, and they have either low or no environmental effect. In addition, when looking at government statistics in the United States for the number of pipeline releases for 2002 to 2009, the average for Enbridge's pipeline systems is 40% better than the industry average.

#### *Aboriginal Traditional Knowledge*

The Skin Tyee Nation completed a collaborative ATK study with Northern Gateway that has been considered, and will continue to be considered during Project development. Traditional land and activity information, as summarized in the Kitimat–Summit Lake Looping Pipeline assessment, will also be considered by Northern Gateway.

#### *Pipeline Integrity*

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

#### *Pipeline Safety*

The Skin Tyee Nation is concerned about pipeline safety, particularly regarding pipeline stability in relation to earthquakes. Seismic events and consequences are discussed in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic issues have been extensively studied and are not considered a major issue for the pipeline route and terminal sites. Where hazards exist, they can be satisfactorily mitigated during detailed engineering. The discussion below provides a summary of the extensive work that has been done to date and the conclusions from the work:

- Although earthquakes may be felt occasionally along the pipeline route, they have been very low-magnitude events, as reflected in the low to moderate seismic motions determined in the detailed seismic hazard analyses that have been undertaken.
- Potential seismic motions and parameters over the entire pipeline is summarized in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic accelerations are moderate at the west end of the Project and decrease rapidly to the east. The accelerations and resultant forces and strains on the facilities will be considered during detailed engineering but are not viewed as a major engineering problem.

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volume 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Watercourse Crossings and Effects Management*

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings. As mentioned in the Application, Volume 5A, Section 5.7.2, technical sessions and field trips have been undertaken with the Skin Tyee Nation to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Skin Tyee Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Fisheries*

The Skin Tyee Nation is concerned that:

- regional fish populations and sizes have decreased
- spawning patterns have changed because fish, particularly salmon, do not like the smell of sap dust from logging activities
- silt that drains from logging clear-cuts is smothering fish eggs
- the removal of trees from the banks of rivers and streams removes shade that spawning fish require

In addition to a watercourse crossing workshop, Northern Gateway representatives continue to discuss effects on commonly used fisheries resources at technical sessions. Steep slopes and riparian management areas at watercourse crossings will be cleared by hand, where appropriate, to minimize disturbance and protect fish spawning habitat. Sensitive areas will be noted on construction drawings and environmental alignment sheets. The Watercourse Crossing Buffer Zone Width and the Riparian Area Management Plan are discussed in more detail in the Construction EPMP (see the Application, Volume 7A, Section A.3.15).

### *Accessibility for Harvesting for Non-Aboriginal People*

Skin Tye Nation representatives have expressed concerns that the Project will result in increased access for non-Skin Tye Nation harvesting within its traditional territory, placing greater pressure on limited natural resources. Existing access to the proposed RoW will be used wherever practical. Northern Gateway's Access Management Plan, which is included in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.2), includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

### *Equity Participation*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Skin Tye Nation in November 2010.

### *Aboriginal Traditional Knowledge Program*

For a summary of the Skin Tye Nation collaborative ATK study community report, see the Application, Volume 5B, Appendix C, Table C-14. Northern Gateway held an ATK follow-up technical session with the Skin Tye Nation in 2010 to respond to issues and concerns raised in the ATK study.

## **5.6.8 Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band)**

### *Geographic Setting*

The Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) has five reserves, located in the areas of François Lake and Uncha Lake, with the closest reserve (Francois Lake #7) located approximately 24.1 km from the proposed RoW. The traditional territory of the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) includes areas around François Lake and Uncha Lake (see the Update to Appendix C, Figure C-23).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) is provided on pages 187 to 193 of the Kitimat–Summit Lake Looping Pipeline assessment [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

### *Engagement Activities during the Update Period*

In January and February 2010, Northern Gateway contacted the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) about the status of the ATK study. Northern Gateway provided the ATK Information Sharing Agreement to the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band). The final community report was completed in February.



In February 2010, Northern Gateway and the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) discussed funding arrangements and renewal of the protocol agreement. In March 2010, the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) signed the renewed protocol agreement.

In March 2010, the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In September 2010, Northern Gateway advised the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In October 2010, Northern Gateway met with representatives of the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) to discuss their interests and concerns related to the Project. Northern Gateway followed up to summarize the interests and concerns discussed at the meeting. Copies of the protocol agreement and renewed protocol agreement were also provided at the meeting, as requested.

In December 2010, Northern Gateway met with representatives of the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) to present an Aboriginal Economic Benefits Package for their consideration. An additional meeting was held in December to address questions about the Aboriginal Economic Benefits Package.

In February 2011, representatives of the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) attended a technical session in Burns Lake. Northern Gateway provided a presentation, display board, handouts and articles. There was a question-and-answer session after the presentation, to address interests and concerns.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band)***

In the Application, Volume 5A, Section 5.7.3, the interests and concerns identified by the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) were summarized as follows:

- noise effects on fish
- effects of pipeline on wildlife
- routing location in relation to traditional territory
- pipeline spills
- employment opportunities
- regulatory review process

During the Update Period, the following new interests and concerns were identified:

- ongoing Project progress
- emergency response
- training, education and employment (interested in opportunities)
- equity in the Project
- pipeline construction
- tanker safety for coastal First Nations
- water crossing and effects management

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band)'s interests and concerns follows.

#### ***Noise Effects on Fish***

The ESA provides an assessment of potential effects of the Project on freshwater fish (see the Application, Volume 6A, Part 2, Section 11). Noise on marine fish is assessed in the Application, Volume 6B, Section 9, Section 10 and Section 13 and Volume 8B, Section 9 and Section 12. The ESA also includes several mitigation measures to reduce noise from the Project.

#### ***Wildlife***

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) before construction starts. Northern Gateway will also consider the access management and wildlife mitigation measures developed for the adjacent Kitimat–Summit Lake Looping Pipeline Project so that these measures are coordinated to the extent possible.

#### ***Routing and Traditional Territory***

Northern Gateway and the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) have discussed the pipeline routing and alignment in relation to the Nee-Tahi-Buhn traditional territory. Northern Gateway will continue to meet with the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect site-specific resources or features.

The methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3. Northern Gateway considered various alternatives for the pipeline route during the preliminary design stage. The initial pipeline route has been revised at many locations in response to engineering and environmental studies and input that has been received through the engagement process. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. The detailed route will incorporate detailed engineering, construction, and operations considerations, further site-specific constraint mapping, results of ATK studies and further field investigations, and further input from participating Aboriginal groups and communities, landowners, the public, other interested parties, and government agencies. For example, measures can be taken to restore disturbed trails to as near

preconstruction conditions as possible, and to prevent the Project workforce from disturbing cabins or trapline equipment near the RoW.

### *Pipeline Spills*

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

### *Regulatory Review Process*

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for First Nations to participate in the CEA Agency process, including CEA Agency contact information, has been provided to Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) through Northern Gateway's consultation materials, including brochures, newsletters and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

### *Ongoing Project Progress*

Northern Gateway has kept the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) informed of Project progress by providing written notices, and through discussions with Band representatives.

### *Emergency Response*

Northern Gateway will share information with the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) about emergency preparedness and first response before operations start. Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to Kitimat Terminal spills are discussed in the Application, Volume 7C. Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band). This may include contracting opportunities, as well as employment, education and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) to assess the current capacity of the Band's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Equity in the Project*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) in December 2010.

### *Pipeline Construction*

The ESA provides an assessment of potential effects from the Project, including construction (see the Application, Volume 6A, Parts 1 and 2). Mitigation measures to reduce construction effects are in the Construction EPMP (see the Application, Volume 7A).

### *Tanker Safety for Coastal First Nations*

All vessels calling at the Kitimat Terminal will be modern, double-hulled and vetted by independent, third-party agencies and will be required to meet all Canadian and international safety and environmental standards. Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable International Maritime Organization (IMO) conventions and initiatives (e.g., Safety of Life at Sea [SOLAS] and Marine Pollution [MARPOL]).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway's safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels, and operational safety limits will be established for visibility, wind and sea conditions.

- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- Double hulls – Double hulls reduce the probability of spills due to grounding or collision.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### ***Watercourse Crossings and Effects Management***

Northern Gateway offered to conduct a watercourse crossing technical session with the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band). Technical sessions and field trips were undertaken with the Nee Tahi Buhn (Nee-Tahi-Buhn Indian Band) to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Nee-Tahi-Buhn (Nee-Tahi-Buhn Indian Band) the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### ***Aboriginal Traditional Knowledge Program***

The Nee-Tahi-Buhn Indian Band has completed an independent ATK study with Northern Gateway.

## **5.6.9 Cheslatta Carrier Nation**

### ***Geographic Setting***

The Cheslatta Carrier Nation has eight reserves, located near Cheslatta, Murray, Nataalkuz, Holy Cross and Knapp Lakes, Knapp Creek and between Uncha and François Lakes, with the closest reserve (Cheslatta #1) located approximately 25.8 km from the proposed RoW. The traditional territory of the Cheslatta Carrier Nation encompasses the Ootsa and Eutsuk Lakes and surrounding areas (see the Update to Appendix C, Figure C-24).

### ***Engagement Activities during the Update Period***

In January and February 2010, Northern Gateway contacted representatives of the Cheslatta Carrier Nation to arrange a meeting.

In March 2010, the Cheslatta Carrier Nation attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In March, April, May and June 2010, Northern Gateway and the Cheslatta Carrier Nation discussed planning an ATK study on several occasions. Northern Gateway provided templates for the standard agreements used for the ATK studies. The Cheslatta Carrier Nation provided an overview of the community history and the nature of land use. The information sharing agreement and cost estimate were discussed.

In April 2010, Northern Gateway conducted an open house with the Cheslatta Carrier Nation. Northern Gateway gave an overview of the Project and answered questions addressing the interests and concerns of the Cheslatta Carrier Nation.

In May 2010, the Cheslatta Carrier Nation sent a letter to Northern Gateway about a new joint venture opportunity it was pursuing as a result of the business summit held in March 2010. The Cheslatta Carrier Nation explained the new business venture, to initiate contracting discussions with Northern Gateway.

In June 2010, the Cheslatta Carrier Nation invited Northern Gateway to attend a campout event. Northern Gateway representatives advised the Cheslatta Carrier Nation that they were unable to attend.

In September 2010, Northern Gateway advised the Cheslatta Carrier Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway. Northern Gateway also conducted a community technical session at Burns Lake, which was attended by representatives of the Cheslatta Carrier Nation. The technical session included presentations on the Marshall, Michigan, spill and response efforts, Aboriginal community engagement, pipeline design and marine safety, pipeline integrity and risk management and local opportunities.

In September 2010, Northern Gateway contacted the Cheslatta Carrier Nation about the status of the ATK work plan, support for the Cheslatta Carrier Nation's economic development corporation, the Chief Louis Paddle Company, and other economic opportunities. A meeting was planned to discuss these topics further.

In October 2010, Northern Gateway met with representatives of the Cheslatta Carrier Nation to learn more about the Chief Louis Paddle Company and the Nation's other business ventures. The Cheslatta Carrier Nation discussed the consultation to date and provided advice for going forward. The parties agreed to arrange a tour of Enbridge's operations in Alberta. Northern Gateway followed up with a letter to the Cheslatta Carrier Nation about support for the Chief Louis Paddle Company.

In November 2010, Northern Gateway met with representatives of the Cheslatta Carrier Nation at an Aboriginal Forum in Prince George and presented an Aboriginal Economic Benefits Package to the Cheslatta Carrier Nation for consideration. Northern Gateway also provided technical information about pipeline construction and operation with a focus on pipeline safety. After the meeting, the Cheslatta Carrier Nation and Northern Gateway exchanged correspondence with questions and answers about an Aboriginal Economic Benefits Package and potential amendments to the MOU.

In December 2010, Northern Gateway provided representatives of the Cheslatta Carrier Nation with a tour of the Enbridge control room and terminal in Edmonton. Northern Gateway facilitated the tour to increase awareness about how pipeline product is shipped on the Enbridge pipeline system. The tour included presentations about pipeline supply management, safety controls, and product density. The Aboriginal Economic Benefits Package was also discussed.

In February 2011, the ATK work plan and budget were finalized with the Cheslatta Carrier Nation. The Cheslatta Carrier Nation also participates in the Prince George CAB, and were observers at the December 2010 Edmonton CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Cheslatta Carrier Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Cheslatta Carrier Nation***

In the Application, Volume 5A, Section 5.7.1, the interests and concerns identified by Cheslatta Carrier Nation were summarized as follows:

- employment and training opportunities
- community investment opportunities
- economic opportunities
- equity among communities

During the Update Period, the following new interests and concerns were identified:

- economic opportunities focused on procurement
- amending the current protocol agreement
- educational support programming
- impact of the Project on traditional uses
- watercourse crossings
- pipeline spills and emergency response procedures.
- learning more about equity opportunities
- access management
- opportunities for joint ventures and use of wood damaged by pine beetles
- concerns about ongoing progress of the Project
- concerns about adequate energy supply for the Project given the proximity of the proposed Burns Lake pump station to the community
- safety program opportunities such as first responders
- the Project's stability
- Northern Gateway staff responsibilities
- Enbridge's environmental record for similar projects
- economic participation and capacity development
- taxation split for First Nations along the RoW

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Cheslatta Carrier Nation's interests and concerns follows.

#### ***Economic Opportunities***

The Cheslatta Carrier Nation's interest in economic opportunities included:

- education
- educational support programming
- employment
- training
- procurement
- capacity development

Northern Gateway will continue to provide economic participation information to the Cheslatta Carrier Nation. The Cheslatta Carrier Nation has agreed to ongoing dialogue with Northern Gateway to further its interest in planning for participation in education, training, and employment potentially arising from the Project. Northern Gateway representatives will continue to meet with the community and deliver presentations on Project-related education, training and employment in 2011.

The Cheslatta Carrier Nation is interested in procurement opportunities potentially arising from the Project. The Cheslatta Carrier Nation representatives attended an Aboriginal Forum in November 2010 in Prince George, where an Aboriginal Economic Benefits Package was presented. Cheslatta Carrier Nation representatives also attended the Northern Gateway Aboriginal Business Summit held in Vancouver in March 2010. However, the Cheslatta Carrier Nation leadership has advised that it is unsure if it will have the internal capacity to be able to administer and manage Project-related contracting opportunities. As engagement activities progress, Northern Gateway will meet with the Cheslatta Carrier Nation to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will take place for contracting opportunities.

#### ***Community Investment***

Northern Gateway has developed a range of community investment initiatives with a goal of building long-term sustainable relationships with communities and participating Aboriginal groups.

Requests for community sponsorships toward worthwhile community programs are considered on a case-by-case basis. Northern Gateway also considers contributions to regional initiatives where they may provide benefits that extend to communities in which the company operates. Northern Gateway will consider support for, and participation in, community programs that are based in communities within the engagement area.

Northern Gateway is committed to working with the Cheslatta Carrier Nation on community programs. Northern Gateway provided additional support (where possible) in 2010, based on Cheslatta Carrier Nation requests. Northern Gateway provided the Cheslatta Carrier Nation resources to support an economic development initiative (Chief Louis Paddle Company) in October 2010, contributed to a



language project in December 2010, and supported a community Christmas hamper project in December 2010.

### *Equity Among Communities*

Northern Gateway is committed to dealing fairly and equitably with all Aboriginal communities in proximity to the RoW.

### *Amending the Current Protocol Agreement*

An amended protocol agreement between Northern Gateway and the Cheslatta Carrier Nation has been entered into.

### *Traditional Use*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Cheslatta Carrier Nation is completing an ATK study. If the Project is approved, additional engagement will be undertaken with the Cheslatta Carrier Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect site-specific resources and cultural features.

### *Watercourse Crossings*

Northern Gateway offered to conduct a watercourse crossing technical session with the Cheslatta Carrier Nation. As mentioned in the Application, Volume 5A, Section 5.7.1, technical sessions and field trips were undertaken with the Cheslatta Carrier Nation to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Cheslatta Carrier Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Spills and Emergency Response*

The Cheslatta Carrier Nation expressed interest in pipeline spills and emergency response procedures, and safety program opportunities such as first responders. Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31,

2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Cheslatta Carrier Nation about emergency preparedness and first response before operations start.

### *Equity Opportunities*

The Cheslatta Carrier Nation expressed an interest in learning more about equity opportunities. Northern Gateway presented an Aboriginal Economic Benefits Package to the Cheslatta Carrier Nation at the Aboriginal Forum in November 2010. The package was discussed further in December 2010.

### *Access Management*

Access management is part of a comprehensive strategy that will address potential environmental effects of the Project (see the Application, Volume 7A, Appendix A.3.2, Access Management Plan). Northern Gateway will consult with resource managers, participating Aboriginal groups and stakeholders as Project planning proceeds, and will update the construction Access Management Plan within 60 days of pipeline construction starting.

### *Joint Ventures*

The Cheslatta Carrier Nation expressed an interest in opportunities for joint ventures and for using wood damaged by pine beetles. Northern Gateway's Aboriginal Business Summit, which the Cheslatta Carrier Nation attended, brought together Aboriginal groups and potential contractors to introduce the communities to corporations that may also have an interest in Project contracts or joint venture opportunities. Mountain pine beetle infestation will always be considered within any planning, clearing, or construction contract. Considerations will be included in any Licence to Cut Agreement, as mentioned in the Timber Salvage Plan (see the Application, Volume 7A, Construction EPMP, Appendix A.3.25).

### *Ongoing Progress of the Project, the Project's Stability*

The Cheslatta Carrier Nation expressed concerns about the ongoing progress of the Project and the Project's stability. Project updates have been provided to the Cheslatta Carrier Nation through Northern Gateway's consultation materials, including brochures, newsletters, the April 2010 open house materials, and CAB materials. One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process. Northern Gateway has provided written notice to the Cheslatta Carrier Nation to advise of key steps in the regulatory process.

### *Adequate Energy Supply*

The Cheslatta Carrier Nation expressed concerns about adequate energy supply for the Project, given the proximity of the proposed Burns Lake pump station to the community. Northern Gateway will work with

BC Hydro to ensure that the power supply secured for the proposed Burns Lake pump station does not adversely affect the existing power supply to the Cheslatta Carrier Nation community.

#### *Northern Gateway Staff Responsibilities*

The roles and responsibilities of both Cheslatta Carrier Nation and Northern Gateway representatives have been discussed and resolved between the parties.

#### *Enbridge's Environmental Record for Similar Projects*

Enbridge has an excellent pipeline safety record, notwithstanding the two events during the summer of 2010 on Lines 6A and 6B in the United States. In 2010, in Canada and the United States, Enbridge recorded 78 reportable spills along its liquids pipeline system. Of these spills, 59 were contained within Enbridge facilities, and 72 were fewer than 100 barrels of product. The spills represented about 32,622 barrels, a small fraction of the total volume transported on the system in 2010, which was approximately 950 million barrels. Most of the spills that Enbridge experiences on its liquids pipelines system are small and take place at Enbridge facilities, such as pump stations and terminals. As a result, Enbridge is able to clean them up quickly, and they have either low or no environmental effect. In addition, when looking at government statistics in the United States for the number of pipeline releases for 2002 to 2009, the average for Enbridge's pipeline systems is 40% better than the industry average.

#### *Taxation Split for First Nations Along the RoW*

Northern Gateway considers that taxation is a matter for government-to-government discussions.

#### *Aboriginal Traditional Knowledge Program*

The Cheslatta Carrier Nation is completing an ATK study with Northern Gateway. Northern Gateway is reviewing the information that has been provided by the Cheslatta Carrier Nation and it is anticipated that the ATK study will be completed in 2011.

## **5.7 Northwest British Columbia Region**

### **5.7.1 Office of the Wet'suwet'en**

#### ***Geographic Setting***

The Office of the Wet'suwet'en represents the interests of hereditary leaders of Wet'suwet'en territory in northwest BC. The Office of the Wet'suwet'en territory is divided among 12 Houses, which belong to five clans, with larger populations in the communities of Smithers, Hagwilget and Moricetown. The two federally recognized First Nations that belong to the Office of the Wet'suwet'en are the Moricetown and the Hagwilget Bands. The traditional territory of the Office of the Wet'suwet'en lies in the Bulkley River drainage area in northwest BC (see the Update to Appendix C, Figure C-25). The head office of the Office of the Wet'suwet'en is located in Smithers.

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Office of the Wet’suwet’en is provided on pages 162 to 179 of the Kitimat–Summit Lake Looping Pipeline assessment [[http://a100.gov.bc.ca/appsdata/epic/html/depoly/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/depoly/epic_document_270_26267.html)].

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Office of the Wet’suwet’en to discuss the proposed content of the draft communications protocol agreement tabled between Northern Gateway and the Office of the Wet’suwet’en. The purpose of the agreement was to set out a framework for structured consultation between Northern Gateway and the Office of the Wet’suwet’en. Other topics discussed at the meeting included the Project’s potential effects on the Office of the Wet’suwet’en’s traditional lands, including potential risks posed to watercourse crossings. Northern Gateway also provided a presentation on the Project’s watercourses and water crossings.

In January 2010, Northern Gateway sent the Office of the Wet’suwet’en a letter about the funding requirements for participation, cooperation and review of the Northern Gateway Application.

In February 2010, Northern Gateway met with representatives of the Office of the Wet’suwet’en twice. The purpose of the first meeting was to discuss the revised draft communications protocol agreement, potential effects on watercourse crossings, and potential benefits to the Office of the Wet’suwet’en in the form of education, employment and procurement opportunities arising from the Project.

After the first meeting, the draft communications protocol agreement was revised. The revised draft communications protocol agreement was reviewed at the second meeting. There was a discussion about whether Northern Gateway should be communicating with the Office of the Wet’suwet’en or the Clan Chiefs. The possibility of a community meeting to explain the purpose of capacity funding was raised. Equity participation and procurement opportunities were also discussed.

In February 2010, Northern Gateway sent the Office of the Wet’suwet’en a letter about a draft work plan and budget for the ATK study. In a subsequent letter, Northern Gateway sent the Office of the Wet’suwet’en the draft communications protocol agreement and the draft work plan and budget for the ATK study.

In March 2010, Northern Gateway met with representatives of the Office of the Wet’suwet’en to further discuss the draft communications protocol agreement and the Project’s potential effects on Wet’suwet’en traditional lands, especially on wildlife and habitat corridors. There was also a discussion about organizing a gathering for Office of the Wet’suwet’en House Members, Chiefs and Clans.

In April 2010, the Office of the Wet’suwet’en contacted Northern Gateway about the follow-up actions for the ATK study discussed in the February meeting. Northern Gateway completed the follow-up on the action items and corresponded with the Office of the Wet’suwet’en by email and letter.

In June 2010, the Office of the Wet'suwet'en sent Northern Gateway the communications protocol agreement revised by the Hereditary Chiefs. The Office of the Wet'suwet'en and Northern Gateway corresponded in June and July about follow-up for the draft communications protocol agreement.

In August 2010, Northern Gateway met with representatives of the Office of the Wet'suwet'en to further discuss the draft communications protocol agreement. The Office of the Wet'suwet'en was concerned about the delay in reaching a communications protocol agreement. Northern Gateway and the Office of the Wet'suwet'en agreed that with a new Aboriginal Relations Director for Northern Gateway in place, the parties could move forward and expedite the negotiation of the draft communications protocol agreement. The Office of the Wet'suwet'en requested a courtesy notice when Northern Gateway planned to enter the Office of the Wet'suwet'en territory. Northern Gateway agreed to give a courtesy notice to the Office of the Wet'suwet'en when it planned to enter its territory. The Office of the Wet'suwet'en agreed to send Northern Gateway a map of its traditional territory. The parties agreed to work together to revise the draft communications protocol agreement so that it could be presented to the Chiefs at a meeting in September 2010. The parties agreed that open communication was required to facilitate timely and extensive dialogue about the Project.

In August 2010, the Office of the Wet'suwet'en made an oral presentation to the JRP in response to the JRP Procedural Direction of July 2010, which Northern Gateway responded to in its submission to the JRP dated October 28, 2010.

In September 2010, Northern Gateway met with representatives of the Office of the Wet'suwet'en to present a revised draft communications protocol agreement. The Office of the Wet'suwet'en stated that all First Nations should be treated equally. Northern Gateway learned more about the background of the Office of the Wet'suwet'en and its communication system, which involved clan runners. The Office of the Wet'suwet'en agreed to review the agreement and budget and provide a response to Northern Gateway. The Office of the Wet'suwet'en advised that before engaging in further Project discussions, the communications protocol agreement and budget needed to be resolved.

In October 2010, Northern Gateway had a conference call with representatives of the Office of the Wet'suwet'en to review the revised communications protocol agreement. The Office of the Wet'suwet'en advised Northern Gateway that the agreement was still being reviewed by the Office of the Wet'suwet'en legal team.

In December 2010, Northern Gateway met with representatives of the Office of the Wet'suwet'en to further discuss the draft communications protocol agreement and potential benefits to the Office of the Wet'suwet'en. The Office of the Wet'suwet'en provided the draft communications protocol agreement that had been reviewed by its legal department. Northern Gateway also presented an Aboriginal Economic Benefits Package to the Office of the Wet'suwet'en for consideration.

In December 2010, Northern Gateway provided the Office of the Wet'suwet'en with the draft communications protocol agreement that had been reviewed by Northern Gateway's legal department. Northern Gateway requested a meeting in January to discuss the budget attached to the agreement.

In February 2011, Northern Gateway and the Office of the Wet'suwet'en were in contact about the budget for the draft communications protocol agreement. The Office of the Wet'suwet'en was waiting for

information from the CEA Agency about funding. Shape files for the Office of the Wet'suwet'en territory were provided by Northern Gateway for review by the Office of the Wet'suwet'en.

In March 2011, Northern Gateway sent correspondence to the Office of the Wet'suwet'en, inquiring about the response from the Wet'suwet'en Hereditary Chiefs on the current communications protocol agreement. The Office of the Wet'suwet'en advised that the Wet'suwet'en Hereditary Chiefs were reviewing the most current version of the communications protocol agreement. Northern Gateway is interested in concluding its communications protocol agreement negotiations with the Office of the Wet'suwet'en, and continues to follow up regularly to determine whether the Wet'suwet'en Hereditary Chiefs have completed their review of the agreement.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Office of the Wet'suwet'en up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Office of the Wet'suwet'en***

In the Application, Volume 5A, Section 5.6.8, the interests and concerns identified by the Office of the Wet'suwet'en were summarized as follows:

- potential effects on traditional land use
- environmental concerns relating to the Project corridor
- risk of oil spill
- funding for review and collection of data for the environmental assessment of the Project, collection of traditional knowledge information, and discussion of broader issues

During the Update Period, the following new interests and concerns were identified:

- potential effects on the Office of the Wet'suwet'en traditional lands, including potential risks posed to watercourse crossings
- training, employment and procurement opportunities arising from the Project
- pipeline spills and emergency response
- wildlife corridor protection concerns
- route alignment

Some of the issues and concerns listed above were raised by the Office of the Wet'suwet'en in its presentation in response to the JRP Procedural Direction of July 2010. In addition, the Office of the Wet'suwet'en raised the following new interests and concerns in response to the JRP Procedural Direction:

- information on Project alternatives
- probability of accidents and malfunctions
- technology, infrastructure or institutional frameworks to mitigate accidents or malfunctions
- complete oil spill response plans

- RoW width and NEB safety zone width
- assessment of the effects of the Project on First Nation rights and interests
- health effects of the Project
- baseline data on fish
- greenhouse gas emissions

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Office of the Wet'suwet'en's interests and concerns follows.

#### ***Effects on Watercourse Crossings and Traditional Lands***

Northern Gateway has offered to conduct technical meeting sessions with the Office of the Wet'suwet'en on numerous occasions. Engineering and environmental protection specialists will, with the consent of the Office of the Wet'suwet'en, be made available to answer questions about habitat integrity after construction and operation of the Project.

As mentioned in the Application, Volume 5A, Section 5.6.8, technical sessions and field trips have been undertaken with the Office of the Wet'suwet'en to review watercourse crossing methods. Within the Office of the Wet'suwet'en traditional territory, 17 watercourse crossing sites have been identified. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Office of the Wet'suwet'en the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

#### ***Project Corridor Environmental Concerns***

The ESA for the Project considers both short- and long-term environmental effects. Environmental protection measures for the Project are discussed throughout the Application, and details of environmental protection measures and mitigation are discussed in the Application, Volume 7A, Construction EPMP.

#### ***Oil Spills, Pipeline Spills and Emergency Response***

Northern Gateway has carefully listened to the pipeline spill and emergency response concern raised by the Office of the Wet'suwet'en and has offered, on several occasions, to set up technical sessions that would make Northern Gateway's expert engineers and environmental protection specialists available to the Office of the Wet'suwet'en to answer questions on the structural integrity of the pipeline, the scale and scope of the pipeline corridor, and the emergency response system that would be in place to mitigate any potential compromise in the pipeline.

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Office of the Wet'suwet'en about emergency preparedness and first response before operations start.

#### *Funding for Environmental Data Collection and ATK Study*

The Office of the Wet'suwet'en was interested in funding for reviewing and collecting data for the environmental assessment of the Project and for collecting traditional knowledge information. Northern Gateway has provided funding to assist with the review of the ESA and participation in the ESA process through protocol agreements. Northern Gateway and the Office of the Wet'suwet'en have been negotiating entering into a communications protocol agreement. To date, the parties have made substantial progress, to the extent that they have an agreement in principle about the content of the agreement. At present, the negotiation is focused on reaching an agreement on funding amounts.

Northern Gateway and the Office of the Wet'suwet'en have discussed beginning an ATK study, but have not yet reached an agreement about the scope, work plan and budget. When an agreement is reached Northern Gateway will provide funding and support for collection of traditional knowledge information.

#### *Economic Opportunities*

Northern Gateway will provide opportunities for economic participation to the Office of the Wet'suwet'en. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Office of the Wet'suwet'en to assess the current capacity of its members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

#### *Wildlife Corridor Protection*

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP (see the Application, Volume 7A, Appendix A.3.2), includes mitigation measures to



restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Office of the Wet'suwet'en before construction starts. Northern Gateway will consider the access management and wildlife mitigation measures developed for the adjacent Kitimat–Summit Lake Looping Pipeline Project, so that these measures are coordinated between the two projects.

### *Route Alignment*

The methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3. Northern Gateway considered various alternatives for the pipeline route during the preliminary design stage. The initial pipeline route has been revised at many locations in response to engineering and environmental studies and input that has been received through the engagement process. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. The detailed route will incorporate detailed engineering, construction, and operations considerations, further site-specific constraint mapping, results of ATK studies and further field investigations, and further input from participating Aboriginal groups and communities, landowners, the public, other interested parties, and government agencies.

### *Information on Project Alternatives*

The Office of the Wet'suwet'en expressed a concern that more information was required to determine whether alternatives to the Project exist that better serve the Canadian public interest as well as local interests and Aboriginal rights and title. For example, the Office of the Wet'suwet'en wanted information on how Kitimat was selected for the pipeline terminus, how the pipeline route and location of the marine terminal were chosen, and whether the risk of a spill was different in different locations. Northern Gateway has considered alternatives to the Project, including alternative locations for the inland terminus and the marine terminal (see the Application, Volume 1, Section 4).

### *Accidents and Malfunctions*

The Office of the Wet'suwet'en expressed interest in the probability of low probability, extreme impact events in the proposed pipeline and the probability of accidents and malfunctions, in general. Risk of incidents is discussed in the Application, Volumes 7B (pipeline) and 7C (the terminal) and 8C (marine transport). In Volume 7B, hypothetical spill examples are described for four different types of environments, using specific locations along the pipeline route, for both medium and large release events. In Volume 7C, two hypothetical spill examples are described – a medium spill of diluted bitumen and a similar-sized spill of condensate. In Volume 8C, hypothetical spill examples are described to assess potential effects in the marine areas.

### *Mitigating Accidents and Malfunctions*

The Office of the Wet'suwet'en expressed interest in the technology, infrastructure or institutional frameworks that exist to mitigate any accidents or malfunctions effectively. This is discussed in the Application, Volumes 7B (pipeline) and 7C (the terminal) and Volume 8C (marine transport). It is also

addressed in Northern Gateway's draft General Oil Spill Response Plan, which was filed with the NEB on March 31, 2011. Northern Gateway will have detailed pipeline, terminal and marine oil spill response plans submitted six months before commissioning of the pipelines and the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

### *Complete Oil Spill Response Plans*

The Office of the Wet'suwet'en expressed interest in completion of the General Oil Spill Response Plan, pipeline oil spill response plan, detailed marine oil spill response plan, and the oil spill response plan for the Kitimat Terminal. Northern Gateway's draft General Oil Spill Response Plan was filed with the NEB on March 31, 2011. Detailed marine, pipeline, and terminal response plans typically include details on numerous sites across the entire Project. It would be premature to start detailed spill response planning when the pipeline route has not been finalized and detailed design has not yet started. Northern Gateway will have detailed pipeline, terminal and marine oil spill response plans submitted six months before commissioning of the pipelines and the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

### *RoW Width and NEB Safety Zone Width*

The size of the pipeline RoW is specifically discussed in the Application, Volume 1, Section 8. The width of the permanent RoW required for the pipelines will be 25 m in most locations. In addition to the anticipated 25 m of permanent RoW, 25 m of temporary workspace will be required during construction. The total width required during construction will generally be 50 m. In addition, extra temporary workspace will be required in specific locations.

The regulations for the NEB safety zone width apply to anyone who will be excavating using power-operated equipment or explosives within 30 m (100 ft.) of the limits of the RoW (defined as the 30-m safety zone; see Section 112 (1) of the *NEB Act*), or who will be constructing a facility across, on, along, or under a RoW that is regulated by the NEB.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site -specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### ***Human Health Effects***

The ESA provides a human health risk assessment (HHRA) due to Project operations near the Kitimat Terminal (see the Application, Volume 6C, Section 4.2). The assessment evaluated Project-related emissions of potentially harmful substances and determined whether those emissions pose any risk to human health. The assessment considered potential contamination of traditional foods, and other plants and animals that may be consumed by people. The assessment considered issues raised by the public and in ATK community reports. The HHRA covered an entire lifespan of a human receptor (nominally 80 years). Given the operational life span of the Project, the 80 years temporal scope of the HHRA will conservatively encompass all aspects of construction, operations, decommissioning and abandonment. After abandonment, no residual effects on human health are anticipated as the decommissioning and abandonment phase of the Project will comply with provincial and federal standards. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway plans related to mitigating human health effects include the Waste and Hazardous Materials Management Plan, Noise Management Plan, Atmospheric Environment Protection and Management Plan, Spill Contingency Plan and Fire Response Contingency Plan.

### ***Baseline Data on Fish***

The Office of the Wet'suwet'en expressed an interest in baseline data on fish, fishery, social and economic impacts from the fisheries, including First Nations' food social and ceremonial (FSC) fisheries, marine fisheries and traditional marine resource use. Baseline information on freshwater fish and fish habitat, marine fish and marine fisheries is provided in the ESA in the Application, Volume 6A, Part 2, Section 11, Volume 8B, Sections 9 and 12 and the Marine Fish and Fish Habitat TDR.

Information related to the potential effects on future economic development on freehold, Crown and reserve lands is discussed in the Application, Volume 6C, Section 4.4. ATK information and mitigation measures were considered in the Project planning, and are described in the Application, Volume 5B.

### ***Greenhouse Gas Emissions***

The Office of the Wet'suwet'en expressed an interest in greenhouse gas emissions from the oil sands and other energy projects. The Project does not include consumption or production of the oil and condensate to be transported. Greenhouse gas emissions associated with Northern Gateway pumping stations, which will be electrically powered, as well as the Kitimat Terminal operations are included (see the Application, Volume 6A, Part 1, Section 4 in the assessment of air quality). Effects on air quality related to other oil sands projects are considered in those projects' environmental assessments.

### ***Aboriginal Traditional Knowledge Program***

Northern Gateway and the Office of the Wet'suwet'en have discussed beginning an ATK study, but have not yet reached an agreement about the scope, work plan and budget. Northern Gateway continues to offer the Office of the Wet'suwet'en the opportunity to complete an ATK study.

A report entitled 'Wet'suwet'en Use Study for the KSL Looping Project' was commissioned for the Kitimat–Summit Lake Looping Pipeline, to document the Office of the Wet'suwet'en's traditional use

activities in the Kitimat–Summit Lake Looping Pipeline Project area, which is in close proximity to the Northern Gateway Project. Although the study is not publicly available, the traditional use information, as summarized in the Kitimat–Summit Lake Looping Pipeline environmental assessment, will be considered by Northern Gateway.

## **5.7.2 Gitxsan Hereditary Chiefs**

### ***Geographic Setting***

The Gitxsan Hereditary Chiefs represent the interests of the Gitxsan Nation located in ‘the Hazeltons’ in northwest BC, with the closest reserve (Chig-In-Kaht 8) located approximately 64.5 km from the proposed RoW (see the Update to Appendix C, Figure C-26). Gitxsan-elected band councils (Gitanmaax, Glen Vowell, Kispiox, Gitsegukla, Gitwangak and Gitanyow) are clear that non-reserve issues should be directed to the Gitxsan Hereditary Chiefs.

### ***Engagement Activities during the Update Period***

In January and February 2010, Northern Gateway and the Gitxsan Hereditary Chiefs discussed the scope of the ATK study, including the budget and work plan. The Gitxsan Hereditary Chiefs asked for a budget template. Northern Gateway sent the requested material and confirmed that the Gitxsan Hereditary Chiefs received it. Northern Gateway also provided templates for the standard agreements used for the ATK studies. The Gitxsan Hereditary Chiefs stated that due to the far-reaching potential impacts of the Project, an ATK study would have to be based on interviews with a large number of the Gitxsan Hereditary Chiefs, rather than a select few.

In February 2010, Northern Gateway met with representatives of the Gitxsan Hereditary Chiefs to discuss their interests and concerns, including potential impacts on Gitxsan Nation traditional lands. The Gitxsan Hereditary Chiefs requested an update of the location of watercourse crossings traversed by the Project.

In March 2010, Northern Gateway and representatives of the Gitxsan Hereditary Chiefs discussed the numerous traditional fishing sites and how they should be addressed. There were also several conversations to try to arrange a meeting to discuss the ATK study work plan.

In March 2010, the Gitxsan Hereditary Chiefs attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Gitxsan Hereditary Chiefs four times over the course of three days. In the first meeting, the parties discussed potential pipeline spills and emergency responses, the risk of an oil spill on the northwest coast of BC, and training, education and employment opportunities potentially available to the Gitxsan Hereditary Chiefs.

In the second meeting, Northern Gateway and the representatives of the Gitxsan Hereditary Chiefs discussed a business plan proposed by the Gitxsan Hereditary Chiefs entitled ‘Gitsegukla Band Business Plan and Proposal,’ which described the operation of a fibre pellet plant. The parties also discussed training, education and employment opportunities potentially arising from the Project if it receives regulatory approval.

In the third meeting, Northern Gateway and the representatives of the Gitksan Hereditary Chiefs discussed protecting the Gitksan Nation's watersheds and funding an ATK study on six watersheds potentially affected by the Project downstream of Babine Lake to the Skeena River.

At the fourth meeting, Northern Gateway and the representatives of the Gitksan Hereditary Chiefs further discussed the ATK study work plan and budget. This meeting was followed up with several emails and telephone calls.

In May 2010, Northern Gateway conducted an open house meeting and technical session on watercourse crossings, pipeline construction, pipeline safety and integrity, and wildlife and marine protection measures with the Gitksan Hereditary Chiefs. The Gitksan Hereditary Chiefs discussed the need for proper pipeline spill and emergency response, the need to mitigate the potential for an oil spill on the northwest coast of BC and the need to ensure that First Nations benefit from training, employment and procurement opportunities if the Project receives regulatory approval.

In August 2010, Northern Gateway met with representatives of the Gitksan Hereditary Chiefs to discuss their concerns about the potential effects on watercourses.

In September 2010, the Gitksan Hereditary Chiefs made written submissions and gave an oral presentation in response to the JRP Procedural Direction of July 2010, which Northern Gateway responded to in its submission to the JRP dated October 28, 2010.

In September 2010, Northern Gateway advised the Gitksan Hereditary Chiefs that they would be working with a new Aboriginal Relations Director for Northern Gateway.

In December 2010, Northern Gateway met with representatives of the Gitksan Hereditary Chiefs to present an Aboriginal Economic Benefits Package to the Gitksan Hereditary Chiefs for consideration.

In February 2011, Northern Gateway met with representatives of the Gitksan Hereditary Chiefs to further discuss the Aboriginal Economic Benefits Package. The parties also discussed oil spills and emergency response and protection of traditional lands and traditional activities (food resources).

In February 2011, a representative from the Gitksan Hereditary Chiefs joined Northern Gateway's government relations team in Ottawa. The Gitksan Hereditary Chiefs' representative delivered a presentation to the Natural Resources Committee and participated in meetings with several members of parliament, where interests and concerns relating to the Project were discussed.

In March 2011, Northern Gateway wrote a letter to the Gitksan Hereditary Chiefs to follow up with action items from the meeting in February.

The Gitksan Hereditary Chiefs also participate in the Prince George CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Gitksan Hereditary Chiefs up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Gitksan Hereditary Chiefs***

In the Application, Volume 5A, Section 5.7.4, the interests and concerns identified by Gitksan Hereditary Chiefs were summarized as follows:

- effects the Project may have on the Gitksan Hereditary Chiefs' rights and title to its territory
- participation in the regulatory and environmental assessment processes
- effects on fishing and hunting
- compensation for potential impacts
- watersheds and watercourse crossings concerns
- employment and training opportunities
- pipeline integrity and safety
- equity offer
- information on earthquakes and tanker spill prevention

During the Update Period, the following new interests and concerns were identified:

- impacts on traditional fishing sites
- pipeline spill and emergency response
- mitigate the potential for an oil spill on the northwest coast of BC
- ensure First Nations benefit from training, employment, and procurement opportunities

Some of the issues and concerns listed above were raised by the Gitksan Hereditary Chiefs in their written submissions and presentation in response to the JRP Procedural Direction of July 2010. In addition, the Gitksan Hereditary Chiefs raised the following new interests and concerns in response to the JRP Procedural Direction:

- RoW width and NEB safety zone width
- assessment of regional socio-economic impacts
- use of standard economic measures

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Gitksan Hereditary Chiefs' interests and concerns follows.

#### ***Aboriginal and Treaty Rights***

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and

programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Participation in the Regulatory and Environmental Assessment Processes*

Northern Gateway is mindful of the need to make Aboriginal groups aware of the processes by which they can comment to the JRP and how they can raise outstanding Application concerns with the JRP. Information about the opportunities for Aboriginal groups to participate in the CEA Agency process, including CEA Agency contact information, has been provided to the Gitxsan Hereditary Chiefs through Northern Gateway's consultation materials, including brochures, newsletters, open house materials, and CAB materials (see the Application, Volume 5A, Section 2.7.1). One of the areas Northern Gateway focused on during the Update Period was sharing information on the regulatory process and ways in which Aboriginal groups can participate. Northern Gateway has provided written notice to Aboriginal groups to advise of key steps in the regulatory process.

### *Fishing and Hunting*

In response to the Gitxsan Hereditary Chiefs' concerns about the effects of the Project on fishing and hunting, and traditional fishing sites, an open house and technical session was held with the Gitxsan Hereditary Chiefs in May 2010. Engineering and environmental protection specialists answered questions about habitat integrity after construction and operation of the Project. Northern Gateway will continue to make such resources and experts available to the Gitxsan Hereditary Chiefs in 2011.

### *Compensation*

Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

### *Watersheds and Watercourse Crossings*

Northern Gateway has provided the locations of watercourse crossings, met with the Gitxsan Hereditary Chiefs to discuss the Gitxsan Nation's watersheds, and conducted a technical session with the Gitxsan Hereditary Chiefs that included a component on watercourse crossings (see the Application, Volume 5A, Section 5.7.4). Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to result in no net loss. In that event, Northern Gateway will offer the Gitxsan Hereditary Chiefs the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Economic Opportunities*

The Gitxsan Hereditary Chiefs have indicated a strong desire to discuss business opportunities potentially arising from the Project with Northern Gateway. They attended the Northern Gateway Aboriginal

Business Summit held in Vancouver. Northern Gateway has also met with the Gitxsan Hereditary Chiefs to discuss the meaningful and substantial benefits that would potentially accrue to Gitxsan Nation businesses and members, and offered to set up meetings with procurement and employment specialists employed by Northern Gateway to further discuss the ways in which Gitxsan Nation businesses and members could potentially benefit from training, employment and procurement arising from the Project.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities for meetings with the Gitxsan Nation to assess current capacity to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

#### *Pipeline Integrity and Safety*

Northern Gateway conducted a technical session with the Gitxsan Hereditary Chiefs that included a component on pipeline integrity and emergency response.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

#### *Equity*

Northern Gateway presented an Aboriginal Economic Benefits Package to the Gitxsan Hereditary Chiefs in December 2010.

#### *Information on Earthquakes*

Seismic events and consequences are discussed in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic issues have been extensively studied and are not considered a major issue for the pipeline route and terminal sites. Where hazards exist, they can be satisfactorily mitigated during detailed engineering. The discussion below provides a summary of the extensive work that has been done to date and the conclusions from the work:

- Although earthquakes may be felt occasionally along the pipeline route, they have been very low-magnitude events, as reflected in the low to moderate seismic motions determined in the detailed seismic hazard analyses that have been undertaken.
- Potential seismic motions and parameters over the entire pipeline was summarized in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic accelerations are moderate at the west end of the Project and decrease rapidly to the east. The accelerations and resultant forces and strains on the facilities will be considered during detailed engineering but are not viewed as a major engineering problem.



- Geotechnical review of the route relative to seismically triggered geohazards (e.g., landslides or liquefaction events) has included extensive fieldwork over several years, literature review and terrain studies including air photo interpretation to identify areas that would potentially be prone to soil movements or other geohazards triggered as a result of a seismic event. Seismically triggered geohazards have been avoided wherever possible during routing.
- Seismic motions (forces due to accelerations) have been defined for the entire study area and will be included in designs for the facilities including the terminal at the west end of the Project and above ground facilities during detailed design.
- Buried pipelines are very resistant to seismic forces, particularly the low to moderate accelerations that could occur at the west end of the Project. Other than areas of potential geohazards discussed above, there are no major seismic concerns for the buried pipelines.
- There are no known active faults that could produce ground breaks along the route.

### *Tanker Spill Prevention*

All vessels calling at the Kitimat Terminal will be modern, double-hulled and vetted by independent, third-party agencies and will be required to meet all Canadian and international safety and environmental standards. Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g. SOLAS, MARPOL).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway’s safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- Double hulls – Double hulls reduce the probability of spills due to groundings or collisions.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### *Pipeline Spill and Emergency Response*

Northern Gateway has carefully listened to the concern raised by the Gitxsan Hereditary Chiefs about pipeline spill and emergency response and mitigating the potential for an oil spill on the northwest coast of BC. Northern Gateway's expert engineers and environmental protection specialists have answered questions posed about the structural integrity of the pipeline, the scale and scope of the pipeline corridor, and the emergency response system that would be in operation to mitigate any potential compromise in the pipeline. Northern Gateway will continue to make such resources and experts available to the Gitxsan Hereditary Chiefs in 2011.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

### *RoW Width and NEB Safety Zone Width*

The size of the pipeline RoW is discussed in the Application, Volume 1, Section 8. The width of the permanent RoW required for the pipelines will be 25 m in most locations. In addition to the anticipated 25 m of permanent RoW, 25 m of temporary workspace will be required during construction. The total width required during construction will generally be 50 m. In addition, extra temporary workspace will be required in specific locations.

The regulations for the NEB safety zone width apply to anyone who will be excavating using power-operated equipment or explosives within 30 m (100 ft.) of the limits of the RoW (defined as the 30-m safety zone – see Section 112 (1) of the *NEB Act*), or who will be constructing a facility across, on, along, or under a RoW that is regulated by the NEB.

### *Assessment of Regional Socio-Economic Impacts*

The Gitxsan Hereditary Chiefs raised a concern that the Application did not contain an assessment of regional socio-economic impacts and that baseline data was inadequate to consider aspects such as community wellness. Information related to regional socio-economic effects is discussed within the October 2010 Update to the Application, Volume 6C, Section 4.4.

### *Use of Standard Economic Measures*

The Gitxsan Hereditary Chiefs raised a concern that standard economic measures should not be used. They stated that each community must be visited to gather data. Northern Gateway has offered Aboriginal groups in the vicinity of the pipeline RoW, the Kitimat Terminal and the marine transportation routes the opportunity to conduct an ATK study. As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups that have communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the

CCAA. Perspectives gained from ATK studies, along with western science and standard economic measures, will assist in the consideration of Project effects and mitigation measures.

### ***Aboriginal Traditional Knowledge Program***

Although there were some initial ATK study discussions between Northern Gateway and the Gitksan Hereditary Chiefs, current discussions with the Gitksan Hereditary Chiefs, at their direction, are focused on economic interests.

#### **5.7.3 Tahltan**

The Tahltan is geographically located outside of the scope of Northern Gateway's Aboriginal consultation program. In 2008, Northern Gateway met with the Tahltan and confirmed that the Project would have no effect on Tahltan traditional territory. Northern Gateway is prepared to meet with the Tahltan at any time to discuss Project-related interests or concerns.

## **5.8 Métis Nation British Columbia**

### **5.8.1 Métis Nation British Columbia**

#### ***Geographic Setting***

The Métis Nation British Columbia represents 37 Métis chartered communities in BC. Geo-referenced mapping for the Métis Nation British Columbia regions was unavailable at the time of this Update, so these regions' maps in relation to the pipeline RoW have not been included.

#### ***Engagement Activities during the Update Period***

In March 2009, Northern Gateway was directed to conduct its activities with the Métis Nation British Columbia Chartered Communities through a central consultation table that would be managed and coordinated by the Métis Nation British Columbia. As a result, Northern Gateway as engaged with the North West BC Métis Association (North West Region 6, Métis Nation of British Columbia), Tri-River Métis Association (North West Region 6, Métis Nation of British Columbia) and Northeast Métis Association through the Métis Nation British Columbia since March 2009.

In January 2010, the Métis Nation British Columbia provided Northern Gateway with a progress report on the Métis traditional knowledge study.

In March 2010, the Métis Nation British Columbia attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In March 2010, Northern Gateway met with representatives of the Métis Nation British Columbia for two purposes. The first was to discuss the Métis traditional knowledge study. The second was for Northern Gateway to conduct a technical session on pipeline construction.

In June 2010, Northern Gateway met with representatives of the Métis Nation British Columbia to conduct two separate technical sessions on oil spills, pipeline leaks and spill response measures.

Employment opportunities during construction and operation of the pipeline and access management along the proposed RoW were discussed.

In November 2010, Northern Gateway met with representatives of the Métis Nation British Columbia to provide a Project update and determine next steps for ongoing engagement.

In December 2010, Northern Gateway met with representatives of the Métis Nation British Columbia to present an Aboriginal Economic Benefits Package for consideration.

In December 2010, Northern Gateway also met with representatives of the Métis Nation British Columbia to conduct a watercourse technical session. The principle interests and concerns raised during the meeting were related to watercourse crossing spill prevention and emergency response preparation. The Métis Nation British Columbia also presented its findings from the Métis traditional knowledge study.

In December 2010, Northern Gateway provided a donation to the Métis Nation British Columbia for the Children's and Elder's Cultural Christmas Celebration.

In February 2011, Northern Gateway met with representatives of the Métis Nation British Columbia to further discuss the details of the Aboriginal Economic Benefits Package.

The Métis Nation British Columbia also participates in the Kitimat CAB. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Métis Nation British Columbia up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Métis Nation British Columbia***

In the Application, Volume 5A, Section 5.7.7, the interests and concerns identified by Métis Nation British Columbia were summarized as follows:

- development of a Métis traditional knowledge study
- technical community session and information on watercourse crossings
- interest in employment and training opportunities
- potential effects on hunting, fishing and trapping activities

During the Update Period, the following new interests and concerns were identified:

- the location of access roads and potential impacts on wildlife
- pipeline safety, oil spills and response measures
- pipeline integrity
- access management issues arising along the pipeline RoW
- representation at the CABs
- watercourse crossings and wildlife integrity
- the historical “pack” trail between Fort St. James and Fort Fraser

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Métis Nation British Columbia's interests and concerns follows.

#### ***Development of a Métis Traditional Knowledge Study***

See above under the heading 'Engagement Activities during the Update Period', and below, under 'Métis Traditional Knowledge Program.'

#### ***Watercourse Crossings***

Northern Gateway assembled a team of engineers and environmental experts to meet with the Métis Nation British Columbia and several of its chartered communities on three separate occasions in 2010 for technical information sessions. The purpose of these meetings was to answer environmental integrity questions and concerns raised by the meeting attendees in detail with a view to alleviating, in many instances, misconceptions about the potential effects of the Project. Northern Gateway representatives discussed watercourse crossings and wildlife habitat protection and several means by which watercourse crossings and wildlife access routes could be protected before and after construction and operation. Northern Gateway offered to return, as required, to answer additional questions about the interrelationship between the pipeline and the environment as the need arises.

Technical sessions and field trips were also undertaken to review watercourse crossing locations and methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Métis Nation British Columbia the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

#### ***Economic Opportunities***

The Métis Nation British Columbia and its chartered communities have indicated, on numerous occasions, that it is keenly interested in economic participation opportunities, including training and employment, arising from the Project. In response to these expressions of interest, the Northern Gateway team met with the Métis Nation British Columbia in December 2010, and provided a detailed overview of an Aboriginal Economic Benefits Package. The purpose of this meeting with the Métis Nation British Columbia was to address the equity participation offer being made as part of the Aboriginal Economic Benefits Package, and discuss the potential Project-related education, employment and procurement opportunities.

#### ***Hunting, Fishing and Trapping***

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning

and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Métis Nation British Columbia is finalizing a Métis traditional knowledge study. If the Project is approved, additional engagement will be undertaken with the Métis Nation British Columbia during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect site-specific resources and cultural features.

Northern Gateway will also undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

#### *RoW Access and Potential Effects on Wildlife*

Northern Gateway acknowledges the Métis Nation British Columbia's concerns about the potential for new access near access roads and the pipeline RoW to disturb wildlife populations.

Access management is part of a comprehensive strategy that will address potential environmental effects of the Project (see the Application, Volume 7A, Appendix A.3.2). Northern Gateway will consult with resource managers, participating Aboriginal groups and stakeholders as Project planning proceeds, and will update the construction Access Management Plan within 60 days of pipeline construction starting.

#### *Pipeline Integrity and Safety, Oil Spills and Response Measures*

Northern Gateway has made several its expert engineers and environmental protection specialists available to the Métis Nation British Columbia and its chartered communities to answer questions posed about the structural integrity of the pipeline, the scale and scope of the pipeline corridor, and the emergency response system that would be in operation to mitigate any potential compromise of the pipeline. The technical sessions held with the Métis Nation British Columbia and chartered communities in British Columbia provided attendees with the opportunity to get a detailed understanding of the technology and materials that would be used to construct and maintain the Project.

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

#### *Representation at the CABs*

The Métis Nation British Columbia has representation at all British Columbia CAB meetings.

### *Historical 'Pack' Trail between Fort St. James and Fort Fraser*

The Métis Association British Columbia is concerned about the Project's effects on the historical 'pack' trail between Fort St. James and Fort Fraser. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. ATK and Métis traditional knowledge studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Métis Association British Columbia is finalizing a Métis traditional knowledge study (see below). If the Project is approved, additional engagement will be undertaken with the Métis Association British Columbia during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect hunting areas and the historical "pack" trail between Fort St. James and Fort Fraser.

### ***Métis Traditional Knowledge Program***

The independent Métis traditional knowledge study that includes the North Caribou Métis Association, the Prince George Métis Association, the North West BC Métis Association, the Tri-River Métis Association, the Northeast Métis Association, and the Métis Nation British Columbia is under final review.

## **5.8.2 Prince George Métis Community Association**

### ***Geographic Setting***

The Prince George Métis Community Association represents Métis people in the Prince George area. The goal of the Prince George Métis Community Association is to unite several Métis in the Prince George area, some of whom might previously have been members of the former Fort George Métis Association. Despite several attempts to obtain it, mapping of the Métis regional boundaries, at the same scale and quality to align with mapping of the proposed pipeline corridor, has not been made available.

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Prince George Métis Community Association to discuss its interests and concerns. The meeting focused on employment, training and procurement opportunities.

In March 2010, the Prince George Métis Community Association attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In September 2010, Northern Gateway advised the Prince George Métis Community Association that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Prince George Métis Community Association up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Prince George Métis Community Association***

No interests or concerns were identified for the Prince George Métis Community Association in the Application, Volume 5A, Section 5.6.7, as the Prince George Métis Community Association had recently been formed and consultation had just begun.

During the Update Period, the following new interests and concerns were identified:

- employment and training
- procurement opportunities

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Prince George Métis Community Association's interests and concerns follows.

#### ***Economic Opportunities***

Northern Gateway will provide opportunities for economic participation to the Prince George Métis Community Association. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Prince George Métis Community Association to assess the current capacity of the association's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

#### ***Métis Traditional Knowledge Program***

The Métis Nation British Columbia is conducting an independent Métis traditional knowledge study that includes the Prince George Métis Community Association. An independent ATK study with the Métis Nation British Columbia was initiated in September 2009. Preliminary funding was provided no deliverables have been submitted by the Métis Nation British Columbia.

### **5.8.3 New Caledonia Métis Association (New Caledonia Métis Association [North Central Region])**

#### ***Geographic Setting***

The New Caledonia Métis Association is a local of North Central Region 5 of the Métis Nation British Columbia.



### ***Engagement Activities during the Update Period***

In February 2010, Northern Gateway contacted the New Caledonia Métis Association to provide an update on the Project.

In March 2010, the New Caledonia Métis Association attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In March 2010, Northern Gateway met with representatives of the New Caledonia Métis Association to provide a Project update presentation. The parties also discussed the Métis Nation British Columbia's Métis traditional knowledge study. Northern Gateway and the New Caledonia Métis Association discussed arranging technical sessions to address the New Caledonia Métis Association's concerns and issues.

In June 2010, Northern Gateway met with representatives of the New Caledonia Métis Association to provide Project information and a Project update.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the New Caledonia Métis Association up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the New Caledonia Métis Association (New Caledonia Métis Association [North Central Region])***

In the Application, Volume 5A, Section 5.6.6, the interests and concerns identified by the New Caledonia Métis Association were summarized as follows:

- employment opportunities
- employment training in the areas of welding, pipefitting, first-aid and service providers
- safety of the pipelines
- bike riders use of the pipeline corridor
- trapper issues in relation to access during construction and operations
- environmental effects concerns

During the Update Period, the following new interests and concerns were identified:

- access roads and potential impacts to wildlife
- pipeline spills
- CEA Agency funding
- CAB representation
- watercourse crossings and privacy
- protection of hunting areas
- protection of the historical 'pack' trail between Fort St. James and Fort Fraser

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the New Caledonia Métis Association's interests and concerns follows.

### *Economic Opportunities*

The New Caledonia Métis Association's interests in economic opportunities included:

- employment opportunities
- employment training in the areas of welding, pipefitting, first-aid
- service providers

Northern Gateway will provide opportunities for economic participation to the New Caledonia Métis Association. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the New Caledonia Métis Association to assess the current capacity of the association's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered for contracting opportunities.

### *Pipeline Safety*

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

### *RoW Access*

The New Caledonia Métis Association is concerned about:

- bike riders use of the pipeline corridor
- trappers' issues in relation to access during construction and operations
- access roads and potential impacts to wildlife

Northern Gateway acknowledges the New Caledonia Métis Association's concerns about the potential for new access near the pipeline RoW to compete with traditional uses and trapping and disturb wildlife populations.

Access management is part of a comprehensive strategy that will address potential environmental effects of the Project (see the Application, Volume 7A, Appendix A.3.2). Northern Gateway will consult with resource managers, participating Aboriginal groups and stakeholders as Project planning proceeds, and will update the construction Access Management Plan within 60 days of pipeline construction starting.

### *Environmental Effects*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects. Northern Gateway has met with the New Caledonia Métis Association to discuss this information.

### *Pipeline Spills*

Integrity management, monitoring and leak detection for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

### *CEA Agency Funding*

Northern Gateway has advised the New Caledonia Métis Association to contact the CEA Agency about its CEA Agency funding and provided relevant contact information. Northern Gateway also informed the CEA Agency of the New Caledonia Métis Association's concern about CEA Agency funding.

### *CAB Representation*

All British Columbia CABs have Métis representation.

### *Watercourse Crossings and Privacy*

Northern Gateway conducted a technical session with the Nation that included a component on watercourse crossings.

Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the New Caledonia Métis Association the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### *Protection of Hunting Areas and Historical 'Pack' Trail*

The New Caledonia Métis Association is concerned about protecting hunting areas and the historical 'pack' trail between Fort St. James and Fort Fraser. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. ATK and Métis traditional knowledge studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The New Caledonia Métis Association has completed a Métis traditional knowledge study. If the Project is approved, additional engagement will be undertaken with the New Caledonia Métis Association during detailed routing and engineering, to provide an opportunity for

review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures, including access management, are required to protect hunting areas and the historical 'pack' trail between Fort St. James and Fort Fraser.

### ***Métis Traditional Knowledge Program***

The Métis Nation British Columbia is undertaking a Métis traditional knowledge study, which includes interviews relating to traditional land uses. The New Caledonia Métis Association completed a traditional knowledge community report for the Northern Gateway Project in 2007. An independent ATK study with the Métis Nation British Columbia was initiated in September 2009. Preliminary funding was provided for Phases 1 and 2. To date, no deliverables have been submitted by the Métis Nation British Columbia.

## **5.9 Coastal British Columbia Region**

### **5.9.1 Kitsumkalum Band (Kitsumkalum First Nation)**

#### ***Geographic Setting***

The Kitsumkalum Band (Kitsumkalum First Nation) is located near the Kalum Mountain and the Kitsumkalum watershed, with the closest reserve (Zimagord #3) located approximately 24.0 km from the proposed RoW. The closest reserve to the shipping route is also the Zimagord #3, at 60.6 km from the shipping route. The traditional territory of Kitsumkalum Band (Kitsumkalum First Nation) encompasses areas north of Terrace in northern BC (see the Update to Appendix C, Figure C-28).

#### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway met with representatives of the Kitsumkalum Band (Kitsumkalum First Nation) to provide a Project overview and discuss a proposed work plan for an ATK study.

In March 2010, Northern Gateway met with representatives of the Kitsumkalum Band (Kitsumkalum First Nation) to further discuss an ATK study. The Kitsumkalum Band (Kitsumkalum First Nation) also attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In April 2010, Northern Gateway met with representatives of the Kitsumkalum Band (Kitsumkalum First Nation) to conduct a watercourse crossing technical session.

In September 2010, Northern Gateway advised the Kitsumkalum Band (Kitsumkalum First Nation) that it would be working with a new Aboriginal Relations Director for Northern Gateway. The new Aboriginal Relations Director met with the leadership of the Kitsumkalum Band (Kitsumkalum First Nation).

In October 2010, Northern Gateway met with representatives of the Kitsumkalum Band (Kitsumkalum First Nation) twice. In both meetings, the following issues were discussed: oil spill contingency and response plans, wildlife concerns, the Aboriginal Economic Benefits Package, completion of the ATK study and how Northern Gateway plans to cross watercourses in the Band's territory.

In January 2011, Northern Gateway met with representatives of the Kitsumkalum Band (Kitsumkalum First Nation) in Vancouver to discuss the Kitsumkalum Band (Kitsumkalum First Nation)'s intent to co-

host, along with CEA Agency, a workshop to provide First Nations with a better understanding of the JRP process. Northern Gateway also presented an Aboriginal Economic Benefits Package to the Kitsumkalum Band (Kitsumkalum First Nation) for consideration.

The Kitsumkalum Band (Kitsumkalum First Nation) also participates in the Terrace and Kitimat CABs. For information on the CABs, see the March 2011 Update to the Application, Volume 4.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kitsumkalum Band (Kitsumkalum First Nation) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Kitsumkalum Band (Kitsumkalum First Nation)***

In the Application, Volume 5A, Section 5.7.6, the interests and concerns identified by Kitsumkalum Band (Kitsumkalum First Nation) were summarized as follows:

- watercourse crossing construction methods in relation to pipeline construction
- potential effects of oil spill on marine food
- traditional fishing grounds and the insect species that the fish consume
- tanker accidents and potential effects on the environment
- training and education opportunities
- employment and job opportunities
- environmental monitoring
- resources for partnerships in alternative energy
- potential effects of the Project on commercial fisheries
- environmental concerns in relation to fisheries

During the Update Period, the following new interests and concerns were identified:

- participation in the CAB process
- access management
- marine safety
- oil spills and emergency response time
- participation in the development of spill contingency plans
- potential investment for spill response assets in the Kitsumkalum Band (Kitsumkalum First Nation)
- wildlife concerns, including grizzly bear and moose habitat
- frequency of access to sensitive areas or during sensitive time periods for species of concern
- protection of traditional lands and traditional activities
- ensuring safety and privacy of sacred sites
- protection of the following food gathering areas: Greenville Channel, Welcome Harbor and Prescott Pass

- completing an ATK study
- protection of the headwaters of the Skeena River, Kitimat River and the Copper River
- ongoing Project progress

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kitsumkalum Band (Kitsumkalum First Nation)'s interests and concerns follows.

#### ***Watercourse Crossings of Skeena, Kitimat and Copper Rivers***

Specifically to address the Kitsumkalum Band (Kitsumkalum First Nation)'s interest in watercourse crossing methods and protecting the headwaters of the Skeena, Kitimat and Copper Rivers, Northern Gateway conducted a technical session with the Nation. The pipeline route will not cross Skeena, Kitimat, or Copper Rivers. However, it is proposed that the pipeline will cross some tributaries to these rivers. Northern Gateway will further consult with the Kitsumkalum Band (Kitsumkalum First Nation) during detailed routing and engineering, to address any outstanding issues concerning these tributaries. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Kitsumkalum Band (Kitsumkalum First Nation) the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

#### ***Fisheries***

The interests and concerns identified by Kitsumkalum Band (Kitsumkalum First Nation) in relation to fisheries included:

- potential environmental effects of an oil spill on marine food
- traditional fishing grounds and the insect species that the fish consume
- potential effects of the Project on commercial fisheries

Marine fisheries were considered as a valued environmental component (VEC) to focus the ESA of Project-related marine transportation.

Potential environmental effects on marine fisheries include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings

(e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant (see the Application, Volume 8B, Section 12). Environmental effects of marine spills are described in the Application (Volume 8C).

### *Tanker Accidents and Potential Environment Effects*

The probability of a marine oil spill has been assessed by DNV, through the analysis undertaken as part of the TERMPOL review process. DNV identified several measures that could be adopted to reduce the probability and consequences of a marine spill, including the use of escort tugs. See the Application, Volume 8A.

The environmental effects of marine transportation are assessed in the Application, Volume 8B, which includes mitigation measures and environmental protection measures that will be used in association with marine transportation.

Although Northern Gateway will not operate the vessels calling at the Kitimat Terminal, it is committed to taking all reasonable measures so that Project-related shipping will not result in adverse effects on the marine environment. Northern Gateway will require that vessels comply with all international conventions, and provincial and federal regulations.

Examples of mitigation measures include:

- requiring local licensed marine pilots, who are familiar with the local waterways and weather conditions, to be onboard all inbound and outbound vessels
- providing information packages to all pilots and ship captains about the area's human cultural and biological sensitivities, with specific reference to traditional lands
- requiring all tankers (both laden and in ballast) to be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA.
- conducting whale surveillance during months of peak CCAA marine mammal abundance, which will serve to notify vessel captains of whale locations so that vessels can reduce speed and avoid contact with animals, where practical (that is, as long as that human and vessel safety are not compromised)
- controlling vessel speeds to limit risks of vessel-marine mammal strikes and underwater noise
- incorporating the best commercially available technology so that escort tugs produce the least underwater noise possible
- The effects of marine spills on the biophysical and marine environment are described in the Application, Volume 8C.

### *Marine Safety, Oil Spills and Participation in Emergency Response*

Northern Gateway conducted a technical session with the Kitsumkalum Band (Kitsumkalum First Nation) that included a component on oil spill contingency and response plans, specifically to address the Kitsumkalum Band (Kitsumkalum First Nation)'s concerns about:

- marine safety
- oil spills and emergency response time
- participation in the development of spill contingency plans
- potential investment for spill response assets in the Kitsumkalum Band

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

### *Economic Opportunities*

The Kitsumkalum Band (Kitsumkalum First Nation) attended the Northern Gateway Aboriginal Business Summit held in Vancouver and the Band has expressed interest in obtaining additional information to further its interest in planning for participation in education, training, and employment. Northern Gateway has presented an Aboriginal Economic Benefits Package to the Kitsumkalum Band (Kitsumkalum First Nation) for consideration.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Kitsumkalum Band (Kitsumkalum First Nation) to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Environmental Monitoring*

Northern Gateway acknowledges the desire to the Kitsumkalum Band (Kitsumkalum First Nation) for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Kitsumkalum Band (Kitsumkalum First Nation) and other entities operating in the area in the development of community-based environmental effects monitoring.



### *Resources for Partnerships in Alternative Energy*

Northern Gateway's Aboriginal Business Summit, which was attended by the Kitsumkalum Band (Kitsumkalum First Nation), brought together Aboriginal groups and potential contractors to introduce the communities to corporations that may also have an interest in Project contracts or joint venture opportunities.

### *Participation in the CAB Process*

The Kitsumkalum Band (Kitsumkalum First Nation) does not want participation in the CAB process to be construed as support for the Project or evidence of Northern Gateway meeting Crown consultation obligations.

The development of and participation in the CAB process has been an important aspect of the Northern Gateway's consultation and engagement processes. However, as stated in the Application, Volume 4, participation in the CABs is on a 'without prejudice' basis, and does not preclude Aboriginal groups from participating in future Project regulatory hearings. Participation in the CAB process is not representative of support for the Project.

Northern Gateway recognizes that Aboriginal groups have unique rights that need to be addressed separately from other interests. Participation in the CAB process is meant to augment—not substitute—a separate engagement process between Northern Gateway and Aboriginal groups. See Northern Gateway CAB documentation (the Application, Volume 4, Appendix J).

### *Access Management*

Access management is part of a comprehensive strategy that will address potential environmental effects of the Project (see the Application, Volume 7A, Appendix A.3.2). Northern Gateway will consult with resource managers, participating Aboriginal groups and stakeholders as Project planning proceeds, and will update the construction Access Management Plan within 60 days of pipeline construction starting.

### *Wildlife Concerns*

Northern Gateway acknowledges the Kitsumkalum Band (Kitsumkalum First Nation)'s interest in the effects of the Project on wildlife, including:

- grizzly bear and moose habitat
- frequency of access to sensitive areas or during sensitive time periods for species of concern

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders.

Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Kitsumkalum Band (Kitsumkalum First Nation) before construction starts, and could include measures such as:

- clearing for pipeline construction in sensitive wildlife habitat (including areas with nesting migratory birds, grizzly bears, and moose) will be scheduled to avoid identified sensitive seasons and life-stages whenever possible.
- special wildlife conservation measures will be implemented in the most sensitive wildlife areas. Northern Gateway will work with wildlife management agencies in BC to identify sensitive sites and develop special habitat protection measures including;
- reducing or relocating the temporary workspace
- siting Project infrastructure (e.g., stockpile sites, construction camps) outside sensitive wildlife areas
- limiting the area of the RoW cleared during construction
- limiting the area of RoW maintained during operations

#### *Environmental Monitors*

The Kitsumkalum First Nation is interested in Northern Gateway using members of the Kitsumkalum First Nation as environmental monitors for:

- protecting traditional lands and traditional activities
- ensuring safety and privacy of sacred sites
- protecting the following food gathering areas: Greenville Channel, Welcome Harbor and Prescott Pass

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. The Kitsumkalum Band (Kitsumkalum First Nation) has started work on an ATK study. If the Project is approved, additional engagement will be undertaken with the Kitsumkalum Band (Kitsumkalum First Nation) during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect the safety and privacy of sacred sites and site-specific food gathering areas. Measures to reduce effects of on food gathering in marine areas such as the Greenville Channel, Welcome Harbor and Prescott Pass will be considered as part of Project planning, including mechanisms such as the Fisheries Liaison Committee and marine oil spill response planning.

#### *Completing an ATK Study*

See above under the heading ‘Engagement Activities during the Update Period’, and below, under the heading ‘Aboriginal Traditional Knowledge Program’.

### *Ongoing Project Progress*

Project updates have been provided to the Kitsumkalum Band (Kitsumkalum First Nation) through Northern Gateway's consultation materials, including brochures, newsletters, and CAB materials. Northern Gateway has met with the Kitsumkalum Band (Kitsumkalum First Nation) to provide a Project overview and has provided written notice to the Kitsumkalum Band (Kitsumkalum First Nation) to advise of key steps in the regulatory process.

### **Aboriginal Traditional Knowledge Program**

Northern Gateway is working with the Kitsumkalum Band (Kitsumkalum First Nation) to scope an independent marine-focused ATK study.

## **5.9.2 Kitselas (Kitselas First Nation)**

### **Geographic Setting**

The Kitselas (Kitselas First Nation) has 10 reserves, with the closest reserve (Kulspai #6) located approximately 23.6 km from the proposed RoW. The closest reserve to the shipping route is also Kulspai #6, at 62.2 km from the shipping route. The traditional territory of the Kitselas (Kitselas First Nation) is located along the Skeena River in the regions surrounding Terrace, and includes the Gitnadoix, Kitimat and Zymoetz Rivers and their tributaries, the Kleanza, Chimdemash, Mannix and Legate Creeks, and the Ecstall and Skeena Rivers). The traditional territory of the Kitselas also extends south near the Douglas Channel (see the Update to Appendix C, Figure C-27).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Pipeline Project. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Kitselas First Nation is provided on pages 134 to 146 of the Kitimat–Summit Lake Looping Project assessment [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

### **Engagement Activities during the Update Period**

In January 2010, representatives of the Kitselas (Kitselas First Nation) requested the TDRs for wildlife and freshwater fish. Northern Gateway provided the Kitselas (Kitselas First Nation) with the TDRs by email.

In January 2010, Northern Gateway attended an economic-asset-mapping workshop hosted by the Kitselas (Kitselas First Nation). The purpose of the meeting was to assess the assets of the community and help to build those assets.

In January 2010, Northern Gateway met with representatives of the Kitselas (Kitselas First Nation) to discuss renewal of the protocol agreement and long-term benefits to First Nations from the Project. Northern Gateway also sent the Kitselas (Kitselas First Nation) a summary table of the ATK study for approval.

In March 2010, the Kitselas (Kitselas First Nation) attended the Northern Gateway Aboriginal Business Summit held in Vancouver, BC.

In May 2010, Northern Gateway met with representatives of the Kitselas (Kitselas First Nation) to discuss technical aspects of the Project. Kitselas (Kitselas First Nation) stated that it wanted a technical meeting after it had reviewed TDRs and had its technical people present. The Kitselas (Kitselas First Nation) discussed its concerns about condensate being shipped by rail. The requirement for funding to review Project documentation was discussed as well as the potential for funding from the CEA Agency. The Kitselas (Kitselas First Nation) asked if it was possible to obtain the TERMPOL report.

In July 2010, Northern Gateway sent a letter to the Kitselas (Kitselas First Nation) to outline the process for using the Kitselas (Kitselas First Nation) ATK study in the regulatory process for the Project. The letter explained that a summary table compiled from the ATK study had been included in the ESA and had also been made available to other disciplines conducting assessments for the Project's ESA. The letter explained that the study itself would not be included in the Application, but would be available to the NEB upon request. The recipients of the letter were requested to state their preference in writing, for whether they would like to: 1) submit the ATK study publicly, or 2) submit the ATK study confidentially with the NEB, following the issuance by the NEB of an order allowing a confidential filing under Section 16.1 of the *NEB Act*.

In September 2010, Northern Gateway advised the Kitselas (Kitselas First Nation) that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In September 2010, the Kitselas (Kitselas First Nation) made written submissions and gave an oral presentation in response to the JRP Procedural Direction of July 2010, which Northern Gateway responded to in its submission to the JRP dated October 28, 2010.

In November 2010, Northern Gateway took representatives of the Kitselas (Kitselas First Nation) on a helicopter tour of the tunnel areas and provided an aerial overview of the proposed routing of the pipeline and proposed powerline within the Kitselas (Kitselas First Nation) traditional territory. After the flight, Northern Gateway and the Kitselas (Kitselas First Nation) discussed the additional information Northern Gateway filed with the NEB about the tunnels. The Kitselas (Kitselas First Nation) discussed the need for additional studies.

In December 2010, Northern Gateway provided and reviewed an Aboriginal Economic Benefits Package with the Kitselas (Kitselas First Nations).

In January 2011, the Kitselas (Kitselas First Nation) sent a letter clarifying its position on its review of the Project. The Kitselas (Kitselas First Nation) stated that it was independently assessing the Project and would determine whether it would support or oppose the Project when its assessment was complete.

In February 2011, the Kitselas (Kitselas First Nation) provided a written proposal to Northern Gateway for further work it believed needed to be done in relation to specific aspects of the environmental assessment undertaken within the Kitselas traditional territory. Northern Gateway met with the Kitselas (Kitselas First Nation) to discuss the proposal and to determine its implementation. Northern Gateway and the Kitselas (Kitselas First Nation) entered into an agreement on the environmental assessment work in March 2011.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kitselas (Kitselas First Nation) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Kitselas First Nation***

In the Application, Volume 5A, Section 5.7.5, the interests and concerns identified by the Kitselas First Nation were summarized as follows:

- wildlife issues
- watercourse crossing
- marine issues
- routing methodologies
- potential for oil spills from the pipeline or marine operations
- environmental monitoring programs and community involvement
- potential community first response plans
- CEA Agency funding

During the Update Period, the following new interests and concerns were identified:

- allocation of participant funding between coastal and non-coastal First Nations
- engagement with Kitselas trappers
- marine shipping and marine spill risk

Some of the issues and concerns listed above were raised by the Kitselas (Kitselas First Nation) in its written submissions and presentation in response to the JRP Procedural Direction of July 2010. In addition, the Kitselas (Kitselas First Nation) raised the following new interests and concerns in response to the JRP Procedural Direction:

- information on the need of the Project
- economic feasibility and evidence of new market demand
- complete oil spill response plans
- assessment of regional socio-economic impacts
- assessment of the effects of the Project on First Nation rights and interests
- baseline fish and fishery data
- baseline information on grizzly, mountain goat, ungulates, salmon and trout
- detailed information on humpback whales, northern resident killer whales and baseline data of marine mammals
- wildlife habitat and protection measures
- the TERMPOL study
- landslides

- avalanche risk, monitoring and control
- size and location of camps and construction laydown areas
- access information especially in Clore Canyon area
- hydrology information
- polycyclic aromatic hydrocarbons (PAHs) and benzene, toluene, ethylbenzene and xylene (BTEX) in soil and groundwater
- detailed design information
- assessment of effects on First Nation activities
- cumulative effects of tanker traffic
- sufficiency of ATK studies

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kitselas' (Kitselas First Nation) interests and concerns follows.

#### ***Baseline Wildlife Information***

Northern Gateway acknowledges the interest of the Kitselas (Kitselas First Nation) in protecting wildlife and in access management. The Kitselas (Kitselas First Nation) expressed an interest in more baseline information on the grizzly bear, mountain goat, ungulates, salmon and trout. The Kitselas (Kitselas First Nation) also expressed an interest in information on wildlife protection measures that Northern Gateway will use during construction to avoid disturbance of wildlife habitat.

Northern Gateway developed rigorous wildlife baseline information following RIC standards for wildlife inventories for songbirds, Northern Goshawk, Sharp-Tailed Grouse, Trumpeter Swan and other water birds, coastal tailed frogs, pond-dwelling amphibians, mountain goats, ungulates, large carnivores, furbearers and upland game birds. Northern Gateway has also committed to follow-up monitoring where there is uncertainty associated with either the results of the environmental assessment or the effectiveness of the proposed mitigation measures. The best option, where it is possible, is to avoid an environmental effect. Northern Gateway has committed to following an extensive list of best practices developed by provincial agencies. This includes protecting habitat, nests, denning and hibernacula sites.

With respect to fish, results from literature research and field programs conducted between 2005 and 2009 indicate the potential occurrence of 58 fish species near the pipeline route (Freshwater Fish and Fish Habitat TDR). Based on the assessments, the pipeline route has been realigned to accommodate sensitive habitats, important fish stocks and runs, known traditional and non-traditional harvest areas and fish species at risk. Mitigation measures have been incorporated into the Project design and include limiting disturbance areas within the pipeline RoW, selecting watercourse crossing techniques on the basis of the biological and physical conditions and adhering to construction least-risk periods for fish species present, where possible. Where adverse effects cannot be avoided or mitigated, a compensation plan will be

developed in cooperation with DFO, according to DFO's policies and mandate, to offset the corresponding loss of habitat productive capacity.

### *Wildlife Habitat and Protection Measures*

Planning for infrastructure projects begins at a coarse level and then proceeds to increasing fine scales as more information becomes available and decisions about routing are made. At this point in the planning process, Northern Gateway has identified a 1 km wide planning corridor for the RoW. Northern Gateway has and continues to explore routing options with provincial wildlife agencies in both BC and Alberta. For example, the Project recently changed its proposed alignment to parallel existing infrastructure in western Alberta, reducing the potential effects on the Little Smoky Caribou Herd.

The ESA provides an assessment of potential effects of the Project on wildlife (see the Application, Volume 6A, Part 2, Section 9). The ESA includes modelling for habitat fragmentation and connectivity. Specific measures to address this were developed and incorporated into the Construction EPMP (see the Application, Volume 7A). Northern Gateway's Access Management Plan, which is included in the Construction EPMP, includes mitigation measures to restrict access in key wildlife areas near the pipeline RoW. The plan will be developed further in collaboration with wildlife agencies, participating Aboriginal groups and stakeholders. This is of particular importance in the Kitselas (Kitselas First Nation) traditional territory, which includes the locations of the Clore and Hault tunnels. Construction at those locations will take place over a two- to three-year period. Northern Gateway has taken representatives of the Kitselas (Kitselas First Nation) on a helicopter tour of the tunnel areas and provided an aerial overview of the proposed routing of the pipeline and proposed powerline within the Kitselas (Kitselas First Nation) traditional territory. Northern Gateway and the Kitselas (Kitselas First Nation) signed an environmental assessment agreement in March 2011 that will see the Kitselas (Kitselas First Nation) conduct additional wildlife, geotechnical, and fisheries habitat compensation work within its traditional territory in 2011.

Wildlife and access management in this portion of the Project will be based on the programs undertaken for the Project as a whole and will take into consideration the wildlife and access management measures developed for the adjacent Kitimat–Summit Lake Looping Pipeline. Northern Gateway will use several measures to enhance habitat protection and restoration. These will be reviewed with the Kitselas before clearing and construction, and could include measures such as:

- timing restrictions for construction within 500 m of mountain goat winter habitat
- grizzly bear den surveys

### *Baseline Fish and Fishery Data and Watercourse Crossings*

The Kitselas (Kitselas First Nation) expressed a need for baseline data on fish, fishery, social and economic impacts from the fisheries, including First Nations' FSC fisheries, marine fisheries and traditional marine resource use. Baseline information on freshwater fish and fish habitat, marine fish and marine fisheries is provided in the ESA in the Application, Volume 6A, Part 2, Section 11, Volume 8B, Sections 9 and 12 and the Marine Fish and Fish Habitat TDR.

Northern Gateway offered to conduct a watercourse crossing technical session with the Kitselas (Kitselas First Nation). Technical sessions and field trips were undertaken with the Kitselas' (Kitselas First Nation)

to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project. Kitselas' (Kitselas First Nation) participation in this assessment work has been agreed in principle and is included in the environmental assessment agreement signed in March 2011.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. The Kitselas (Kitselas First Nation) is identifying potential compensation sites within its traditional territory as part of the environmental assessment work that it has undertaken.

### *Marine Shipping and Oil Spill Risk*

The Kitselas (Kitselas First Nation) has expressed interest in marine shipping and marine oil spill risk. The Kitselas (Kitselas First Nation) expressed a similar concern with the Kitimat–Summit Lake Looping Pipeline Project. Specifically, the Kitselas (Kitselas First Nation) was concerned about potential impacts to the marine environment due to increased tanker traffic. Pacific Trails Pipeline, the project proponent, responded that this would be addressed in the TERMPOL review process that was underway at the time for the Kitimat LNG plant. Northern Gateway's Project has also undergone a TERMPOL review process. The issues of marine shipping and marine oil spill risk are also addressed at length in the Application, Volumes 7C, 8A, 8B and 8C.

Northern Gateway has not identified marine risk mitigation measures or commitments that would apply specifically to the Kitselas (Kitselas First Nation). Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g. SOLAS, MARPOL).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway's safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- Double Hull – Double hulls reduce the probability of spills due to groundings or collisions.



- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### *Routing Methodology*

The Kitselas (Kitselas First Nation) has expressed interest in the methodology used to select the pipeline route. The methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3. Northern Gateway considered various alternatives for the pipeline route during the preliminary design stage. The initial pipeline route has been revised at many locations in response to engineering and environmental studies and input that has been received through the engagement process. The detailed pipeline route will be finalized within the 1-km wide pipeline corridor during detailed engineering. The detailed route will incorporate detailed engineering, construction, and operations considerations, further site-specific constraint mapping, results of ATK studies and further field investigations, and further input from participating Aboriginal groups and communities, landowners, the public, other interested parties, and government agencies.

From KP 1140 to KP 1153, in the lower Kitimat River valley, Northern Gateway has chosen to locate the pipelines on the east side of Iron Mountain to avoid potential marine clay deposits. If the Project is approved, Northern Gateway will offer the Kitselas (Kitselas First Nation) the opportunity, during detailed routing and engineering, to discuss the precise location of the pipeline RoW within the approved corridor, and measures that can be taken to avoid or minimize effects on site-specific cultural resources or features

### *Oil Spills from the Pipeline or Marine Operations*

The probability of a marine oil spill has been assessed by DNV, through the analysis undertaken as part of the TERMPOLE review process. DNV identified several measures that could be adopted to reduce the probability and consequences of a marine spill, including the use of escort tugs. These are summarized in the Application, Volume 8A and Volume 8C.

Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

The effects of a potential spill into a high-gradient watercourse, specifically at Huner Creek, which is within the Kitselas (Kitselas First Nation) traditional territory, is discussed in the Application,

Volume 7B, Section 9.5. The spill characteristics, emergency response and mitigation measures applicable in a coastal watercourse are discussed in that section.

### *Environmental Monitoring Programs and Community Involvement*

Northern Gateway acknowledges the desire of the Kitselas (Kitselas First Nation) for community involvement in environmental monitoring. Northern Gateway supports such initiatives, and is prepared to work with the Kitselas (Kitselas First Nation) and other entities operating in the area in the development of community-based environmental effects monitoring. For example, Pacific Trails Pipelines, the Kitimat–Summit Lake Looping Pipeline proponent, has committed to involving the Kitselas in post-approval monitoring and access management programs. Northern Gateway would cooperate with and support the Kitselas (Kitselas First Nation) in undertaking these activities, with a particular emphasis on:

- ensuring no net loss of habitat for grizzly
- identifying mechanisms to reduce the frequency of access to sensitive areas or during sensitive time periods for species of concern, such as joint right of way inspection and coordination of maintenance activities
- combining resources to fund wildlife studies to inform future access management and habitat restoration programs

### *Potential Community First Response Plans*

The Kitselas (Kitselas First Nation) has expressed an interest in being directly involved in a first response capacity. Northern Gateway will share information with the Kitselas (Kitselas First Nation) about emergency preparedness and first response before operations start.

Northern Gateway's approach to pipeline integrity, monitoring and leak detection is described in the Application, Volume 3, Sections 11 and 12. Emergency preparedness and response to terrestrial spills are discussed in the Application, Volumes 7B and 7C.

Before operations start, site-specific emergency response tactic sheets will be developed for important locations along the proposed route. Typically, these would be watercourse crossing locations. For an example of such a site-specific plan, see the Application, Volume 7B. During detailed routing and engineering, Northern Gateway will engage with the Kitselas (Kitselas First Nation) to review and discuss these response tactic sheets. These discussions would include development of notification procedures for the Kitselas (Kitselas First Nation), and involvement of the Kitselas (Kitselas First Nation) in emergency preparedness training and response. Northern Gateway welcomes such involvement.

### *CEA Agency Funding*

Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

### *Allocation of Participant Funding*

Northern Gateway acknowledges the concern expressed by the Kitselas (Kitselas First Nation) about the allocation of participant funding as between coastal and non-coastal First Nations, and has communicated that concern to the CEA Agency.

### *Northern Gateway Needs to Undertake Direct Discussions with Kitselas Trappers*

The Kitselas (Kitselas First Nation) believes that Northern Gateway needs to undertake direct discussions with Kitselas trappers. Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups.

### *Need for the Project*

The Kitselas (Kitselas First Nation) expressed an interest in obtaining information on the need for the Project. This is addressed in the Application in Volume 1, Section 3 and Volume 2, Section 1.6. The Project provides access for Western Canadian Sedimentary Basin production to new international markets. New markets and expanded transportation capacity are essential to the development of this production, which has already been determined to be in the public interest.

### *Economic Feasibility and Market Demand*

The Kitselas (Kitselas First Nation) expressed an interest in information on economic feasibility and evidence of new market demand. This is addressed in the Application in Volume 2, Section 1. There is an existing and growing supply of oil and condensate to support the Project, which is to be connected to large and growing markets in the Asia-Pacific, as well as potential for markets in the western United States.

### *Complete Oil Spill Response Plans*

The Kitselas (Kitselas First Nation) requested that a general oil spill response plan, pipeline oil spill response plan, detailed marine oil spill response plan and an oil spill response plan for the Kitimat Terminal be completed. Northern Gateway's draft General Oil Spill Response Plan was filed with the NEB on March 31, 2011. Detailed marine, pipeline, and terminal response plans typically include detail on numerous sites across the entire Project. Northern Gateway will have detailed pipeline, terminal and marine oil spill response plans submitted six months before the commissioning of the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

### *Assessment of Regional Socio-Economic Impacts*

The Kitselas (Kitselas First Nation) raised a concern that the Application did not contain an assessment of regional socio-economic impacts and that baseline data was inadequate to consider aspects such as community wellness. Information related to regional socio-economic effects is discussed in the October 2010 Update to the Application, Volume 6C, Section 4.4.

A discussion of the baseline health conditions in the Project's assessment regions of Alberta and BC is presented in the Socio-Economic Technical Data Report, Section 3 and Appendix F.

Northern Gateway presented an Aboriginal Economic Benefits Package to Kitselas (Kitselas First Nation) in December 2010.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Humpback Whales, Northern Resident Killer Whales and Baseline Data of Marine Mammals*

The Kitselas (Kitselas First Nation) expressed a concern about the effects of the Project on humpback whales and northern resident killer whales and were interested in obtaining baseline data of marine mammals. The Application, Volume 8B identifies and assesses the effects of marine transportation between the coastal waters of BC and the Kitimat Terminal on marine mammals including north pacific humpback whales and northern resident killer whales. In addition, Volume 8B, Section 13 contains an assessment of routine activities in the OWA.

Northern Gateway has requested access to information compiled by DFO. If access is provided, this data will also be reviewed and incorporated into Project planning and design.

### *TERMPOL Study*

The Kitselas (Kitselas First Nation) expressed an interest in seeing the TERMPOL study and stated that the study should be published on the Northern Gateway website. Each of the 17 completed TERMPOL studies are summarized in the Application, Volume 8A. The TERMPOL studies will be submitted to the NEB shortly and will be placed on the Northern Gateway website at that time.

### *Landslides*

The Kitselas (Kitselas First Nation) expressed a concern about the likelihood and risk of landslides occurring along entire route and of the adjacent lands to the route. General information on landslides is provided in the Application, Volume 3, Appendix E-1, Section 3.2.1. Specific information on individual areas is provided in the Application, Volume 3, Appendix E-1, Table B-1, which provides a summary of

geotechnical conditions with descriptions of the terrain on a segment-by-segment basis for the entire route. Additional information on the likelihood of occurrence and risk of slides affecting the proposed pipeline is discussed in the Application, Volume 3, Appendix E-1, Section 4.

A large amount of work has been done on landslide conditions along the pipeline route. The work has extended over several years and has included air photo review, review of hillshade images and ground topography from LiDAR, review of orthomosaics and mapping data, review of published and unpublished reports and data, and aerial and ground reconnaissance's. Drilling has also been completed in some locations.

Landslide areas have been avoided wherever possible both by the pipeline route and by other facilities such as pumping stations. This has resulted in significant reroutes in some locations. No infrastructure or valves are located on areas with landslide activity. Appropriate mitigation measures will be used to provide safe conditions for construction and operation of the pipelines in the remaining slide areas near the pipeline route. Detailed investigations and monitoring will be completed in selected areas during detailed engineering, to provide the information required to finalize the selection and design of mitigation measures.

#### *Avalanche Risk, Monitoring and Control*

The Kitselas (Kitselas First Nation) expressed an interest in the risk, monitoring and control of avalanches and the need for a detailed avalanche plan with input from avalanche professionals. Areas potentially prone to snow avalanches have been identified during extensive fieldwork, terrain studies and air photo interpretation and during site-specific studies for the tunnels and other facilities. The work to date has included assessments by qualified avalanche specialists to provide additional input and experience to the design team. Surveys of avalanche occurrences have been completed and additional surveys are anticipated during detailed engineering. Avalanches are discussed in various parts of the Application, as effects vary according to the facilities involved.

Avalanche locations and risk were significant factors in the selection of the tunnel portal locations and construction timing. The tunnel portals and adjacent pipeline routes avoid avalanche areas. Access to the tunnel portals has also considered avalanche conditions and locations. Site-specific avalanche prediction and control plans will be provided by qualified avalanche professionals for the construction period to maintain safe access to the route, tunnel portal areas and other Project facilities potentially exposed to avalanches.

Planning for construction of the pipeline system has considered avalanche hazards. The preliminary construction schedule has avoided construction in avalanche prone terrain during winter and spring months. This work will be further refined during detailed engineering, construction planning and construction with input by qualified avalanche professionals.

Avalanche issues have been considered during siting of other infrastructure such as pumping stations and valve site locations to avoid areas with potential avalanche hazards.

Avalanche hazards have been considered during pipeline routing, in particular at watercourse crossings and where the route crosses areas prone to avalanches. Areas of potential avalanche erosion have been avoided by crossing avalanche chutes in deposition areas. The potential for avalanche triggered stream

avulsion is a concern and has been considered during routing and will be further addressed during detailed routing and engineering, including micro-routing issues and mitigation measures possibly including pipeline protection.

The pipelines and the valve systems will be designed for remote control operation, which will reduce the need for winter access through avalanche hazard areas. It is recognized that access may be occasionally required to these areas during periods with avalanche hazard conditions. Work and inspection programs undertaken under these conditions will be in accordance with WorkSafe BC requirements in regard to avalanche hazard assessments. In conclusion, considerable effort has been expended on avalanche issues. The results of the work indicate that avalanche issues can either be avoided or satisfactorily mitigated. Work in areas with avalanche hazards, both during construction and operations will be in accordance with all appropriate regulations. Qualified professional engineers will assess, prepare and certify designs to safeguard the pipelines and the environment from the potential adverse effects of conditions (including avalanches) that are not specifically addressed in CSA Z662-07.

#### *Size and Location of Camps and Construction Laydown Areas*

Preliminary locations and sizes of construction camps and laydown areas were identified for the environmental assessment. Camps will be approximately 25 ha. The locations will be refined during detailed engineering and construction planning. Camp and staging area information specific to the tunnels is provided in the Application, Volume 6A, Part 1, Section 2.1.5.

#### *Access Information Especially in Clore Canyon Area*

Access information specific to the Clore and Holt tunnels, including the Clore Canyon area, is provided in the Application, Volume 6A, Part 1, Section 2.1.5.

#### *Hydrology Information*

The Application, Volume 6A, Part 2, Section 12, identifies and assesses the potential effects of routine Project activities on surface water resources and hydrogeology.

#### *PAHs and BTEX in Soil and Groundwater*

The Kitselas (Kitselas First Nation) expressed an interest in studies of PAHs and BTEX through soil overlying all usable groundwater. An assessment of the potential effects of changes in drinking and recreational water quality on potential human receptors was not completed because the Project (construction, operation and decommissioning) has low potential to cause a change in drinking water quality. Construction of the pipeline will be a transitory activity, with low potential to affect drinking water quality or quantity.

The HHRA for routine operations is for the area near the Kitimat Terminal where emissions from the Project will be the greatest and the potential for human exposure is considered the most likely. (Regions along the pipeline route are not expected to be affected by either the construction or normal operations of the pipeline. This is due to the short term transitory nature of the construction phase of the pipeline) and

the lack of emissions during the operation of the pipeline. Baseline information for water quality focuses on the District of Kitimat and Kitamaat Village.

The District of Kitimat obtains its water from three infiltration gallery wells in the Kitimat River. The wells are tied to three pumphouses. The water is filtered at intake and chlorinated before distribution. Six other small holdings on the outskirts of Kitimat that are not connected to the town water system use either river water or groundwater wells. Kitamaat Village obtains its water from two groundwater supply wells located next to Wathl Creek. As noted in the Application, Volume 6B, Section 14.5, about the ecological risk assessment, Northern Gateway intends to implement an environmental effects monitoring program at the marine terminal in advance of the terminal operations. The details of the marine terminal environmental effects monitoring program will be finalized as part of the detailed design phase and would involve consultation with participating government agencies and the Kitselas (Kitselas First Nation).

### *Detailed Design Information*

The Kitselas (Kitselas First Nation) expressed an interest in detailed design information such as, pump station location, pressure monitoring, feasibility of HDD crossings, heritage sites, location of block valves, powerline routing, pressure testing plans, dredging plans. Planning for infrastructure projects begins at a coarse level and then proceeds to increasing detail as more information becomes available and decisions are finalized. At this point in the process, Northern Gateway has identified a 1-km wide planning corridor for the RoW within which the detailed pipeline route will be selected during detailed engineering. Further engineering, construction, environmental, and consultation work will contribute to the selection of the detailed pipeline route. Additional engineering and geotechnical studies will be conducted during detailed engineering, to further evaluate the feasibility of the proposed HDD crossings and to finalize the watercourse crossing methods. Additional engineering and environmental studies will be conducted during detailed engineering, to finalize the block valve locations along the detailed pipeline route. Similarly, powerline routing, pressure testing plans, and many other technical details for the Project will be developed further and finalized during detailed engineering. Public consultation and Aboriginal engagement will continue throughout these processes.

### *Effects on First Nations Activities*

The Kitselas (Kitselas First Nation) expressed an interest in assessment of effects on First Nations activities, not just sites and areas, including in the traditional territory, current and traditional uses. Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as harvesting sites, that need to be considered in detailed routing and during construction. Cumulative effects are considered within the context of an Aboriginal group's traditional territory, on traditional lands and activities, determined in conjunction with each group during ATK studies. The Kitselas (Kitselas First Nation) has completed an ATK study. If the Project is approved, additional engagement will be undertaken with the Kitselas (Kitselas First Nation) during detailed routing and engineering, to provide an

opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required for these specific sites and activities.

### ***Cumulative Effects of Tanker Traffic***

The Kitselas (Kitselas First Nation) expressed an interest in the cumulative effects of tanker traffic, including all projects that are planning tanker shipping through Kitimat, which it expected would result in a vessel every 30 minutes. Vessel traffic in the Douglas Channel in 2009 was in the order of 1.5 vessel transits per day (see the Application, Volume 8A, Figure 2-8). Vessel traffic associated with the Project will involve an average of 1.2 vessel transits of the CCAA each day (there are two transits of the CCAA for each vessel calling on the Port of Kitimat). Potential traffic increases due to future (non-Northern Gateway) projects may be as high as 1.1 vessel transits per day (see the Application, Volume 8A, Section 2.10). In combination, there could be an average of 3.8 vessel transits per day, if all future projects (including Northern Gateway) proceed and if existing vessel traffic remains at 2009 levels. The loss of Eurocan operations in 2010 reduced shipping levels by 120 to 140 transits per year.

The marine QRA report also discusses the reduced risks associated with using fewer large vessels, compared with using many smaller tankers.

### ***Sufficiency of ATK Studies***

The Kitselas (Kitselas First Nation) expressed a concern that ATK studies be up to date and open to change. They were concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation measures. They were also concerned that there are over 60 Aboriginal groups, but summaries of only 17 ATK studies in the Application. The Kitselas (Kitselas First Nation) expressed a need for the JRP to ensure all 60 Aboriginal groups have opportunity and funding to move forward with ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in various discussions with Northern Gateway that need to be completed before they undertake an ATK study, or have declined the offer by Northern Gateway to undertake ATK studies by.

### ***Aboriginal Traditional Knowledge Program***

A summary of the Kitselas (Kitselas First Nation) independent community report is in the Application, Volume 5B, Appendix C, Table C-11.



### **5.9.3 Kitimaat Village Council (Haisla Nation)**

#### ***Geographic Setting***

The Kitimaat Village Council (Haisla Nation) has 19 reserves in BC, with the closest reserve (Kitimaat #1) located approximately 1.7 km from the proposed RoW. The closest reserve (Bees #6) is located approximately 1.1 km from the proposed shipping route. The traditional territory of the Kitimaat Village Council (Haisla Nation) encompasses the region of the Kitimat and Kildala Arms, Gardner Canal of Douglas Channel, and the Kitimat, Kitlope and Kildaoa River valleys (see the Update to Appendix C, Figure C-29).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Kitimaat Village Council (Haisla Nation) is provided on pages 124 to 133 of the Kitimat–Summit Lake Looping Pipeline assessment [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)]. Further information about the interests and concerns of Kitimaat Village Council (Haisla Nation) in the Kitimat Arm area is provided in the Comprehensive Study Report for the Kitimat LNG Project, dated April 2006, p. 106–115 [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_244\\_21861.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_244_21861.html)].

#### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway sent an email to representatives of the Kitimaat Village Council (Haisla Nation) to ask if they would be willing to meet to discuss the Project. Throughout 2010, Northern Gateway made several attempts, by telephone, email and mail, to engage the Kitimaat Village Council (Haisla Nation) in discussions relating to the Project.

In August 2010, Northern Gateway contacted representatives of the Kitimaat Village Council (Haisla Nation) to ask if they would be willing to meet to discuss the Project. The Kitimaat Village Council (Haisla Nation) responded to the letter thanking Northern Gateway for acknowledging the Kitimaat Village Council (Haisla Nation)'s concerns about the Project, the review process and the Crown's consultation obligations. The Kitimaat Village Council (Haisla Nation) said it was willing to meet to promote an open and transparent exchange of information; however it asked Northern Gateway to address two outstanding issues. The first issue was inadequate funding for a full and meaningful review of the Project. The Kitimaat Village Council (Haisla Nation) stated that the CEA Agency funding was less than that required. It also noted that any funding provided must be given on a without prejudice basis without any public statements about the nature or purpose of the funding. The second issue was the destruction of culturally modified trees of central importance to the Kitimaat Village Council (Haisla Nation), which Kitimaat Village Council (Haisla Nation) indicated had been destroyed by Northern Gateway's contractors.

In August 2010, the Kitimaat Village Council (Haisla Nation) gave an oral presentation in response to the JRP Procedural Direction of July 2010.

In September 2010, the Kitimaat Village Council (Haisla Nation) made written submissions in response to the JRP Procedural Direction of July 2010. Northern Gateway representatives in attendance at the JRP information session held in Kitimat in September 2010, held a discussion with Kitimaat Village Council (Haisla Nation) leadership.

In September 2010, by informal discussion with Council members, Northern Gateway advised the Kitimaat Village Council (Haisla Nation) that it would be introduced to, and working with, a new Aboriginal Relations Director for Northern Gateway. Northern Gateway contacted the Kitimaat Village Council (Haisla Nation) to confirm the Council's interest in meeting to discuss the interests and concerns that had been raised at the JRP session. Northern Gateway also informed the Kitimaat Village Council (Haisla Nation) that Northern Gateway had engaged a contractor to conduct high level, nonintrusive surveys on Kitimat Arm as part of the ongoing engineering and environmental studies.

In October 2010, Northern Gateway sent a letter to representatives of the Kitimaat Village Council (Haisla Nation) addressing their concerns about inadequate CEA Agency funding and the destruction of culturally modified trees. Northern Gateway requested a meeting with the Kitimaat Village Council (Haisla Nation) to discuss these issues.

In December 2010, the Kitimaat Village Council (Haisla Nation) sent a letter to Northern Gateway providing additional context on the destruction of culturally modified trees. The Kitimaat Village Council (Haisla Nation) also filed a letter with the JRP in response to Northern Gateway's October 2010 submission in response to the JRP Procedural Direction.

In February 2010, Northern Gateway wrote a letter to the Kitimaat Village Council (Haisla Nation) describing Northern Gateway's understanding of the events leading to the destruction of culturally modified trees. Northern Gateway provided a written apology and asked to meet in person to give additional verbal apologies and take steps to resolve the matter. Northern Gateway offered to discuss funding for the Project review and finalization of the ATK study that was done in 2005 under Northern Gateway funding, but never finalized for release. Northern Gateway called the representatives of the Kitimaat Village Council (Haisla Nation) to arrange hand delivery of the letter.

In March 2011, Northern Gateway sent a letter to the Kitimaat Village Council (Haisla Nation) to offer to provide a technical meeting to provide information on engineering, logistics, design and watercourse crossing strategies. Northern Gateway also agreed to provide additional ATK funding for the 2005 study. Northern Gateway requested an opportunity to present an Aboriginal Economic Benefits Package.

By letter to Northern Gateway dated March 30, 2011, the Haisla Nation advised that it was prepared to meet with Northern Gateway to discuss resolution of the culturally modified trees issue, and additional funding for participation in the environmental assessment process. By letter of the same date to the CEA Agency, the Haisla Nation posed a series of written questions on the review process, funding, the role of government agencies, pipeline integrity, spill response and liability and oil spill impacts.

Northern Gateway has accepted the Haisla Nation's offer to meet, and a meeting was tentatively planned for May 2011. Northern Gateway is prepared to address issues such as pipeline integrity, spill preparedness and response, and compensation processes during those discussions or at separately organized meetings. Northern Gateway will also work with the Government of British Columbia to

develop appropriate terms and conditions for acquisition of tenure for the proposed Kitimat Terminal site, if the Project is approved, including accommodating the Haisla Nation's interests.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Kitimaat Village Council (Haisla Nation) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Kitimaat Village Council (Haisla Nation)***

In the Application, Volume 5A, Section 5.8.1, the interests and concerns identified by Kitimaat Village Council (Haisla Nation) were summarized as follows:

- concerns about tanker traffic and potential effects on the environment including oil spills
- access management
- fisheries values
- potential for oil spills
- employment and training opportunities
- business opportunities
- crown consultation

During the Update Period, the following new interests and concerns were identified:

- concern about inadequate funding for Project review
- concern about Northern Gateway's inadequate response to the destruction of culturally modified trees by a Northern Gateway contractor

The issues and concerns raised by the Kitimaat Village Council (Haisla Nation) in its written submissions and presentation in response to the JRP Procedural Direction of July 2010 may be summarized as follows:

- information on Project alternatives
- information on need for the Project
- economic feasibility and evidence of new market demand
- Enbridge's spill history and environmental record and Enbridge's response to incidents
- further measures to reduce spill probability
- probability of accidents and malfunctions
- information the technology, infrastructure or institutional frameworks to mitigate accidents or malfunctions
- assessment of the effects of the Project on First Nation rights and interests
- baseline information on the grizzly, mountain goat, ungulates, salmon and trout
- oil recovery techniques
- resources, spill response, and cost of a spill and responsibility in the event of a spill
- study of risks and effects of the Project on health

- greenhouse gas emissions
- avalanche risk, monitoring and control
- earthquakes
- risk of tsunamis, flood, ice jams, extreme snow fall, cold
- oil spill monitoring in hardy vegetation
- assessment of biophysical and socio-eco elements including wildlife
- sufficiency of ATK studies

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Kitimaat Village Council (Haisla Nation)'s interests and concerns follows.

#### ***Tanker Traffic and Potential Environment Effects***

The Kitimaat Village Council (Haisla Nation) has expressed interest in marine shipping and marine oil spill risk. These issues are addressed at length in the Application, Volumes 7C, 8A, 8B and 8C. Shipping and navigation are also addressed in the numerous studies performed as part of the TERMPOL review process. The Kitimaat Village Council (Haisla Nation) is represented on the TERMPOL review committee.

All vessels calling at the Kitimat Terminal will be modern, double-hulled and vetted by independent, third-party agencies and will be required to meet all Canadian and International safety and environmental standards. Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g. SOLAS, MARPOL).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway's safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.

- Double hulls – Double hulls reduce the probability of spills due to groundings or collisions.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### *Access Management*

Access management is part of a comprehensive strategy that will address potential environmental effects of the Project (see the Application, Volume 7A, Appendix A.3.2). Northern Gateway will consult with resource managers, participating Aboriginal groups and stakeholders as Project planning proceeds, and will update the construction Access Management Plan within 60 days of pipeline construction starting.

### *Fisheries*

The ESA provides an assessment of potential effects of the Project on freshwater fish and fish habitat in the Application, Volume 6A, Part 2, Section 11 and marine fish in the Application, Volume 6B, Section 10. Some of the mitigation measures considered for the Kitimat–Summit Lake Looping Pipeline Project related to fisheries values which may also be considered by Northern Gateway include the following:

- working with the DFO and others (including Haisla Nation) for the purpose of designing and implementing some early compensatory undertakings before construction
- discuss the need for additional baseline studies where required to assure the Project does not result in adverse effects on the Kitimat watershed
- conduct additional fish inventory studies
- conduct studies to determine the risks associated with acid rock drainage. Acid rock drainage studies, including mitigation measures, have been done by Northern Gateway (see the Application, Volume 3, Sections 3 and 7.5 and Appendix E). Additional site-specific studies will be conducted during detailed engineering.

### *Potential for Oil Spills*

The probability of a marine oil spill has been assessed by DNV, through the analysis undertaken as part of the TERMPOL review process. DNV identified several measures that could be adopted to reduce the probability and consequences of a marine spill, including the use of escort tugs. These are summarized in the Application, Volume 8A. The Kitimaat Village Council (Haisla First Nation) has a representative on the TERMPOL review committee.

### *Economic Opportunities*

Northern Gateway will provide opportunities to the Kitimaat Village Council (Haisla Nation) for economic participation, including business, contracting, employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Kitamaat Village Council (Haisla Nation) to assess the current capacity of its members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Benefits to Coastal First Nation Communities*

Northern Gateway anticipates the involvement of coastal First Nations in employment and progressive business ownership in relation to marine services activities, including:

- escort tugs
- berthing tugs
- mooring boats
- advance spotter boats
- boom boats
- regional first response
- environmental monitoring
- fueling facilities
- maintenance facilities

Northern Gateway anticipates that coastal First Nation employment and ownership will be facilitated by long-term service contracts and joint ventures between coastal First Nations and well-established world-class marine service providers.

By providing marine services to the Project, it is presently estimated that neighbouring First Nations could earn a combined annual profit of \$6 to 9 million from supply contracts and more than \$4 million in annual employment income. Over the assumed 30-year life of the Project, this translates to an estimated overall value of \$300 million, or more, for participating coastal First Nation communities.

### *Crown Consultation*

Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

Northern Gateway will cooperate fully with the Crown as its consultation activities are undertaken, by providing information on the Project and Northern Gateway's consultation activities with Aboriginal groups.

### *Inadequate Funding for Project Review*

The Kitamaat Village Council (Haisla Nation) has expressed concern that CEA Agency funding fell short of what was required for Project review. A similar issue was expressed in relation to the Kitimat–Summit Lake Looping Pipeline Project. In that case both the proponent and the Province of British Columbia

provided capacity funding for the Kitimaat Village Council (Haisla Nation) to participate in the review process.

Northern Gateway offered to provide the Kitimaat Village Council (Haisla Nation) with capacity funding to cover costs associated with engagement activities and to develop work plan for review of environmental assessment activities in 2009. At that time, the Kitimaat Village Council (Haisla Nation) informed Northern Gateway that it was not in a position to engage in discussions related to the Project. In October 2010, Northern Gateway offered to meet with the Kitimaat Village Council (Haisla Nation) to discuss funding for Project review.

### *Destruction of Culturally Significant and Protected Trees*

The Kitimaat Village Council (Haisla Nation) was concerned about Northern Gateway's inadequate response to the destruction of culturally significant and protected trees by a Northern Gateway contractor. Northern Gateway has corresponded with the Kitimaat Village Council (Haisla Nation) about this outstanding issue and has offered to meet to discuss follow-up required further. Northern Gateway has also notified the Kitimaat Village Council (Haisla Nation) of further non-intrusive work being conducted within the Kitimat Arm marine area.

### *Project Alternatives*

The Kitimaat Village Council (Haisla Nation) expressed a concern that more information was required to determine whether there are alternatives to the Project that better serve the Canadian public interest as well as local interests and Aboriginal rights and title. For example, the Kitimaat Village Council (Haisla Nation) wanted information on how Kitimat was selected for the pipeline terminus, how the pipeline route and location of the marine terminal were chosen, and whether the risk of a spill was different in different locations. Northern Gateway has considered alternatives to the Project, including alternative locations for the inland terminus in Alberta and the marine terminal. This is discussed in the Application, Volume 1, Section 4. The methodology for selecting the pipeline route is described in the Application, Volume 3, Section 2.3.

### *Need for the Project*

The Kitimaat Village Council (Haisla Nation) expressed an interest in information on the need for the Project. This is addressed in the Application in Volume 1, Section 3 and Volume 2, Section 1.6. The Project provides access for Western Canadian Sedimentary Basin production to new international markets. New markets and expanded transportation capacity are essential to the development of this production, which has already been determined to be in the public interest.

### *Economic Feasibility and Market Demand*

The Kitimaat Village Council (Haisla Nation) expressed an interest in information on economic feasibility and evidence of new market demand. This is addressed in the Application, Volume 2, Section 1. There is an existing and growing supply of oil and condensate to support the use of the Project, which is to be connected to large and growing markets in the Asia-Pacific, as well as potential for markets in the western United States.

### *Enbridge's Spill History, Environmental Record and Response to Incidents*

Enbridge has an excellent pipeline safety record, notwithstanding the two events during the summer of 2010 on Lines 6A and 6B in the United States. In 2010, in Canada and the United States, Enbridge recorded 78 reportable spills along its liquids pipeline system. Of these spills, 59 were contained within Enbridge facilities, and 72 were fewer than 100 barrels of product. The spills represented about 32,622 barrels, a small fraction of the total volume transported on the system in 2010, which was approximately 950 million barrels. Most of the spills that Enbridge experiences on its liquids pipelines system are small and take place at Enbridge facilities, such as pump stations and terminals. As a result, Enbridge is able to clean them up quickly, and they have either low or no environmental effect. In addition, when looking at government statistics in the United States for the number of pipeline releases for 2002 to 2009, the average for Enbridge's pipeline systems is 40% better than the industry average.

### *Further Measures to Reduce Spill Probability*

The Kitamaat Village Council (Haisla Nation) expressed an interest in additional feasibility options for safety in pipeline and tanker design, construction and operations to further decrease spill probability. Extensive measures have already been taken by Northern Gateway during Project design to minimize the probability of a spill. For the pipelines, these measures include numerous pipeline reroutes to avoid geotechnical and other issues, watercourse crossing designs, and two 6.5-km long tunnels through the Coast Mountains. Further measures to minimize the probability of a spill will be evaluated during detailed engineering. The use of skilled labour resources and a comprehensive inspection program during construction will also contribute to minimizing the probability of a spill. Rigorous preventive maintenance and pipeline integrity management programs will be in place for the life of the Project. Extensive measures will also be taken during pipeline operations to minimize the probability of a spill, as described in Volume 3, Section 12.

### *Probability of Accidents and Malfunctions*

The Kitamaat Village Council (Haisla Nation) expressed an interest in the probability of extreme impact events within the proposed pipeline corridor, and the probability of pipeline accidents and malfunctions, in general. Risk of incidents is discussed in the Application, Volumes 7B (pipeline) and 7C (the terminal) and 8C (marine transport). In Volume 7B, hypothetical spill examples are described for four different types of environments, using specific locations along the pipeline route, for both medium and large releases. In Volume 7C, two hypothetical spill examples are described – a medium spill of diluted bitumen and a similar-sized spill of condensate. In Volume 8C, hypothetical spill examples are described to assess effects in marine areas.

### *Mitigating Accidents and Malfunctions*

The Kitamaat Village Council (Haisla Nation) expressed interest in the technology, infrastructure or institutional frameworks that exist to effectively mitigate any accidents or malfunctions. This is discussed in Volumes 7B (pipeline) and 7C (the terminal) and 8C (marine transport). It is also addressed in Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011). Northern Gateway will have detailed pipeline, terminal and marine oil spill response plans submitted six



months before commissioning of the pipelines and the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project will not likely cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Baseline Wildlife Information*

The Kitimaat Village Council (Haisla Nation) expressed interest in obtaining baseline information on the grizzly bear, mountain goat, ungulates, salmon and trout. Northern Gateway developed rigorous wildlife baseline information following RIC standards for wildlife inventories for songbirds, Northern Goshawk, Sharp-Tailed Grouse, Trumpeter Swan and other water birds, coastal tailed frogs, pond dwelling amphibians, mountain goats, as well as ungulates, large carnivores, furbearers and upland game birds. Northern Gateway has also committed to follow-up monitoring where there is uncertainty associated with either the results of the environmental assessment or the effectiveness of the proposed mitigation measures. The best option, where it is possible, is to avoid an environmental effect. Northern Gateway has committed to following an extensive list of best practices developed by provincial agencies. This includes protecting habitat, nests, denning and hibernacula sites.

With respect to fish, results from literature research and field programs conducted between 2005 and 2009 indicate the potential occurrence of 58 fish species near the pipeline route (Freshwater Fish and Fish Habitat TDR). Based on the assessments, the pipeline route has been realigned to accommodate sensitive habitats, important fish stocks and runs, known traditional and non-traditional harvest areas and fish species at risk. Mitigation measures have been incorporated into the Project design and include limiting disturbance areas within the pipeline RoW, selecting watercourse crossing techniques on the basis of the biological and physical conditions and adhering to construction least-risk periods for fish species present, where possible. Where adverse effects cannot be avoided or mitigated, a compensation plan will be developed in cooperation with DFO, according to DFO's policies and mandate, to offset the corresponding loss of habitat productive capacity.

### *Oil Recovery Techniques*

The Kitimaat Village Council (Haisla Nation) raised a concern that oil recovery and clean up technology only recovered 10% of spills. They questioned what technologies exist to recover oil from the water table and (river) bed. Detailed recovery techniques will be covered in the response plans that will be completed before the start of commissioning. It is not possible to recover 100% of the volume of oil spilled on land or water, nor is it necessary to do so. Oil evaporates and naturally disperses in water; what remains is “recoverable oil”. The percentage of recoverable oil that is collected varies for each spill and is dependent on several variables such as the type of oil spilled, environmental conditions, available technology, training of spill response personnel, and spill response time.

### *Spill Response and Resources*

The Kitimaat Village Council (Haisla Nation) raised a concern about resources, spill response, cost of a spill and the responsibility in the event of a spill. The goal of Northern Gateway’s safety program is to reduce the chances of an oil spill to as close to zero as possible. Northern Gateway is committed to ensuring that the pipeline, terminal and tankers will be operated to Canadian and internationally recognized safety and environmental standards.

In the event of an oil spill from the pipeline or at the Kitimat Terminal, Northern Gateway would be the party responsible for cleaning up the spill and compensating affected parties. Northern Gateway would accept full responsibility for all of the costs related to the emergency response and for any property damage as a result of the spill. A team of claims representatives would address concerns and receive claims from those directly affected by the spill and compensate them for any damage as a result of the spill.

In the event of an oil spill originating from a ship, the responsible party will be the tanker owner. Under Canadian law and international conventions, ship owners are required to carry insurance to cover spill damages. In addition, shippers of oil pay into international and Canadian pollution funds to cover the costs of spills over and above insured losses. The international and Canadian oil spill pollution funds provide up to \$1.3 billion in compensation in the event of a marine oil spill.

### *Risks and Effects on Health*

The Kitimaat Village Council (Haisla Nation) expressed a concern about the study of risks and effects to health (e.g. food chains, human and other populations) and the economy if there is a spill, the health effects of the Project and the long-term effect of chemicals of potential concern (COPC) exposure upon human health, taking into account traditional harvesting economies. In conducting a human health risk assessment (HHRA), see the Application, Volume 6C, Section 4.2, residents at Kitimaat Village are included in the modelling of potential effects because of their potential consumption of local country foods that may increase their exposure to chemicals in the physical environment. Many Haisla continue to carry on the traditions of hunting, berry picking, gathering and fishing. The proximity of the neighbourhoods, communities, towns, villages and other human use of the areas potentially affected by the Project were based on air concentrations of COPCs which were modelled at specific locations in Kitimaat Village and the Town of Kitimat. The HHRA covers an entire lifespan of a human receptor (nominally 80 years) for effects from operations at the Kitimat Terminal. Given the operational life span

of the Project, the 80 years temporal scope of the HHRA will conservatively encompass all aspects of construction, operations, decommissioning and abandonment. After abandonment, no residual effects on human health are anticipated as the decommissioning and abandonment phase of the Project will comply with provincial and federal standards. Effects of a variety of hypothetical marine spill scenarios on the biophysical and on the human environment are discussed in the Application, Volumes 7C and 8C.

### *Greenhouse Gas Emissions*

The Kitimaat Village Council (Haisla Nation) expressed an interest in greenhouse gas emissions from the oil sands and other energy projects. The Project under review consists of two pipelines between Bruderheim, Alberta, and the Kitimat Terminal near Kitimat. It does not include consumption of the oil and condensate to be transported, or its production. Greenhouse gas emissions associated with Northern Gateway pumping stations, which will be electrically powered, as well as operations at the Kitimat Terminal are included (see the Application, Volume 6A, Part 1, Section 4). Effects on air quality related to oil sands projects are considered in those projects' environmental assessments.

### *Avalanche Risk, Monitoring and Control*

The Kitimaat Village Council (Haisla Nation) expressed an interest in the risk, monitoring and control of avalanches and the need for a detailed avalanche plan with input from avalanche professionals. Areas potentially prone to snow avalanches have been identified during extensive fieldwork, terrain studies and air photo interpretation and during site-specific studies for the tunnels and other facilities. The work to date has included assessments by qualified avalanche specialists to provide additional input and experience to the design team. Surveys of avalanche occurrences have been completed and additional surveys are anticipated during detailed engineering. Avalanches are discussed in various parts of the Application, as effects vary according to the facilities involved.

Avalanche locations and risk were significant factors in the selection of the tunnel portal locations and construction timing. The tunnel portals and adjacent pipeline routes avoid avalanche areas. Access to the tunnel portals has also considered avalanche conditions and locations. Site-specific avalanche prediction and control plans will be provided by qualified avalanche professionals for the construction period to maintain safe access to the route, tunnel portal areas and other Project facilities potentially exposed to avalanches.

Planning for construction of the pipeline system has considered avalanche hazards. The preliminary construction schedule has avoided construction in avalanche prone terrain during winter and spring months. This work will be refined further during detailed engineering, construction planning and construction with input by qualified avalanche professionals.

Avalanche issues have been considered during siting of other infrastructure such as pump stations and valve site locations to avoid areas with potential avalanche hazards.

Avalanche hazards have been considered during pipeline routing, in particular at watercourse crossings and where the route crosses areas prone to avalanches. Areas of potential avalanche erosion have been avoided by crossing avalanche chutes in deposition areas. The potential for avalanche triggered stream

avulsion is a concern and has been considered during routing and will be addressed further during detailed design including micro-routing issues and mitigation measures possibly including pipeline protection.

The pipelines and the valve systems will be designed for remote control operation, which will reduce the need for winter access through avalanche hazard areas. It is recognized that access may be occasionally required to these areas during periods with avalanche hazard conditions. Work and inspection programs undertaken under these conditions will be in accordance with WorkSafe BC requirements in regard to avalanche hazard assessments. In conclusion, considerable effort has been expended on avalanche issues. The results of the work indicate that avalanche issues can either be avoided or satisfactorily mitigated. Work in areas with avalanche hazards, both during construction and operations will be in accordance with all appropriate regulations. As stated in the Application, Volume 3, qualified professional engineers will assess, prepare and certify designs to safeguard the pipelines and the environment from the potential adverse effects of conditions (including avalanches).

### *Earthquakes*

Seismic events and potential consequences are discussed in the Application, Volume 3, Appendix E-1, Section 3.3.

The seismic issues have been extensively studied and are not considered a major issue for the pipeline route and terminal sites. Where hazards exist, they can be satisfactorily mitigated during detailed engineering. The discussion below provides a summary of the extensive work that has been done to date and the conclusions from the work:

- Although earthquakes may be felt occasionally along the pipeline route, they have been very low-magnitude events, as reflected in the low to moderate seismic motions determined in the detailed seismic hazard analyses that have been undertaken.
- Potential seismic motions and parameters over the entire pipeline were summarized in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic accelerations are moderate at the west end of the Project and decrease rapidly to the east. The accelerations and resultant forces and strains on the facilities will be considered during detailed engineering but are not viewed as a major engineering problem.
- Geotechnical review of the route relative to seismically triggered geohazards (e.g., landslides or liquefaction events) has included extensive fieldwork over several years, literature review and terrain studies including air photo interpretation to identify areas that would potentially be prone to soil movements or other geohazards triggered as a result of a seismic event. Seismically triggered geohazards have been avoided wherever possible during routing.
- Seismic motions (forces due to accelerations) have been defined for the entire study area and will be included in designs for the facilities including the terminal at the west end of the Project and above ground facilities during detailed design.

- Buried pipelines are very resistant to seismic forces, particularly the low to moderate accelerations that could occur at the west end of the Project. Other than areas of potential geohazards discussed above, there are no major seismic concerns for the buried pipelines.
- There are no known active faults that could produce ground breaks along the route.

### *Weather and Natural Events*

The Kitamaat Village Council (Haisla Nation) expressed a concern about the risk of tsunamis, flood, ice jams, extreme snow fall and cold and their effects on pipeline safety. The engineering designs and construction methodologies will ensure that weather and terrain-related events do not affect the safe operation of the pipeline system. When detailed emergency response plans are developed, they will take into consideration the prevailing weather conditions that may be encountered during operations.

### *Oil Spill Monitoring in Hardy Vegetation*

The Kitamaat Village Council (Haisla Nation) expressed a concern about Northern Gateway's ability to monitor for leaks and spills in second growth vegetation that is hardy and difficult to keep clear without an aggressive program. Northern Gateway has a multi-faceted program for monitoring and detecting any anomalies in the pipeline system. A control centre staffed 24 hours a day, a SCADA system, a material balance system, aerial reconnaissance, local operations personnel, and a public education program are all parts of this multi-faceted program (see Volume 3, Section 11 for further details). Vegetation on the 25-m wide permanent RoW will be controlled to allow monitoring of the ground condition over the pipelines.

### *Cumulative Assessment of Biophysical and Socio-Economic Elements*

The Kitamaat Village Council (Haisla Nation) expressed an interest in the cumulative assessment of biophysical and socio-economic elements, particularly wildlife. For the cumulative effects assessment specific to wildlife, see Volume 6A, Part 2, Sections 9.6.4, 9.7.4, 9.8.4 and 9.10.4. For the general biophysical cumulative effects assessment, see Volumes 6A, 6B and 8B, and for the socio-economic assessment, see the Application, Volume 6C, Section 4.

### *Sufficiency of ATK Studies*

The Kitamaat Village Council (Haisla Nation) expressed a concern that ATK studies be up to date and open to change. They were concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation measures. They were also concerned that there are over 60 Aboriginal groups, but summaries of only 17 ATK studies in the May 2010 Application. The Kitamaat Village Council (Haisla Nation) expressed a need for the JRP to ensure all 60 Aboriginal groups have opportunity and funding to move forward with ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in various discussions with Northern Gateway that need to be completed before they undertake an ATK study, or have declined the offer by Northern Gateway to undertake ATK studies.

### ***Aboriginal Traditional Knowledge Program***

The Kitamaat Village Council (Haisla Nation) undertook an ATK study in 2005, using funding provided by Northern Gateway. Northern Gateway understands that the community report has not been finalized. Northern Gateway has agreed to provide Kitamaat Village Council (Haisla Nation) with additional resources to finalize the ATK study.

A report entitled “Haisla Traditional Use and Occupancy of the Proposed PNG Pipeline Corridor through the lower Kitimat River Valley” was commissioned for the adjacent Kitimat–Summit Lake Looping Pipeline Project to document Kitamaat Village Council (Haisla Nation) traditional use activities of the project area. Kitamaat Village Council (Haisla Nation) traditional knowledge as summarized in the Kitimat–Summit Lake Looping Pipeline assessment will be considered by Northern Gateway.

## **5.9.4 Hartley Bay Band (Gitga’at Nation)**

### ***Geographic Setting***

The Hartley Bay Band (Gitga’at Nation) has 15 reserves in BC, with the closest reserve (Kitkahta #1) located approximately 49.2 km from the proposed Kitimat Terminal. The closest reserves to the proposed shipping route (Lachkul-Jeets #6 and Turtle Point #12) are each located approximately 1.4 km from the proposed shipping route (see the Update to Appendix C, Figure C-30).

### ***Engagement Activities during the Update Period***

In January 2010, Northern Gateway advised the Hartley Bay Band (Gitga’at Nation) that community technical information sessions would be held in BC specific dates and at specific locations in northern BC for the benefit of both Aboriginal and non-Aboriginal communities. These sessions would provide an update on key areas of interest and concerns including environmental management and local opportunities. This communication advised that participants at these sessions would be able to view displays and meet with Northern Gateway Project representatives to engage in an open and respectful dialogue through an answer and question period.

In March 2010, the Northern Gateway corresponded with the Hartley Bay Band (Gitga’at Nation) by email and telephone correspondence to set up a meeting in the community to continue dialogue about the Project.

In April 2010, the Northern Gateway met with the Hartley Bay Band (Gitga’at Nation) and discussed several interests and concerns discussed directly below.

In May 2010, the Northern Gateway re-sent a letter to Gitga'at Nation (Hartley Band Council) initially written in 2009 about TERMPOLE.

In September 2010, Hartley Bay Band (Gitga'at Nation) made written submissions and gave an oral presentation in response to the JRP Procedural Direction of July 2010, which Northern Gateway responded to in its submission to the JRP dated October 28, 2010.

In September 2010, Northern Gateway advised the Hartley Bay Band (Gitga'at Nation) that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In March 2011, Northern Gateway held a meeting with the Hartley Bay Band (Gitga'at Nation) to introduce the Project team and to establish a protocol for ongoing engagement endorsed by the Hartley Bay Band (Gitga'at Nation). Further, in March 2011, the Northern Gateway sent a letter to the Hartley Bay Band (Gitga'at Nation) proposing a technical information session to be held in the community.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Hartley Bay Band (Gitga'at Nation) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Hartley Bay Band (Gitga'at Nation)***

In the Application, Volume 5A, Section 5.8.2, the interests and concerns identified by the Hartley Bay Band (Gitga'at Nation) were summarized as follows:

- effects of a potential oil spill on food supply, livelihood and on eco-tourism
- effects of increased tanker traffic on traditional territory
- the need for mitigation measures and compensation from Project activities
- the need for an oil spill emergency response plan

The issues and concerns raised by the Hartley Bay (Gitga'at Nation) in its written submissions and presentation in response to the JRP Procedural Direction of July 2010 may be summarized as follows:

- Enbridge's spill history and environmental record and Enbridge's response to incidents
- responsibility for product
- assessment of the effects of the Project on First Nation rights and interests
- baseline community health assessment
- socio-economic baseline data
- baseline data on fish
- assessment of effects on the OWA
- cumulative effects of tanker traffic
- sufficiency of ATK studies

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Hartley Bay Band (Gitga'at Nation)'s interests and concerns follows.

### *Effects on Food Supply, Livelihood and Eco-Tourism*

The ESA provides an assessment of potential effects of the Project on freshwater fish and fish habitat in the Application, Volume 6A, Part 2, Section 11 and marine fish in the Application, Volume 6B, Section 10. Marine fisheries were considered as a VEC to focus the ESA of Project-related marine transportation.

Potential environmental effects on marine fisheries include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant (see the Application, Volume 8B, Section 12).

### *Marine Shipping and Oil Spill Risk*

The Hartley Bay Band (Gitga'at Nation) has expressed interest in marine shipping and marine oil spill risk. The issues of marine shipping and marine oil spill risk are also addressed at length in the Application, Volumes 7C, 8A, 8B and 8C. The Project is in the process of a TERMPOLE review.

Northern Gateway has not identified marine risk mitigation measures or commitments that would apply specifically to the Hartley Bay Band (Gitga'at Nation). Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g. SOLAS, MARPOL).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway's safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.



- Double hulls – Double hulls reduce the probability of spills due to groundings or collisions.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### *Project Mitigation and Compensation*

The goal of Northern Gateway's safety program is to reduce the chances of an oil spill to as close to zero as possible. Northern Gateway is committed to ensuring that the pipeline, terminal and tankers will be operated to Canadian and internationally recognized safety and environmental standards. Northern Gateway acknowledges the importance of marine fisheries, including commercial fisheries; recreational fishing; commercial-recreational fishing; and FSC fisheries.

Marine fisheries were considered as a VEC to focus the ESA of Project-related marine transportation.

Potential environmental effects on marine fisheries include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant (see the Application, Volume 8B, Section 12).

### *Oil Spill Emergency Response*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Emergency preparedness and response to marine spills are discussed in the Application, Volume 8C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses emergency response to oil spills from the pipeline, terminal and ships. Additional operational plans will be in place before operations start, including a marine oil spill response plan and Geographic Response Plans. Opportunity will be provided to the Hartley Bay Band (Gitga'at Nation) to participate in the review of plans and strategies and in particular, the identification of priority areas for protection in the event of a spill.

Northern Gateway will share information with the Hartley Bay Band (Gitga'at Nation) about emergency preparedness and first response before operations start. It is anticipated that the Hartley Bay Band (Gitga'at Nation) would be involved in a marine first response capacity, if it indicates a desire to do so. Northern Gateway welcomes such involvement.

### *Enbridge's Spill History, Environmental Record and Response to Incidents*

Enbridge has an excellent pipeline safety record, notwithstanding the two events during the summer of 2010 on Lines 6A and 6B in the United States. In 2010, in Canada and the United States, Enbridge recorded 78 reportable spills along its liquids pipeline system. Of these spills, 59 were contained within Enbridge facilities, and 72 were fewer than 100 barrels of product. The spills represented about 32,622 barrels, a small fraction of the total volume transported on the system in 2010, which was approximately 950 million barrels. Most of the spills that Enbridge experiences on its liquids pipelines system are small and take place at Enbridge facilities, such as pump stations and terminals. As a result, Enbridge is able to clean them up quickly, and they have either low or no environmental effect. In addition, when looking at government statistics in the United States for the number of pipeline releases for 2002 to 2009, the average for Enbridge's pipeline systems is 40% better than the industry average.

### *Responsibility for Product*

The Hartley Bay Band (Gitga'at Nation) expressed an interest in responsibility for the product in the pipeline, at the storage facility, as it leaves the storage facility and as it enters tankers and travels through Canadian waters.

In the event of an oil spill from the pipeline or at the Kitimat Terminal, Northern Gateway would be the party responsible for cleaning up the spill and compensating affected parties. Northern Gateway would accept full responsibility for all for the costs related to the emergency response and for any property damage as a result of the spill. A team of claims representatives would address concerns and receive claims from those directly affected by the spill and compensate them for any damage as a result of the spill.

In the event of an oil spill originating from a ship, the responsible party will be the tanker owner. Under Canadian law and international conventions, ship owners are required to carry insurance to cover spill damages. In addition, shippers of oil pay into international and Canadian pollution funds to cover the costs of spills over and above insured losses. The international and Canadian oil spill pollution funds provide up to \$1.3 billion in compensation in the event of a marine oil spill.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve

better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### ***Baseline Community Health Assessment***

For information on the HHRA, see the Application, Volume 6C Section 4.2, Volume 7C, Section 10.3 and Volume 8C, Section 11.3. Detailed information on the HHRA for the Kitimat Terminal operations is provided in the HHRA Technical Data Report.

Aboriginal people were considered as a special population group in the human health assessment. The base assumption for the typical human receptor is that it is an individual belonging to a First Nation people, because they consume a greater amount of country foods, and are potentially more exposed to any contaminants in country foods.

### ***Socio-Economic Baseline Data***

The Hartley Bay Band (Gitga'at Nation) raised a concern that there was inadequate baseline socio-economic data on aspects such as community wellness, that would be needed in the event of a spill. Information related to socio-economic effects is discussed in the October 2010 Update to the Application, Volume 6C, Section 4.4. A discussion of the baseline health conditions in the Project's assessment regions of Alberta and BC is presented in the Socio-Economic Technical Data Report, Section 3 and Appendix F.

### ***Baseline Data on Fish***

The Hartley Bay Band (Gitga'at Nation) expressed an interest in baseline data on fish, fishery, social and economic impacts from the fisheries, including First Nations' FSC fisheries, marine fisheries and traditional marine resource use. Baseline information on freshwater fish and fish habitat, marine fish and marine fisheries is provided in the ESA in the Application, Volume 6A, Part 2, Section 11, Volume 8B, Sections 9 and 12 and the Marine Fish and Fish Habitat TDR.

### ***Assessment of Effects on the OWA***

The Hartley Bay Band (Gitga'at Nation) expressed a concern about the need to assess effects in the OWA. The ESA provides an assessment of potential effects of the Project on the OWA habitat in the Application, Volume 8B, Section 13.

### ***Cumulative Effects of Tanker Traffic***

The Hartley Bay Band (Gitga'at Nation) expressed an interest in the cumulative effects of tanker traffic, including all projects that are planning tanker shipping through Kitimat, which it expected would result in a vessel every 30 minutes. Vessel traffic in the Douglas Channel in 2009 was in the order of 1.5 vessel transits per day (see the Application, Volume 8A, Figure 2-8). Vessel traffic associated with the Project will involve an average of 1.2 vessel transits of the CCAA each day (there are two transits of the CCAA for each vessel calling on the Port of Kitimat). Potential traffic increases due to future (non-Northern Gateway) projects may be as high as 1.1 vessel transits per day (see the Application, Volume 8A,

Section 2.10). In combination, there could be an average of 3.8 vessel transits per day, if all future projects (including Northern Gateway) proceed and if existing vessel traffic remains at 2009 levels. (The loss of Eurocan operations in 2010 reduced shipping levels by 120 to 140 transits per year.)

The marine QRA report also discusses the reduced risk associated with using fewer large vessels, compared with using many smaller tankers.

### *Sufficiency of ATK Studies*

The Hartley Bay Band (Gitga'at Nation) expressed a concern that ATK studies be up to date and open to change. They were concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation measures. They were also concerned that there are over 60 Aboriginal groups, but summaries of only 17 ATK studies summaries in the Application. The Hartley Bay Band (Gitga'at Nation) expressed a need for the JRP to ensure all 60 Aboriginal groups have opportunity and funding to move forward with ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in various discussions with Northern Gateway that need to be completed before they undertake an ATK study, or have declined the offer by Northern Gateway to undertake ATK studies.

### *Economic Opportunities – Benefits to Coastal First Nation Communities*

Northern Gateway anticipates the involvement of coastal First Nations in employment and progressive business ownership in relation to marine services activities, including:

- escort tugs
- berthing tugs
- mooring boats
- advance spotter boats
- boom boats
- regional first response
- environmental monitoring
- fueling facilities
- maintenance facilities

Northern Gateway anticipates that coastal First Nation employment and ownership will be facilitated by long-term service contracts and joint ventures between coastal First Nations and well-established world-class marine service providers.

By providing marine services to the Project, it is presently estimated that neighbouring First Nations could earn a combined annual profit of \$6 to 9 million from supply contracts and more than \$4 million in annual employment income. Over the assumed 30-year life of the Project, this translates to an estimated overall value of \$300 million, or more, for participating coastal First Nation communities.

### ***Aboriginal Traditional Knowledge***

An ATK study has not been developed with the Hartley Bay Band (Gitga'at Nation). Northern Gateway continues to offer Hartley Bay Band (Gitga'at Nation) an opportunity to complete an ATK study.

## **5.9.5 Kitasoo/Xai'xais Nation**

### ***Geographic Setting***

The Kitasoo/Xai'xais Nation has 15 reserves in BC, with the closest reserve (Canoona #2) located approximately 96.9 km from the proposed Kitimat Terminal. The closest reserve (Kdad-Eesh #4) is located approximately 18.9 km from the proposed shipping route (see the Update to Appendix C, Figure C-31).

Klemtu is a small village on Swindle Island, situated on the coast, approximately 200 km from the proposed Kitimat Terminal. Two distinct tribal organizations live here: the Kitasoo, who were originally from Kitasu Bay, and the Xai'xais of Kynoc Inlet. The Kitasoo/Xai'xais people are the only permanent residents within the traditional territories of the First Nation.

### ***Engagement Activities during the Update Period***

Northern Gateway remains committed to meeting with Kitasoo/Xai'xais Nation to discuss its interests and concerns in relation to the Project.

Northern Gateway continued to keep the Kitasoo/Xai'xais Nation up to date and informed about the Project through written notices and correspondence.

## **5.9.6 Heiltsuk Nation (Heiltsuk Tribal Council)**

### ***Geographic Setting***

The Heiltsuk Nation (Heiltsuk Tribal Council) has 23 reserves, with the closest reserve (Neekas #4) located approximately 168.0 km from the proposed Kitimat Terminal. The closest reserve to the proposed shipping route (Neekas #4) is located approximately 88.4 km from the proposed shipping route. For the location of the Heiltsuk Nation (Heiltsuk Tribal Council) in relation to the proposed Project facilities and shipping routes, see the Update to Appendix C, Figure C-32.

The Heiltsuk people live on the central coast of BC. Formerly known as the Bella Bella Indians, the Heiltsuk speak Hailhzaqvla, the Heiltsuk language. It is considered a separate language but is part of what linguists call the Wakashan language family. The Heiltsuk people currently reside at the present site of Bella Bella, which is also known as Waglisla.

### ***Engagement Activities during the Update Period***

Northern Gateway remains committed to meeting with the Heiltsuk Tribal Council to discuss its interests and concerns in relation to the Project.

In November 2010, Northern Gateway representatives attended a Heiltsuk Tribal Council meeting with leadership and the community members. The following interests and concerns were raised at the meeting and were responded to by Northern Gateway by letter:

- the TERMPOL information request was clarified, and that once completed, this information would be provided
- clarification on the scope of Northern Gateway's consultation program was provided with documentation from the Application
- Application content in relation to the Bella Bella area was provided in relation to the OWA (see the Application, Volume 8B, Section 13)
- marine impacts were a concern, and a copy of the Project's marine presentation was provided

In November 2010, Northern Gateway received a letter from the Heiltsuk Women's Council requesting a donation for an upcoming women's conference in Bella Bella. The letter was followed up with a telephone call from the Heiltsuk Women's Council requesting that Northern Gateway's Manager, Aboriginal Consultation and Regulatory Compliance, participate in the conference as a guest speaker addressing leadership and her success as an indigenous woman. Northern Gateway responded positively to both requests; however, was later notified that the conference had been postponed indefinitely.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Heiltsuk Tribal Council up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Heiltsuk Tribal Council***

During the Update Period, the following new interests and concerns were identified:

- marine impacts on food supply, livelihood and eco-tourism
- effects and mitigation measures for tanker traffic
- Project mitigation and compensation
- emergency response plan
- oil spill emergency response

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Heiltsuk Tribal Council interests and concerns follows.

#### ***Marine Impacts on Food Supply, Livelihood and Eco-Tourism***

An assessment of potential effects on freshwater fish and fish habitat is in the Application, Volume 6A, Part 2, Section 11 and marine fish in the Application, Volume 6B, Section 10.

Potential environmental effects on marine fisheries (see the Application, Volume 8B, Section 12) include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant.

### *Effects and Mitigation of Tanker Traffic*

The Heiltsuk Tribal Council has expressed interest in marine shipping and marine oil spill risk. The issues of marine shipping and marine oil spill risk are also addressed at length in the Application, Volumes 7C, 8A, 8B and 8C. The Project is in the process of a TERMPOLE review.

Northern Gateway has not identified marine risk mitigation measures or commitments that would apply specifically to the Heiltsuk Tribal Council. Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g. SOLAS, MARPOL).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway’s safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- Double hulls – Double hulls reduce the probability of spills due to groundings or collisions.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### *Project Mitigation and Compensation*

The goal of Northern Gateway's safety program is to reduce the chances of an oil spill to as close to zero as possible. Northern Gateway is committed to ensuring that the pipeline, terminal and tankers will be operated to Canadian and internationally recognized safety and environmental standards. Northern Gateway acknowledges the importance of marine fisheries, including commercial fisheries; recreational fishing; commercial-recreational fishing; and FSC fisheries.

Potential environmental effects on marine fisheries (see the Application, Volume 8B, Section 12) include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant. See the Application, Volume 8B, Section 12.

Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) and responsibilities for a spill are discussed in the Emergency Response Plan section below.

### *Oil Spill Emergency Response and Emergency Response Plan*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start. Opportunity will be provided to the Heiltsuk Tribal Council to participate in the review of plans and strategies and in particular, the identification of priority areas for protection in the event of a spill.

## **5.9.7 Gitxaala Nation (Kitkatla)**

### ***Geographic Setting***

The Gitxaala Nation (Kitkatla) has 21 reserves in BC, with the closest reserve (Kumowadah #3) located approximately 69.6 km from the proposed Kitimat Terminal. The closest reserve to the proposed shipping route (Keecha #11) is located approximately 2 km from the proposed shipping route (see the Update to Appendix C, Figure C-33).



### ***Engagement Activities during the Update Period***

Northern Gateway remains committed to meeting with the Gitxaala Nation (Kitkatla) to discuss its interests and concerns in relation to the Project.

Commencing in the fall of 2010, Northern Gateway and the Gitxaala Nation (Kitkatla) entered into negotiations on the funding and discussion of a traditional use study. The Gitxaala had by then initiated preparation of a study.

In January 2010, Northern Gateway met with the Gitxaala Nation (Kitkatla) to continue discussions about the Project. Further, in January 2010, Northern Gateway advised the Gitxaala Nation (Kitkatla) that community technical information sessions would be held in BC on specific dates and at specific locations in northern BC for the benefit of both Aboriginal and non-Aboriginal communities. These sessions would provide an update on key areas of interest and concerns including environmental management and local opportunities. This communication advised that participants at these sessions would be able to view displays and meet with Project representatives to engage in an open and respectful dialogue through an answer and question period.

In August 2010, the Gitxaala Nation (Kitkatla) received communication from Northern Gateway inviting it to attend in Round #6 of the CABs. Similarly, in October 2010, the Gitxaala Nation (Kitkatla) received communication from Northern Gateway inviting it to attend in Round #7 of the CABs. Lastly, in March 2011, the Gitxaala Nation (Kitkatla) received communication from Northern Gateway inviting it to attend in Round #8 of the CABs.

In March 2011, an agreement was entered into between Northern Gateway and the Gitxaala Nation (Kitkatla) about preparation and discussions of a Traditional Use Study. The agreement provides for a series of meetings to be held discuss the study and the measures that may be taken by Northern Gateway to respond to its findings. As of March 31, 2011, one meeting had been held.

Through discussions held to date, and the information presented by or on behalf of the Gitxaala Nation (Kitkatla) to the JRP, Northern Gateway understands that the Gitxaala Nation (Kitkatla) has several concerns about the Project. These include potential Project effects on marine areas during routine operations, the potential for severe effects on traditional territory in the event of a spill, and the need for accommodation in respect of impacts on Gitxaala Nation (Kitkatla) rights and title if the Project proceeds.

In March 2011, a meeting was held between Northern Gateway and the Gitxaala Nation (Kitkatla) in Prince Rupert to discuss the scope of the Traditional Use Study.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Gitxaala Nation (Kitkatla) up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Gitxaala Nation (Kitkatla)***

In the Application, Volume 5A, Section 5.8.3, the interests and concerns identified by the Gitxaala Nation (Kitkatla) were summarized as follows:

- effects of increased shipping
- effects on the fish and food supply

- effects on commercial aquaculture and fisheries opportunities
- cumulative effects
- effects of potential oil spill on food supply and livelihood
- mitigation measures and compensation
- oil spill emergency response
- effects on traditional livelihood and culture

The issues and concerns raised by the Gitxaala Nation (Kitkatla) in its written submissions and presentation in response to the JRP Procedural Direction of July 2010 may be summarized as follows:

- information on Project alternatives
- filing of the marine QRA
- analysis of worst-case spill scenario
- assessment of the potential impacts of oil and condensate on the marine environment.
- location of emergency response equipment
- complete oil spill response plans
- assessment of the effects of the Project on first nation rights and interests
- definition of ‘significance’
- adaptive management plans
- baseline community health assessment
- study of risks and effects on health
- assessment of regional socio-economic impacts
- use of standard economic measures
- baseline data on fish
- fisheries compensation plans
- hydrocarbon vapour emissions associated with oil tanks
- assessment of effects from camp operations and hydrostatic testing
- assessment of watersheds
- coastal sensitivity mapping
- effects of dispersants on water and sediment
- effects of proposed anchorage sites
- marine assessment
- landslides
- access management
- detailed routing information
- assessment of effects on First Nations activities
- cumulative effects of tanker traffic
- cumulative ecological effect of an oil or condensate spill
- sufficiency of ATK studies
- sharing of ESA information with communities
- Aboriginal issues
- consultation with the Gitxaala Nation (Kitkatla)
- old growth forests

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Gitxaala Nation (Kitkatla)'s interests and concerns follows.

#### ***Effects on Food Supply, Livelihood and Culture***

The ESA provides an assessment of potential effects of the Project on freshwater fish and fish habitat in the Application, Volume 6A, Part 2, Section 11 and marine fish in the Application, Volume 6B, Section 10. Marine fisheries are considered in the Application, Volume 8B, Section 12.

Potential environmental effects on marine fisheries include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant.

#### ***Effects and Mitigation of Tanker Traffic***

The Gitxaala Nation (Kitkatla) has expressed interest in marine shipping and marine oil spill risk. The issues of marine shipping and marine oil spill risk are also addressed at length in the Application, Volumes 7C, 8A, 8B and 8C. The Project is in the process of a TERMPOL review.

Northern Gateway has not identified marine risk mitigation measures or commitments that would apply specifically to Gitxaala Nation (Kitkatla). Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g. SOLAS, MARPOL).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway's safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.

- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- Double hulls – Double hulls reduce the probability of spills due to groundings or collisions.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### *Project Mitigation and Compensation*

The goal of Northern Gateway's safety program is to reduce the chances of an oil spill to as close to zero as possible. Northern Gateway is committed to ensuring that the pipeline, terminal and tankers will be operated to Canadian and internationally recognized safety and environmental standards. Northern Gateway acknowledges the importance of marine fisheries, including commercial fisheries; recreational fishing; commercial-recreational fishing; and FSC fisheries.

Marine fisheries were considered as a VEC to focus the ESA of Project-related marine transportation.

Potential environmental effects on marine fisheries include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant. See the Application, Volume 8B, Section 12. For the Tanker Wake Study, see the Application, Volume 8B, Appendix 3B.

### *Oil Spill Emergency Response*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Opportunity will be provided to participate in the review of plans and strategies and in particular, the identification of priority areas for protection in the event of a spill.

Northern Gateway will share information with the Gitxaala Nation (Kitkatla) about emergency preparedness and first response before operations start. It is anticipated that the Gitxaala Nation (Kitkatla) would be involved in a marine first response capacity, if it indicates a desire to do so. Northern Gateway welcomes such involvement.

#### *Information on Project Alternatives*

The Gitxaala Nation (Kitkatla) expressed a concern that more information was required to determine whether there are alternatives to the Project that better serve the Canadian public interest as well as local interests and Aboriginal rights and title. For example, the Gitxaala Nation (Kitkatla) wanted information on how Kitimat was selected for the pipeline terminus, how the pipeline route and location of the marine terminal were chosen, and whether the risk of a spill was different in different locations. Northern Gateway has considered alternatives to the Project, including alternative locations for the inland terminus in Alberta and the marine terminal. This is discussed in the Application, Volume 1, Section 4.

#### *Filing of the Marine QRA*

The Gitxaala Nation (Kitkatla) expressed a concern that the marine QRA had not been filed, and that in its view, the risk assessment would be incomplete without the QRA report. The Gitxaala Nation (Kitkatla) also expressed an interest in who was on the QRA Working Group.

Invitations to participate in the marine QRA were broadly issued, through the marine CAB. This included Aboriginal groups and organizations, municipal and regional governments, environmental non-government organizations, industry groups, and a wide range of other interests. Participating members of the group included appointees from the Kitimat District Council, the City of Prince George and the Nature Conservancy of Canada. Representatives of the Haisla First Nation, Lax Kw'alaams, Metlakatla First Nation, Skeena First Nation Stewardship Society, Gitxaala Nation (Kitkatla), and the Kitsumkalum Band participated in certain sessions as observers.

The marine QRA report will be submitted and posted on the Northern Gateway website.

#### *Analysis of Worst-Case Spill Scenario*

The Gitxaala Nation (Kitkatla) expressed an interest in analysis of a worst-case spill scenario at the 12 nautical mile limit, including modelling inputs and assumptions for mass balance exercises. They also wanted to see maps showing the 'spread over time' of the spill.

The marine QRA report determined that a spill in open water areas at or beyond the 12 nautical mile limit is highly unlikely. The greatest hazards to marine shipping are the possibility of grounding in the waters of the CCAA and potential collisions in areas of relatively higher traffic density, such as Wright Sound.

The Gitxaala Nation (Kitkatla) also expressed an interest in an independent and scientific third-party analysis of the effects of a worst-case spill on the health and economies of affected Aboriginal communities.

The Application, Volume 8C, Section 10.7 describes an example of a spill in 36,000 m<sup>3</sup> spill (in Wright Sound during summer). This is the largest credible spill size as determined by the marine QRA. A number of other scenarios were also provided.

#### *Oil Spill Impacts on Marine Environment*

The Gitxaala Nation (Kitkatla) also expressed an interest in the assessment of the potential impacts of oil and condensate on the marine environment. The Application, Volume 8C addresses risk assessment and management of spills for marine transportation. It identifies and discusses the potential effects of released hydrocarbons during the transport of hydrocarbons to and from the Kitimat Terminal.

#### *Location of Emergency Response Equipment*

The Gitxaala Nation (Kitkatla) expressed an interest in the location of emergency response equipment including within the CCAA and the types and quantities of oil spill containment materials. Specific locations will be determined during detailed engineering. Specific locations will be provided in the marine and terminal oil spill response plans to be filed with the NEB before the start of commissioning. Critical resource decisions will be made as part of the Incident Command System that is described in Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011). Resources will be available to mobilize to sensitive areas (e.g. cultural, spiritual, archaeological and environmentally sensitive sites).

#### *Complete Oil Spill Response Plans*

The Gitxaala Nation (Kitkatla) expressed interest in completion of the General Oil Spill Response Plan, pipeline oil spill response plan, detailed marine oil spill response plan, and an oil spill response plan for the Kitimat Terminal. Northern Gateway's draft General Oil Spill Response Plan was filed with the NEB on March 31, 2011. Detailed marine, pipeline, and terminal response plans typically include detail on numerous sites across the entire Project. Northern Gateway will have detailed pipeline, terminal and marine oil spill response plans submitted six months before commissioning of the pipelines and the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

#### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve

better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

As of March 31, 2011, the Gitxaala Nation (Kitkatla) was in the process of completing a traditional use study in relation to the Project. Northern Gateway will endeavour to work with the Gitxaala Nation (Kitkatla) to incorporate information provided in that study into Project planning, where it is practical to do so.

#### *Definition of 'Significance'*

The Gitxaala Nation (Kitkatla) expressed a concern that the Application does not explain how 'significance' is defined and determined from the variables examined. Detailed descriptions of significance values or thresholds are provided as part of the scope of the assessment for each discipline. For an example, see the Application, Volume 6A, Part 1, Sections 4.2.5 and 4.2.7 for air quality.

#### *Adaptive Management Plans*

The Gitxaala Nation (Kitkatla) expressed a concern that Application does not contain complete adaptive management plans wherever these are proposed. Adaptive management, where appropriate, is included in recommended follow-up and monitoring plans for several biophysical disciplines. For example, adaptive management is an implicit component of the access management planning process (see the Application, Volume 6A, Part 2, Section 9.9). Adaptive management principles are also included in the recommended follow-up program for marine mammals (see the Application, Volume 8B, Section 10.9).

At this stage in the environmental assessment process, project proponents typically can only provide conceptual outlines of the follow-up and monitoring programs that will be undertaken. As the detailed design of the Project is refined and completed, Northern Gateway will be able to develop detailed descriptions of follow-up and monitoring programs that describe survey techniques and duration, sample locations, specific end-points and thresholds against which monitoring results will be compared; these are actions that will be taken when endpoints and thresholds are or are not met, protocols for information sharing and reporting, and the processes that will be used for decision-making. Northern Gateway will undertake to complete and submit all of its follow-up and monitoring plans at least six months in advance of the start of operations of the pipeline and marine terminal.

#### *Baseline Community Health Assessment*

Information on the HHRA is provided in the Application, Volume 6C, Section 4.2; Volume 7C, Section 10.3, and Volume 8C, Section 11.3. Detailed information on the HHRA for the Kitimat Terminal operations is provided in the HHRA Technical Data Report.

Aboriginal people were considered as a special population group in the human health assessment. The base assumption for the typical human receptor is that it is an individual belonging to a First Nation people, because they consume a greater amount of country foods, and are potentially more exposed to any contaminants in country foods.

### *Study of Risks and Effects on Health*

The Gitxaala Nation (Kitkatla) expressed a concern about the study of risks and effects to health (e.g. food chains, human and other populations) and the economy should there be a spill, the health effects of the Project and the long term effect of COPC exposure upon human health, taking into account traditional harvesting economies.

To assess potential human health risks associated with the routine operation of the terminal, the human health risk assessment (HHRA) focused on the upper area of Kitimat Arm. The Haisla living in Kitimaat Village were chosen as key human receptors because of their potential consumption of local country foods that may increase their exposure to chemicals in the physical environment. Many Haisla continue to carry on the traditions of hunting, berry picking, gathering and fishing. The proximity of the neighbourhoods, communities, towns, villages and other human use of the areas potentially affected by the Project were based on air concentrations of COPCs that were modelled at specific locations in Kitimaat Village and the Town of Kitimat. The HHRA for the Kitimat Terminal operations covered an entire lifespan of a human receptor (nominally 80 years). Given the operational life span of the Project, the 80 years temporal scope of the HHRA will conservatively encompass all aspects of construction, operations, decommissioning and abandonment. Following abandonment, no residual effects on human health are anticipated, as Project decommissioning and abandonment will comply with provincial and federal standards. See the Application, Volume 6C, Section 4.2 for the human health assessment and Volume 6B, Section 14 for the ecological risk assessment.

In addition to the HHRA for routine operations, Northern Gateway also completed HHRA for potential accidents and malfunctions at the Kitimat Marine Terminal and during marine transportation.

For the Kitimat Marine Terminal, human health effects were examined for two different spill scenarios (Volume 7C, Section 10):

- 250 m<sup>3</sup> of diluted bitumen
- 250 m<sup>3</sup> of condensate

The volumes reflect a maximum credible volume that could be released during loading or unloading at the terminal based on cargo transfer rate, the detection time, and the emergency valve shut down time. The ecological risk assessment for these two scenarios considered acute effects on marine algae, invertebrates and fish, as well as chronic effects on marine invertebrates. A human health risk assessment was also completed to address questions such as whether some people, such as the residents of Kitimaat Village are likely to be exposed to environmental stressors because of factors such where they live and work and what they eat; and what is the risk that people will experience health problems when exposed to different levels of environmental stressors. For both the spill of diluted bitumen or condensate into the marine environment, exposure to chemicals of potential concern (COPCs) would be below thresholds established by Health Canada, the Canadian Council of Ministers of the Environment (CCME) and the U.S. Environmental Protection Agency. The Incremental Lifetime Cancer Risk (ILCR) would also be below the recommended threshold values. Both calculations assumed that a person's entire shellfish source is within the area of affected sediments.



To assess the effects of a potential release of hydrocarbons into the marine environment, effects on human health of a hypothetical release of 36,000 m<sup>3</sup> of diluted bitumen in Wright Sound are considered (see the Application, Volume 8C, Section 11). The assessment was considered to be conservative due to the large volume and properties of diluted bitumen (i.e., more persistent than condensate or synthetic oil). The ecological risk assessment (Section 11.2) considered acute and chronic effects on the marine intertidal environment, marine water quality and subtidal sediments. As with the other human health risk assessments, the focus of the human health risk assessment (see the Application, Volume 8C, Section 11.3) is on Aboriginal populations because of their proximity to Wright Sound and since they are likely to have higher consumption rates of locally harvested seafood than the general population. Predicted exposures (HQ) for PAH, BTEX and TPH through the ingestion of seafood from subtidal areas is orders of magnitude below thresholds that indicate a potential risk of chronic adverse effects. The potential ILCR values for carcinogenic hydrocarbons in subtidal seafood would also be several orders of magnitude lower than the threshold values. Hydrocarbon concentrations in mussels harvested along the shoreline (i.e., in the intertidal environment) are less amenable to forecasting as effects would be highly site-specific. Based on evidence from other areas, hydrocarbon concentrations in mussel tissues would generally return to levels similar to background levels within 3 to 5 years, although at heavily oiled sites and sheltered sites, effects might persist for 10 to 12 years. It is assumed that monitoring would identify areas where the harvesting of shellfish from the intertidal zone would not be recommended, based on considerations of potential human health effects.

To establish baseline environmental conditions, including the quality and quantity of harvested species, Northern Gateway has invited coastal Aboriginal communities to participate in the establishment of permanent environmental monitoring transects and sites. Offers have been extended to several coastal Aboriginal communities (Gitga'at, Gitxaala and Lax Kw'alaams First Nations) and similar offers will be extended to other coastal communities including communities on Haida Gwaii.

#### *Assessment of Regional Socio-Economic Impacts*

The Gitxaala Nation (Kitkatla) raised a concern that the Application did not contain an assessment of regional socio-economic impacts and that baseline data was inadequate to consider aspects such as community wellness. Information related to regional socio-economic effects is discussed in the October 2010 Update to the Application, Volume 6C, Section 4.4.

A discussion of the baseline health conditions in the Project's assessment regions of Alberta and BC is presented in the Socio-Economic Technical Data Report, Section 3 and Appendix F.

#### *Use of Standard Economic Measures*

The Gitxaala Nation (Kitkatla) raised a concern that standard economic measures should not be used. They stated that each community must be visited to gather data. Northern Gateway has offered Aboriginal groups in the vicinity of the pipeline RoW, Kitimat terminal and the marine transportation routes the opportunity to conduct an ATK Study. As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

Perspectives gained from ATK studies, along with western science and standard economic measures, will assist in the consideration of Project effects and mitigation measures.

### ***Baseline Data on Fish***

The Gitxaala Nation (Kitkatla) expressed an interest in baseline data on fish, fishery, social and economic impacts from the fisheries, including First Nations' FSC fisheries, marine fisheries and traditional marine resource use. Baseline information on freshwater fish and fish habitat, marine fish and marine fisheries is provided in the Application, Volume 6A, Part 2, Section 11, Volume 8B, Sections 9 and 12 and the Marine Fish and Fish Habitat TDR.

### ***Fisheries Compensation Plans***

Habitat restoration, enhancement or creation will be provided to compensate for harmful alteration, disruption or destruction of fish habitat. Continued development of a Habitat Compensation Program is underway. The first step, a conceptual fish habitat compensation plan, has been prepared and is provided in Volume 6A, Part 2, Section 11, Appendix 11B. This document forms the basis for discussions with DFO and provincial agencies, Aboriginal groups and the public. The final compensation plan will reflect continued consultation with DFO, Aboriginal groups and other stakeholders and finalization of Project design (e.g. finalization of the pipeline centreline, detailed design of watercourse crossings and quantification of habitat loss or changes). The final compensation plan will be developed during the detailed engineering and permitting phase and will be implemented before construction of the Project. Northern Gateway will offer the Gitxaala Nation (Kitkatla) the opportunity to discuss site-specific habitat compensation planning within their territory.

### ***Hydrocarbon Vapour Emissions Associated with Oil Tanks***

The Gitxaala Nation (Kitkatla) expressed an interest in the projected hydrocarbon vapour emissions associated with oil tanks. The Project includes 11 oil tanks and 3 condensate tanks at the Kitimat terminal. Hydrocarbon vapour emissions from these tanks have been assessed in the Application, Volume 6A, Part 1, Section 4.

### ***Assessment of Effects from Camp Operations and Hydrostatic Testing***

The potential effects on hydrology from camp operations and hydrostatic testing are assessed in the Application, Volume 6A, Part 2, Section 10, Table 10-1.

### ***Assessment of Watersheds***

The Gitxaala Nation (Kitkatla) express an interest in assessment of watersheds that intersect its traditional territory. Northern Gateway's understanding is that the Gitxaala Nation's (Kitkatla) traditional territory does not extend to any watersheds crossed by the pipeline RoW.

### *Coastal Sensitivity Mapping*

The Gitxaala Nation (Kitkatla) expressed an interest in Northern Gateway providing coastal sensitivity mapping reports and key sensitivity mapping. Coastal sensitivity mapping and map refinement will be undertaken on a continuing basis as part of emergency response planning, and as additional information is made available from public and Aboriginal sources. Northern Gateway agreed to provide coastal sensitivity mapping at the next scheduled meeting with the Gitxaala Nation (Kitkatla).

### *Effects of Dispersants on Water and Sediment*

The Application, Volume 8C provides information on how Northern Gateway will prevent oil spills in the marine environment, as well as preparedness for oil spills. Information on oil spill response plans and how these plans will be developed is provided in the Application, Volume 8C, Section 5. Examples of how a spill response might be mobilized are described for three locations in the CCAA and two locations in the OWA (see the Application, Volume 8C, Section 10). While dispersants might be a valuable tool in responding to an oil spill, specifics on how and when dispersants might be used have not yet been developed. This would occur as part of the detailed oil spill response planning that would occur between Project approval and commissioning of the Project. Northern Gateway has committed that detailed oil spill response plans, including geographic response plans (where details on specific spill response measures would be provided), will be completed and submitted to government authorities no later than six months before the start of operations of the marine terminal. If dispersants were to be included as a spill response measure, their use would have to be approved by the Government of Canada.

As part of its oil spill response planning process, Northern Gateway is tracking scientific studies on the use of dispersants, with an emphasis on the recent oil well blow out in the Gulf of Mexico. Such information will be used to determine whether, and under what circumstances, dispersants would be an appropriate spill response measure.

### *Effects of Proposed Anchorage Sites*

The Gitxaala Nation (Kitkatla) expressed an interest in the location of proposed anchorage sites near the Kitimat Terminal and the effects of proposed anchorage sites. The use of anchorage sites is identified in the Application, Volume 8B, Appendix 3A.

### *Marine Assessment*

In its response to the JRP Procedural Direction, the Gitxaala Nation (Kitkatla) expressed a concern that an assessment of marine sediment and water quality, marine vegetation, marine birds, marine fisheries, marine fish, marine mammals and marine invertebrates for marine transportation within its traditional territory is needed. The Gitxaala Nation (Kitkatla) referenced Volumes 6A and 6B with respect to these information requests. The ESA for marine transportation is in the Application, Volume 8B. The risk assessment and management of spills from marine transportation is in the Application, Volume 8C.

### *Landslides*

The Gitxaala Nation (Kitkatla) expressed a concern about the likelihood and risk of landslides occurring along entire route and of the adjacent lands to the route. General information on landslides is provided in the Application, Volume 3, Appendix E-1, Section 3.2.1. Specific information on individual areas is provided in the Application, Volume 3, Appendix E-1, Table B-1, which provides a summary of geotechnical conditions with descriptions of the terrain on a segment-by-segment basis for the entire route. Additional information on the likelihood of occurrence and risk of slides affecting the proposed pipeline is discussed in the Application, Volume 3, Appendix E-1, Section 4.

A large amount of work has been done on landslide conditions along the route. The work has extended over several years and has included air photo review, review of hillshade images and ground topography from LiDAR, review of orthomosaics and mapping data, review of published and unpublished reports and data, and aerial and ground reconnaissance. Drilling has also been completed in some locations.

Landslide areas have been avoided wherever possible both by the pipeline route and by other facilities such as pumping stations. This has resulted in significant reroutes in some locations. No infrastructure or valves are located on areas with landslide activity. Appropriate mitigation measures will be used to provide safe conditions for construction and operation of the pipelines in the remaining slide areas near the pipeline route. Detailed investigations and monitoring will be completed in selected areas during detailed engineering, to provide the information required to finalize the selection and design of mitigation measures.

### *Access Management*

Access management is part of a comprehensive strategy that will address potential environmental effects of the Project (see the Application, Volume 7A, Appendix A.3.2). Northern Gateway will consult with resource managers, participating Aboriginal groups and stakeholders as Project planning proceeds, and will update the construction Access Management Plan within 60 days of Project construction starting.

Northern Gateway will make provisions for Aboriginal groups to access the RoW by:

- providing opportunities for Aboriginal groups to harvest medicinal and food source plants before the RoW and pump station sites are cleared, if the RoW or pump stations overlap traditional use areas of Aboriginal groups residing near the RoW
- considering requests by Aboriginal groups for firewood from the clearing slash
- facilitating ongoing access for Aboriginal trappers and hunters to their traplines and hunting rails during active construction, through breaks in the rollback at flagged trails and strategically placed trench plugs

### *Detailed Routing Information*

The Gitxaala Nation (Kitkatla) expressed an interest in detailed routing information, such as the finalized route, and a complete survey of route for sensitive areas such as salt licks, calving grounds, rare plants, old growth forest. Planning for infrastructure projects begins at a coarse level and then proceeds to increasing fine scales as more information becomes available and decisions about routing are made. At

this point in the planning process, Northern Gateway has identified a 1-km wide planning corridor for the RoW. Smaller scale planning necessary for some environmental features, such as dens, raptor nests, mineral licks, rare plants and hibernacula, will be conducted during detailed routing. As part of this process, pre-disturbance surveys will be conducted to identify these features and this information will contribute to the final route selection, where appropriate.

### *Effects on First Nations Activities*

The Gitxaala Nation (Kitkatla) expressed an interest in the assessment of effects on First Nations activities, not just sites and areas, including on the traditional territory, current and traditional uses. Northern Gateway is committed to reducing the effects of the Project on the use of lands and water for traditional purposes. Aboriginal traditional use or knowledge studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as harvesting sites. In the context of coastal communities such as Gitxaala Nation (Kitkatla), Northern Gateway will endeavour to work with the community to identify measures that can be taken to reduce or mitigate the effects of Project-related shipping on First Nation activities.

### *Cumulative Effects of Tanker Traffic*

The Gitxaala Nation (Kitkatla) expressed an interest in the cumulative effects of tanker traffic, including all projects that are planning tanker shipping through Kitimat, which it expected would result in a vessel every 30 minutes. Vessel traffic in the Douglas Channel in 2009 was in the order of 1.5 vessel transits per day (see the Application, Volume 8A, Section 2, Figure 2-8). Vessel traffic associated with the Project will involve an average of 1.2 vessel transits of the CCAA each day (there are two transits of the CCAA for each vessel calling on the Port of Kitimat). Potential traffic increases due to future (non-Northern Gateway) projects may be as high as 1.1 vessel transits per day (see the Application, Volume 8A, Section 2.10). In combination, there could be an average of 3.8 vessel transits per day, if all future projects (including Northern Gateway) proceed and if existing vessel traffic remains at 2009 levels. (Note that the loss of Eurocan operations in 2010 reduced shipping levels by 120 to 140 transits per year.)

The marine QRA report also discusses the reduced risk associated with using fewer large vessels, compared with using many smaller tankers.

### *Cumulative Ecological Effect of an Oil or Condensate spill*

The cumulative ecological effect of an oil or condensate spill is addressed in the Application, Volume 8C, Sections 8 and 11. Also see the Marine Ecological Risk Assessment for Kitimat Terminal TDR and Risk Assessment of Hypothetical Spill Examples at the Kitimat Terminal and in Wright Sound TDR.

### *Sufficiency of ATK studies*

The Gitxaala Nation (Kitkatla) expressed a concern that ATK studies be up to date and open to change. They were concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation measures. They were also concerned that there are over 60 Aboriginal groups, but summaries of only 17 ATK studies in the Application. The Gitxaala Nation (Kitkatla) expressed a need for the JRP to ensure all 60 Aboriginal groups have opportunity and funding

to move forward with ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in various discussions with Northern Gateway that need to be completed before they undertake an ATK study, or have declined the offer by Northern Gateway to undertake ATK studies.

A traditional use study has been undertaken by the Gitxaala Nation (Kitkatla) and is in the process of completion as of March 31, 2011.

#### *Sharing ESA Information with Communities*

The Gitxaala Nation (Kitkatla) expressed concern that the Application, Volume 5B lacks information on how ESA information was shared with communities.

The Application, Volume 5A provides information on Northern Gateway's Aboriginal engagement program and describes activities from 2002 to 2009 as well as proposed post-filing activities.

#### *Aboriginal Issues*

The Gitxaala Nation (Kitkatla) expressed concern that Volume 6A contains no information on how Aboriginal issues will be addressed. For information related to using Aboriginal information, see the Application, Volumes 5A and 5B, and this Update.

#### *Consultation with Gitxaala Nation (Kitkatla)*

The Gitxaala Nation (Kitkatla) expressed a concern that it had not been consulted by Northern Gateway. It was concerned that it had not been involved in establishing a baseline for local skills, education and business and had not been engaged in the more detailed discussions that took place with Aboriginal groups as the Project design and ESA studies progressed. The Gitxaala Nation (Kitkatla) believed that the issue identification section of Volume 8B did not reflect the Nation's input. The Gitxaala Nation (Kitkatla) was concerned that it had not been consulted on the marine strategy developed about the effects of a spill on the human environment or on VECs or key indicators.

Northern Gateway has engaged the Gitxaala Nation (Kitkatla) in direct discussions on several occasions and has also offered resources for:

- an ATK study that would assist in identifying issues and mitigation measures
- data collection and environmental studies
- to identify topics that the Gitxaala Nation (Kitkatla) might like to discuss as part of a longer term agreement

Northern Gateway also offered participation in multi-stakeholder consultative processes such as CAB and the QRA Working Group, and it appreciated the Gitxaala First Nation's participation in an observer capacity in the marine CAB and QRA Working Group process. Future opportunities will remain open to Gitxaala Nation (Kitkatla). This includes continued opportunities to work with Northern Gateway in areas such as environmental monitoring, emergency response planning, ATK, and economic participation.

### *Old Growth Forests*

The Gitxaala Nation (Kitkatla) expressed an interest in assessment of old growth forests to verify desktop results and verification of all mapped old growth stands. Northern Gateway completed Terrestrial Ecosystem Mapping and associated field surveys to the appropriate standards for pipeline projects. Old growth forests and potential effects of the pipeline and Kitimat Terminal on old growth forest were assessed in the Application (see the Application, Volume 6A, Part 1, Section 8.4.3). In the Project effects assessment area, 12% of forests in the Coast Mountains Physiographic region is classified as old growth (see the Application, Volume 6A, Part 1, Section 8.4.3, Table 8-52). During detailed routing and engineering for the RoW, centreline surveys will be used to more accurately quantify effects of the pipeline RoW on environmentally sensitive areas such as old growth forests, raptor nests, salt licks and den sites. Where practicable, Northern Gateway will avoid old growth forest to minimize effects on these ecosystems.

### *Benefits to Coastal First Nation Communities*

Northern Gateway anticipates the involvement of Coastal First Nations in employment and progressive business ownership in relation to marine services activities, including:

- escort tugs
- berthing tugs
- mooring boats
- advance spotter boats
- boom boats
- regional first response
- environmental monitoring
- fueling facilities
- maintenance facilities

Northern Gateway anticipates that coastal First Nation employment and ownership will be facilitated by long-term service contracts and joint ventures between coastal First Nations and well-established world-class marine service providers.

By providing marine services to the Project, it is presently estimated that neighbouring First Nations could earn a combined annual profit of \$6 to 9 million from supply contracts and more than \$4 million in annual employment income. Over the assumed 30-year life of the Project, this translates to an estimated overall value of \$300 million, or more, for participating coastal First Nation communities.

### ***Aboriginal Traditional Knowledge Program***

As of March 2011, the Gitxaala (Kitkatla) Nation was in the process of completing a traditional use study in relation to the Project. Northern Gateway will endeavour to work with the Gitxaala (Kitkatla) Nation to incorporate information provided in that study into Project planning, where it is practical to do so.

### **5.9.8 Metlakatla First Nation**

#### ***Geographic Setting***

The Metlakatla First Nation has 16 reserves in BC, with the closest reserve (Shoowahtlans #4) located approximately 104.6 km from the proposed RoW. The closest reserve to the proposed shipping route (Rushton Island #90) is located approximately 16.7 km from the proposed shipping route (see the Update to Appendix C, Figure C-34).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of the Metlakatla First Nation is provided on pages 154 to 161 of the Kitimat–Summit Lake Looping Pipeline assessment [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

#### ***Engagement Activities during the Update Period***

In January and February 2010, Northern Gateway contacted the Metlakatla First Nation to discuss arranging a meeting to review the interests and concerns of the Metlakatla First Nation.

In March 2010, Northern Gateway met with representatives of the Metlakatla First Nation to discuss its interests and concerns. Northern Gateway provided an update on the JRP process and its Terms of Reference. Northern Gateway also provided an update on the Project's environmental assessment, including new requirements for the marine assessment.

In April 2010, a representative of the Metlakatla First Nation informed Northern Gateway that it no longer wanted to receive CAB materials. Northern Gateway confirmed its understanding of this direction in a letter mailed to the Metlakatla First Nation.

In September 2010, Northern Gateway advised the Metlakatla First Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In November 2010, Northern Gateway contacted the Metlakatla First Nation by telephone and email, to attempt to arrange a meeting. The Metlakatla First Nation was not responsive to the engagement outreach undertaken by Northern Gateway.

In March 2011, Northern Gateway contacted the Metlakatla First Nation to offer to conduct a technical session to provide information on engineering, logistics, design and watercourse crossing strategies. Northern Gateway suggested that an Aboriginal Economic Benefits Package could also be discussed at this meeting.



In addition to the engagement activities summarized above, Northern Gateway continued to keep the Metlakatla First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Metlakatla First Nation***

In the Application, Volume 5A, Section 5.8.5, the interests and concerns identified by the Metlakatla First Nation were summarized as follows:

- effects of increased shipping
- effects on the fish and food supply
- effects on commercial aquaculture and fisheries opportunities
- risk of an oil spill and emergency response
- potential effects on harvesting and traditional harvesting
- cumulative effects
- effect on traditional livelihood and culture

During the Update Period, the following new interests and concerns were identified:

- the protection of Metlakatla First Nation harvesting areas
- concerns about bilge water and its disposal
- concerns about increased marine traffic and a perceived lack of regulation from Transport Canada
- education, training and employment opportunities which would arise from the Project
- watercourse crossings and effects management

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Metlakatla First Nation's interests and concerns follows.

#### ***Increased Shipping and Inadequate Transport Canada Regulations***

The Metlakatla First Nation has discussed its concern about increased marine traffic and its view that there are inadequate Transport Canada regulations to properly manage marine traffic. Northern Gateway representatives will be hosting a marine technical session and a watercourse crossing technical session in 2011 to address this concern. The Metlakatla First Nation will be invited to attend.

Potential effects of shipping are discussed in the Application, Volume 8B. Shipping and navigation matters are also addressed in the numerous studies performed as part of the TERMPOLE review process. Marine traffic is, in fact, highly regulated. The *Canada Shipping Act* strictly regulates the operation of vessels in Canadian waters. Regulations include tanker safety requirements, vessel operation, navigation equipment, aids to navigation, pollution prevention, communication and emergency response. Acts and regulations that apply to marine shipping are described in the Application, Volume 8C, Section 2.3.

The Metlakatla First Nation expressed a similar concern with the Kitimat–Summit Lake Looping Pipeline Project. Specifically, the Metlakatla First Nation was concerned about potential impacts on the marine environment due to increased tanker traffic. Pacific Trails Pipeline, the project proponent, responded that

this would be addressed in the TERMPOL review process that was underway at the time for the Kitimat LNG plant. The Project has also entered into the TERMPOL review process. The issues of marine shipping and marine oil spill risk are also addressed at length in the Application, Volumes 7C, 8A, 8B and 8C.

Northern Gateway has not identified marine risk mitigation measures or commitments that would apply specifically to the Metlakatla First Nation. Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g., SOLAS, MARPOL).
- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway’s safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- Double hulls – Double hulls reduce the probability of spills due to groundings or collisions.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

### *Fisheries*

An assessment of potential effects on freshwater fish and fish habitat is in the Application, Volume 6A, Part 2, Section 11 and marine fish is in the Application, Volume 6B, Section 10 and Volume 8B, Section 9.

Potential environmental effects on marine fisheries (see the Application, Volume 8B, Section 12) include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant.

Some of the mitigation measures for fish habitat, health, abundance and distribution that were developed for the Metlakatla First Nation for the Kitimat–Summit Lake Looping Pipeline Project, and that will also be considered by Northern Gateway, include the following:

- undertake more detailed terrain stability investigations as part of Project design, which in places could lead to engineering solutions or local route adjustments
- surface run-off will be controlled to manage erosion and avoid sedimentation. Any slide activity will be monitored and where a concern exists a technical review will determine remedial actions
- provide site-specific environmental protection plans, erosion control plans and other construction and contingency plans as a prerequisite to construction
- ensure qualified environmental monitors are onsite during construction
- discuss the need for additional baseline studies where required so the Project does not result in adverse effects on watersheds
- conduct additional fish inventory studies, where appropriate

### *Oil Spill and Emergency Response*

The Metlakatla First Nation has discussed the potential effects from a spill both on the marine and terrestrial areas in proximity to the proposed RoW. The Lakelse River is of special importance to the Metlakatla First Nation. Northern Gateway representatives will be hosting a marine technical session and a watercourse crossing technical session in 2011 to review these concerns, and the Metlakatla First Nation will be invited to attend.

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Metlakatla First Nation about emergency preparedness and first response before operations start.

### *Cumulative Effects*

A project inclusion list has been developed for the Project that identifies other planned projects in the vicinity. Project residual effects that may overlap with effects from other projects on the inclusion list are be considered in the cumulative effects assessment (see the Application, Volumes 6A, 6B, 6C, 8B and the October 2010 Update to the Application, Volume 6C, Section 4.4).

The ESA for the Project considers both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with participating Aboriginal groups to discuss the ESA and reduce any potential environmental effects and to address other areas of concern to the extent practical.

### *Traditional Harvesting*

The Metlakatla First Nation has expressed ongoing concerns about the potential effects to its traditional harvesting practices and protection of its traditional harvesting areas. Northern Gateway representatives continue to seek opportunities to discuss and identify mitigation options with the Metlakatla First Nation about its concerns.

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. If the Project is approved, additional engagement will be offered to the Metlakatla First Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect traditional land use.

The Metlakatla First Nation raised this concern about the Kitimat–Summit Lake Looping Pipeline. The proponent for that project developed the following measures and commitments in response to this concern, which will be considered by Northern Gateway, in addition to the extensive commitments and mitigation measures already identified:

- undertake a ‘route walk’ by a wildlife specialist before clearing and construction
- consider wildlife habitat and seasonal movements in access management planning
- identify wildlife movement corridors during a pre-construction ‘route walk’
- extend the bear timing windows such that no clearing or construction activities occur within 200 m of an active den between November 1 and May 31
- implement mitigation measures and minimize effects related to working in mountain goat winter ranges
- consider moose habitat in the Kitimat Valley in access management planning and in the restoration of RoW and temporary workspace
- seed disturbed areas with native seed mixes appropriate to local conditions

- plant previously forested temporary workspace with tree species approved by the British Columbia Ministry of Forests and forest licensees
- minimize clearing of mature trees and narrow width of workspace clearing to extent practical to maintain forest structure
- redistribute coarse woody debris on ground surface during final clean-up and restoration phase
- provide site-specific environmental protection plans, erosion control plans and other construction and contingency plans as a prerequisite to construction

### *Bilge Water and Its Disposal*

Solid and liquid waste will be managed in accordance with the *Canadian Shipping Act* and its regulations (see the Application, Volume 8B, Section 2.4.1). The Kitimat Terminal will have waste storage and handling capabilities for tankers. Bilge water will be transported off-site by a third-party contractor for treatment and disposal.

### *Economic Opportunities*

Northern Gateway representatives continue to provide information on the potential economic participation available to the Metlakatla First Nation. Northern Gateway will provide opportunities for economic participation to the Metlakatla First Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Metlakatla First Nation to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Benefits to Coastal First Nation Communities*

Northern Gateway anticipates the involvement of Coastal First Nations in employment and progressive business ownership in relation to marine services activities, including:

- escort tugs
- berthing tugs
- mooring boats
- advance spotter boats
- boom boats
- regional first response
- environmental monitoring
- fueling facilities
- maintenance facilities

Northern Gateway anticipates that coastal First Nation employment and ownership will be facilitated by long-term service contracts and joint ventures between coastal First Nations and well-established world-class marine service providers.

By providing marine services to the Project, it is presently estimated that neighbouring First Nations could earn a combined annual profit of \$6 to 9 million from supply contracts and more than \$4 million in annual employment income. Over the 30-year life of the Project, this translates to an estimated overall value of \$300 million, or more, for participating coastal First Nation communities.

### ***Watercourse Crossings and Effects Management***

Northern Gateway offered to conduct a technical session with the Nation that includes a component on watercourse crossings. Technical sessions and field trips have been undertaken with the Metlakatla First Nation to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project.

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Metlakatla First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Metlakatla First Nation. Northern Gateway continues to offer the Metlakatla First Nation an opportunity to complete an ATK study.

A report entitled ‘Metlakatla Project’ was commissioned for the Kitimat–Summit Lake Looping Pipeline Project. It was also referred to as the ‘Aboriginal Interest and Use Study and Traditional Ecological/Environmental Knowledge Proposal for the Metlakatla Study Area’. It was noted that the report was not intended to be a comprehensive impact assessment, but it does provide a review of traditional ownership, use and occupancy patterns and heritage values associated with Coast Tsimshian areas through which the Project was planned. Metlakatla First Nation traditional knowledge as summarized in the Kitimat–Summit Lake Looping Pipeline Project assessment will be considered by Northern Gateway.

## **5.9.9 Lax-Kw’alaams First Nation**

### ***Geographic Setting***

The Lax-Kw’alaams First Nation has 78 reserves in BC, with the closest reserve (Lakelse #25) located approximately 11.3 km from the proposed RoW. The closest reserve to the proposed shipping route (Pitt Island #27) is located approximately 10.5 km from the proposed shipping route (see the Update to Appendix C, Figure C-35).

From Kitimat to the Prince George area, the Northern Gateway pipeline corridor is located close to the proposed Kitimat–Summit Lake Looping Pipeline. That project was subject to an environmental assessment conducted by the British Columbia Environmental Assessment office in May 2008. The

assessment contains a substantial amount of information on First Nations interests and strength of claim along the pipeline route. A discussion of the interests of Lax-Kw'alaams First Nation is provided on pages 147 to 153 of the Kitimat–Summit Lake Looping Pipeline assessment [[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_document\\_270\\_26267.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_270_26267.html)].

### ***Engagement Activities during the Update Period***

Northern Gateway remains committed to meeting with the Lax-Kw'alaams First Nation to discuss its interests and concerns in relation to the Project.

In September 2010, Northern Gateway advised the Lax-Kw'alaams First Nation that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In November 2010, Northern Gateway contacted representatives of the Lax-Kw'alaams First Nation to attempt to arrange a meeting to discuss the issues and concerns of the Lax-Kw'alaams First Nation related to the Project.

In March 2011, Northern Gateway contacted to the Lax-Kw'alaams First Nation to offer to provide a technical session to provide information on engineering, logistics, design and watercourse crossing strategies. Northern Gateway suggested that a proposal to undertake an ATK study, and an Aboriginal Economic Benefits Package, could also be discussed at this meeting.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Lax-Kw'alaams First Nation up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Lax Kw'alaams First Nation***

In the Application, Volume 5A, Section 5.8.4, the interests and concerns identified by Lax-Kw'alaams First Nation were summarized as follows:

- effects of increased shipping
- effects on the fish and food supply
- effects on the commercial aquaculture and fisheries opportunities
- potential effects on aquaculture business
- cumulative effects
- effects of potential oil spill on food supply and livelihood
- mitigation measures and compensation
- oil spill emergency response
- potential effects on traditional livelihood and culture
- employment opportunities
- potential effects on Little Wedeene River

- tanker maneuverability in the Douglas Channel and Principe Channel
- economic opportunities, particularly related to property in Terrace and business contracts specific to ships and barges
- need for compensation play in case of oil spill – both for marine and pipeline operations
- safety of pipeline, including effects in case of earthquakes
- need to demonstrate some benefits to community to off-set risks to territory
- emergency response specific to the coast
- environmental effects on land and marine
- confined channel navigation
- effects on traplines, freshwater fisheries (Wedene River) marine harvesting, traditional uses
- environmental assessment process, including who will be appointed to the JRP
- effects on fisheries and future aquaculture business, and the need to compensate commercial interests

No new interests or concerns were identified during the Update Period.

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to the Lax Kw'alaams First Nation's interests and concerns follows.

#### ***Effects of Increased Shipping and Effects on Aquaculture Business***

Northern Gateway acknowledges the Lax Kw'alaams First Nation's interest in the effects of increased shipping. The Lax Kw'alaams First Nation expressed a similar concern with the Kitimat–Summit Lake Looping Pipeline Project. Specifically, the Lax Kw'alaams First Nation was concerned about the risks associated with tanker traffic. Pacific Trails Pipeline, the project proponent, responded that this would be addressed in the TERMPOL review process that was underway at the time for the Kitimat LNG plant. The Project has also undergone a TERMPOL review process. An assessment of potential effects of shipping is in the Application, Volume 8B. The issues of marine shipping and marine oil spill risk are also addressed in the Application, Volumes 7C, 8A, 8B and 8C.

Northern Gateway has not identified marine risk mitigation measures or commitments that would apply specifically to the Lax Kw'alaams First Nation. Tankers will be constructed and regularly inspected in accordance with Canadian Port State requirements and recognized classification society rules. Safety features of Project-related tankers include the following:

- Compliance with regulations – tankers must comply with shipping regulations and safety standards required under the *Canada Shipping Act* and other relevant Canadian statutes, and applicable IMO conventions and initiatives (e.g. SOLAS, MARPOL).



- Tanker Acceptance Program – before arrival in Canadian waters, tankers will be vetted by independent, third-party agencies and will be required to meet Northern Gateway’s safety and environmental standards.
- BC Coast Pilots – all tankers will be guided by BC Coast Pilots within the compulsory pilotage areas regulated by the Pacific Pilotage Authority.
- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.
- Double hulls – Double hulls reduce the probability of spills due to groundings or collisions.
- Closed loading – Closed loading substantially reduces the risk of overfilling of a tanker.
- Electronic navigation systems – Electronic navigation systems include: radar, collision avoidance systems, global positioning systems, electronic chart display and information system, automatic identification system.

#### *Effects on the Fish, Commercial Aquaculture, Fisheries Opportunities and Food Supply*

The ESA provides an assessment of potential effects of the Project on freshwater fish and fish habitat in the Application, Volume 6A, Part 2, Section 11 and marine fish in the Application, Volume 6B, Section 10.

Potential environmental effects on marine fisheries (see Volume 8B, Section 12) include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant.

Some of the mitigation measures considered for the Kitimat–Summit Lake Looping Pipeline Project related to fish, commercial aquaculture and fisheries opportunities, and will likely also be followed by Northern Gateway. They include the following:

- adhering to all requirements of the federal *Fisheries Act*, including provisions contained in the conceptual habitat compensation plan

- adhering to all requirements of the federal *Navigable Waters Protection Act* about navigability on the Big Wedeene river
- In terms of effects on other food sources, Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes, including providing sources of food. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. If the Project is approved, additional engagement will be undertaken with the Lax Kw'alaams First Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect food sources.
- The Lax Kw'alaams First Nation expressed concerns related to effects on food sources from the Kitimat – Summit Lake Looping Pipeline Project. Specifically, the Lax Kw'alaams First Nation was concerned with effects on berry picking sites, hunting for deer, mountain goat and moose, trapping for beaver, marten, mink and otter and collection of medicinal plants. Mitigation measures considered in the Kitimat–Summit Lake Looping Pipeline that will also be considered by Northern Gateway include the following:
  - undertake a 'route walk' by a wildlife specialist before clearing and construction
  - consider moose habitat in the Kitimat Valley in access management planning and in the restoration of RoW and temporary workspace
  - revegetating disturbed areas with native seed mixes suited to local conditions
  - minimize removal of vegetation and disturbance of soil adjacent to wetlands

### ***Cumulative Effects***

A project inclusion list has been developed for the Project that identifies other planned projects in the vicinity. Project residual effects that may overlap with effects from other projects on the inclusion list are be considered in the cumulative effects assessment (see the Application, Volumes 6A, 6B, 6C, 8B and the October 2010 Update to the Application, Volume 6C, Section 4.4.

The ESA for the Project considers both short- and long-term environmental effects, including cumulative effects on traditional lands. Northern Gateway is consulting with participating Aboriginal groups to discuss the ESA and reduce any potential environmental effects and other areas of concern to the extent possible.

### ***Oil Spill Effects and Compensation***

The Lax Kw'alaams First Nation expressed concerns related to the effects of a potential oil spill on food supply and livelihood, mitigation and need for compensation in the event of an oil spill, both for marine and pipeline operations. The goal of Northern Gateway's safety program is to reduce the chances of an oil spill to as close to zero as possible. Northern Gateway is committed to ensuring that the pipeline, terminal

and tankers will be operated to Canadian and internationally recognized safety and environmental standards. Northern Gateway acknowledges the importance of marine fisheries, including commercial fisheries; recreational fishing; commercial-recreational fishing; and FSC fisheries.

Potential environmental effects on marine fisheries (see Volume 8B, Section 12) include:

- disruption of access to fishing grounds
- loss or damage to fishing gear
- aesthetic, visual and noise disturbances

Northern Gateway is proposing to establish a fisheries liaison committee to facilitate effective communication with commercial, FSC, commercial-recreational and recreational fishers along with regulators and other interested parties to address specific fisheries issues and develop mutually acceptable solutions. Mitigation measures may include measures to limit conflicts with commercial fishery openings (e.g., hours to days). These measures are expected to be effective in addressing adverse effects. Therefore, effects on marine fisheries are expected to be not significant.

Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill.

In the event of an oil spill from the pipeline or at the Kitimat Terminal, Northern Gateway, as the pipeline owner and operator, would be the party responsible for cleaning up the spill and compensating affected parties. Northern Gateway would accept full responsibility for all for the costs related to the emergency response and for any property damage as a result of the spill. A team of claims representatives from insurers and compensation fund administrators would address concerns and receive claims from those directly affected by the spill and compensate them for economic losses as a result of the spill.

In the event of an oil spill originating from a ship, the responsible party will be the tanker owner. Under Canadian law and international conventions, ship owners are required to carry insurance to cover spill damages. In addition, shippers of oil pay into international and Canadian pollution funds to cover the costs of spills over and above insured losses. The international and Canadian oil spill pollution funds provide up to \$1.3 billion in compensation in the event of a marine oil spill.

### *Oil Spill Emergency Response*

Emergency preparedness and response to terrestrial spills are discussed in the Application, Volume 7B. Emergency preparedness and response to spills at the Kitimat Terminal are discussed in the Application, Volume 7C. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses detection, notification, assessment and monitoring, response, protection and clean-up to an oil spill. The draft General Oil Spill Response Plan applies to spills from a pipeline, the marine terminal or a ship and contains specific sections on each type of spill. Operational response plans will be prepared at least six months before operations start.

Northern Gateway will share information with the Lax Kw'alaams First Nation on emergency preparedness and first response before operations start. It is anticipated that the Lax Kw'alaams First Nation would be involved in a first response capacity, if it indicates a desire to do so.

### *Effects on Traditional Livelihood and Culture*

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as harvesting sites, that need to be considered in detailed routing and during construction. If the Project is approved, additional engagement will be undertaken with the Lax Kw'alaams First Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect harvesting sites.

### *Economic Opportunities*

The Lax Kw'alaams First Nation's interest in economic opportunities is particularly related to property in Terrace and business contracts specific to ships and barges. Northern Gateway will provide opportunities for economic participation to the Lax Kw'alaams First Nation. This may include contracting opportunities, as well as employment and training opportunities.

Based on recent major pipeline projects in Canada, Northern Gateway has established a target of 15% Aboriginal participation (distributed among the participating groups) in the construction phase of the Project, primarily consisting of business and employment opportunities, both direct with Northern Gateway and indirect through service providers. As engagement activities progress, Northern Gateway will offer opportunities to meet with the Lax Kw'alaams First Nation to assess the current capacity of the Nation's members to be employed on construction, and training that might be undertaken to enhance that capacity. Similar discussions will be offered in relation to contracting opportunities.

### *Benefits to Coastal First Nation Communities*

Northern Gateway anticipates the involvement of coastal First Nations in employment and progressive business ownership in relation to marine services activities, including:

- escort tugs
- berthing tugs
- mooring boats
- advance spotter boats
- boom boats
- regional first response
- environmental monitoring
- fueling facilities
- maintenance facilities

Northern Gateway anticipates that coastal First Nation employment and ownership will be facilitated by long-term service contracts and joint ventures between coastal First Nations and well-established world-class marine service providers.

By providing marine services to the Project, it is presently estimated that neighbouring First Nations could earn a combined annual profit of \$6 to 9 million from supply contracts and more than \$4 million in annual employment income. Over the 30-year life of the Project, this translates to an estimated overall value of \$300 million, or more, for participating coastal First Nation communities.

**Potential Effects on Little Wedeene River**

Specifically to address the Lax Kw’alaams First Nation interest in watercourse crossings, including the Little Wedeene River crossing, Northern Gateway offered to conduct a watercourse crossing technical session with the Lax Kw’alaams First Nation. As mentioned in the Application, Volume 5A, Section 5.8.4, technical sessions and field trips were undertaken with the Lax Kw’alaams First Nation to review watercourse crossing methods. Opportunities to review and participate in watercourse crossing assessments will continue to be provided in future phases of the Project. For information on the proposed Little Wedeene River crossing, see Table 5-5.

**Table 5-5 Crossing Methods at Little Wedeene River**

KP (Route Rev. T)	Watercourse Name	Proposed Crossing Method (Construction Timing)	Alternate Crossing Method (Construction Timing)
1153.4	Little Wedeene River	Bore	Isolated (January to April)

If authorizations under the *Fisheries Act* were to be required for any of the crossings, fisheries habitat compensation would be developed to ensure no net loss. In that event, Northern Gateway will offer the Lax Kw’alaams First Nation the opportunity to discuss site-specific habitat compensation planning for crossings of interest to them.

**Tanker Navigation**

The Lax Kw’alaams First Nation was concerned about tanker manoeuvrability in the Douglas Channel, Principe Channel and the CCAA. Northern Gateway will implement several safety measures to improve the safety of navigation in the CCAA, including the following:

- Reduced speeds – tanker speed will be reduced to between 8 and 12 knots in the coastal shipping channels and operational safety limits will be established for visibility, wind, and sea conditions.
- Escort tugs – All tankers (both laden and in ballast) will be attended by a close escort tug between the pilot boarding station(s) at Triple Island (and those proposed at Caamaño Sound and Browning Entrance) and the Kitimat Terminal. An additional tug will be tethered to all laden tankers throughout the CCAA. The escort tugs will also be designed for ocean rescue within Canadian waters.

- Radar – Radar will be installed along important sections of the routes to monitor all marine traffic and provide additional information to monitoring stations and to pilots. Additional navigational aids, such as beacons, buoys and lights will be installed throughout the shipping channels.
- Full mission bridge simulations – Simulations were completed with assistance from the British Columbia Coast Pilots at the FORCE Technologies facility in Denmark. The findings show that the Northern and Southern Approaches can be safely navigated by tankers of up to very large crude carrier (VLCC) size, within the environmental parameters assessed in the simulation (wind speeds up to 50 knots, combined with current speeds up to 3 knots). Navigational limits will be established during detailed planning, in consultation with British Columbia Coast Pilots, the Pacific Pilotage Authority and the shipping industry.

### *Pipeline Safety*

The Lax Kw'alaams First Nation was concerned about pipeline safety, particularly in the event of earthquakes. Integrity management, monitoring and leak detection, including safety features, for the proposed pipelines are discussed in the Application, Volume 3, Sections 11 and 12.

Seismic events and potential consequences are discussed in the Application, Volume 3, Appendix E-1 Section 3.3.

The seismic issues have been extensively studied and are not considered a major issue for the pipeline route and terminal sites. Where hazards exist, they can be satisfactorily mitigated during detailed engineering. The discussion below provides a summary of the extensive work that has been done to date and the conclusions from the work:

- Although earthquakes may be felt occasionally along the pipeline route, they have been very low-magnitude events, as reflected in the low to moderate seismic motions determined in the detailed seismic hazard analyses that have been undertaken.
- Potential seismic motions and parameters over the entire pipeline are summarized in the Application, Volume 3, Appendix E-1, Section 3.3. Seismic accelerations are moderate at the west end of the Project and decrease rapidly to the east. The accelerations and resultant forces and strains on the facilities will be considered during detailed engineering but are not viewed as a major engineering problem.
- Geotechnical review of the route relative to seismically triggered geohazards (e.g., landslides or liquefaction events) has included extensive fieldwork over several years, literature review and terrain studies including air photo interpretation to identify areas that would potentially be prone to soil movements or other geohazards triggered as a result of a seismic event. Seismically triggered geohazards have been avoided wherever possible during routing.
- Seismic motions (forces due to accelerations) have been defined for the entire study area and will be included in designs for the facilities including the terminal at the west end of the Project and above ground facilities during detailed design.

- Buried pipelines are very resistant to seismic forces, particularly the low to moderate accelerations that could occur at the west end of the Project. Other than areas of potential geohazards discussed above, there are no major seismic concerns for the buried pipelines.
- There are no known active faults that could produce ground breaks along the route.

#### *Need to Demonstrate Some Benefits to Community to Off-Set Risks to Territory*

The Lax Kw'alaams First Nation believes that Northern Gateway needs to demonstrate some benefits to the community to offset the risks to the traditional territory. Northern Gateway is offering sustainable benefit to Aboriginal communities, including the Lax Kw'alaams First Nation, through financed equity ownership of the Project and employment, training and procurement opportunities arising from the Project.

#### *Emergency Response Specific to the Coast*

As noted above, Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses emergency response to oil spills from the pipeline, terminal and ships. The General Oil Spill Response Plan (Sections 8, 9 and 10) specifically addresses marine response, shoreline protection and shoreline clean-up that are specific to the coast. Additional marine plans specific to the coast include a marine oil spill response plan, geographic response plan, vessel and tug contingency plan, vessel ship oil pollution emergency plan, and environmental and operational atlas. Additional terminal plans specific to the coast include the Kitimat Terminal emergency response plan, oil pollution prevention plan and oil pollution emergency plan. These operational plans will be in place at least six months before operations start.

#### *Land and Marine Environmental Effects*

Environmental protection measures for the Project are discussed throughout the Application. The ESA for the Project considers both short- and long-term environmental effects.

#### *Trapping, Hunting and Fishing*

The Lax Kw'alaams First Nation is concerned about Project effects on traplines, freshwater fisheries (Wedene River) marine harvesting and on traditional uses. Northern Gateway will undertake a program for trapper identification and compensation before construction. This will be done in cooperation with participating Aboriginal groups. As indicated in the Application, Volume 7A, Section 7.4, at least one month before the start of clearing, trappers whose fur management areas will be intersected by the RoW will be notified of the construction schedule by a land representative. In those areas where a trapline intersects or is near the RoW, the trapper will be requested to flag traps clearly or remove traps for safety reasons.

To address Lax Kw'alaams First Nation concern about freshwater fisheries, Northern Gateway has offered a technical session to discuss engineering, logistics, design and watercourse crossing strategies. Potential effects on freshwater fish and fish habitat is in the Application, Volume 6A, Part 2, Section 11.

Northern Gateway is committed to reducing the effects of the Project on the use of lands for traditional purposes. This is primarily accomplished through sound engineering and environmental design, as described throughout the Application. Results of the ATK studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources or features that need to be considered in detailed routing and during construction. If the Project is approved, additional engagement will be undertaken with the Lax Kw'alaams First Nation during detailed routing and engineering, to provide an opportunity for review of the detailed route for the pipelines, and to determine whether route adjustments or other mitigation measures are required to protect traditional land use.

Some of the mitigation measures considered for the Kitimat–Summit Lake Looping Pipeline Project related to traditional land use which will also be considered by Northern Gateway include the following:

- undertake a ‘route walk’ by a wildlife specialist before clearing and construction
- consider moose habitat in the Kitimat Valley in access management planning and in the restoration of RoW and temporary workspace
- revegetating disturbed areas with native seed mixes suited to local conditions
- minimize removal of vegetation and disturbance of soil adjacent to wetlands

### ***Environmental Assessment Process***

Lax-Kw'alaams First Nation has raised concerns about the environmental assessment process and who would be appointed to the JRP. Northern Gateway has communicated, and will continue to communicate, concerns surrounding federal government processes to Crown agencies that may have a review or decision-making role on Project-related matters.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been developed with the Lax-Kw'alaams First Nation. Northern Gateway continues to offer the Lax-Kw'alaams First Nation an opportunity to complete an ATK study.

A report entitled “Traditional Ecological Knowledge of the Lax Kw'alaams” was commissioned for the Kitimat–Summit Lake Looping Pipeline Project to document the Lax Kw'alaams First Nation knowledge about lands and resources along the Project corridor and outline potential impacts on cultural and resources sites in Lax Kw'alaams territory. The Lax-Kw'alaams First Nation traditional knowledge, as summarized in the Kitimat–Summit Lake Looping Pipeline assessment, will be considered by Northern Gateway.

## **5.9.10 Skidegate Band Council (Council of the Haida Nation)**

### ***Geographic Setting***

The Skidegate Band Council (Council of the Haida Nation) has 11 reserves in BC, with the closest reserve (Skedance #8) located approximately 220.7 km from the proposed Kitimat Terminal. The closest reserve to the proposed shipping route (Skedance #8) is located approximately 64.9 km from the proposed shipping route (see the Update to Appendix C, Figure C-36).



### ***Engagement Activities during the Update Period***

In September 2010, Northern Gateway advised the Skidegate Band Council that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In March 2011, Northern Gateway sent a formal written request to the Skidegate Band Council to host a Project information session in the Skidegate community. The Skidegate Band Council declined Northern Gateway's request. However, Northern Gateway hand-delivered Project information at the Skidegate Band Council office in March 2011.

Later in March 2011, Northern Gateway received a letter from the Skidegate Band Council confirming its opposition to the Project and formally requesting that Northern Gateway stop sending any information relating to the Project to the Skidegate Band Council. Northern Gateway sent a reply letter to the Skidegate Band Council confirming receipt of the direction in connection with Project information.

In addition to the engagement activities summarized above, Northern Gateway continued to keep the Skidegate Band Council up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Skidegate Band Council***

As of March 31, 2011, Northern Gateway has received limited correspondence and dialogue from the Skidegate Band Council about its interests and concerns relating to the Project. Northern Gateway will continue to offer to meet with the Skidegate Band Council to discuss interests and concerns that it may have about Project development.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been discussed with the Skidegate Band Council. Northern Gateway continues to be prepared to engage in such discussions.

## **5.9.11 Old Masset Village Council (Council of the Haida Nation)**

### ***Geographic Setting***

The Old Masset Village Council (Council of the Haida Nation) has 27 reserves in BC, with the closest reserve (Hiellen #2) located approximately 200.9 km from the proposed Kitimat Terminal (see the Update to Appendix C, Figure C-37). The closest reserve to the proposed shipping route (Yasitkun #21) is located approximately 29.2 km from the proposed shipping route.

### ***Engagement Activities during the Update Period***

In September 2010, Northern Gateway advised the Old Masset Village Council that it would be working with a new Aboriginal Relations Director for Northern Gateway.

In March 2011, Northern Gateway sent a formal written request to the Old Masset Village Council to host a Project information session in the community. Northern Gateway subsequently received verbal confirmation from an Old Masset Village representative that the meeting request had been approved.

Accordingly, Northern Gateway arranged for the meeting. After Northern Gateway's arrival at the Old Masset Community Hall, Northern Gateway was notified by some members of Chief and Council that the meeting had not officially been approved and Northern Gateway was asked to vacate the premises. Subsequently, Northern Gateway hosted three informal meetings in the Town of Masset, including an open house and presentation. This open house was followed by a question and answer session. Display boards, presentation, handouts, mail drop notifications and articles were made available to all participants. In addition to the engagement activities summarized above, Northern Gateway continued to keep the Old Masset Village Council up to date and informed about the Project through written notices and correspondence.

### ***Interests and Concerns of the Old Masset Village Council***

As of March 31, 2011, Northern Gateway has received limited correspondence and dialogue from the Old Masset Village Council about its interests and concerns relating to the Project. Northern Gateway will continue to offer to meet with the Old Masset Village Council to discuss interests and concerns that it may have about Project development.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been discussed or developed with the Old Masset Village Council. Northern Gateway continues to be prepared to engage in such discussions.

## **5.9.12 Coastal First Nations/Turning Point Initiative/Great Bear Initiative**

### ***Geographic Setting***

The Coastal First Nations is an alliance of First Nations on BC's north and central coasts and Haida Gwaii. The Coastal First Nations include Wuikinuxv Nation, Heiltsuk, Kitasoo/Xai'xais, Nuxalk Nation, Gitga'at, Haisla, Metlakatla, Old Masset, Skidegate, and Council of the Haida Nation. Lax Kw'alaams is an associate member of the Coastal First Nations.

### ***Engagement Activities during the Update Period***

In September 2010, the Coastal First Nations made submissions in response to the JRP Procedural Direction of July 2010.

At the direction of the Kitasoo/Xai'xais Nation, Northern Gateway contacted the Coastal First Nations and requested a meeting to discuss the Coastal First Nations' Board of Directors position on the Project. Northern Gateway met with Coastal First Nations in February 2011 to formally request a meeting with the Board of Directors, which consists of elected Chiefs of member First Nations. Northern Gateway indicated that the purpose of the proposed meeting would be to understand the interests and concerns of Coastal First Nations and also to introduce economic opportunities associated with the Project. The Coastal First Nations representative took the information and agreed to table the meeting request with the Board of Directors at the next meeting. In March 2011, Northern Gateway contacted the Coastal First Nations by telephone to inquire about the Board of Directors response to the meeting request. The Coastal

First Nations representative informed Northern Gateway that the Board of Directors declined the invitation. Northern Gateway confirmed that the meeting invitation remains open if the Board of Directors changes its position.

### ***Interests and Concerns of the Coastal First Nations***

The issues and concerns raised by the Coastal First Nations in their submissions in response to the JRP Procedural Direction of July 2010 may be summarized as follows:

- analysis of worst-case spill scenario
- location of emergency response equipment
- rescue tugs, salvage tugs details of resources, spill response, costs for a worst-case scenario
- assessment of the effects of the Project on First Nation rights and interests
- assessment of regional socio-economic impacts
- baseline fish and fishery data and watercourse crossing
- oceanographic conditions, physical, chemical and biological and inventory of marine species
- impact of tanker noise on whales
- stellar sea lions
- extreme weather events and weather restrictions
- safety record of double-hulled tankers, safety limits of tankers
- pilot drop off and boarding stations
- assessment effects on First Nations activities
- detailed information on humpback whales
- sufficiency of ATK studies
- consultation with the Heiltsuk Nation

### ***Commitments and Mitigation Measures***

A summary of Northern Gateway's response to Coastal First Nations' interests and concerns follows.

#### ***Analysis of Worst-Case Spill Scenario***

The Coastal First Nations expressed an interest in analysis of a worst-case spill scenario at the 12-mile limit including modelling inputs and assumptions for mass balance exercises. They also wanted to see maps showing the "spread over time" of the spill.

The marine QRA report determined that a spill in open water areas at or beyond the 12 nm limit is highly unlikely. The greatest hazards to marine shipping are grounding in the waters of the CCAA and collisions in areas of higher traffic density, such as Wright Sound.

The Coastal First Nations also expressed an interest in an independent third-party scientifically conducted analysis of the effects of a worst-case or of a worst-case spill on the health and economies of affected communities, a large or a small spill.

The Application, Volume 8C, Section 10.7 describes an example of a 36,000-m<sup>3</sup> spill (in Wright Sound during summer). This is the largest credible spill size as determined by the marine QRA.

### *Location of Emergency Response Equipment*

The Coastal First Nations expressed an interest in the location of emergency response equipment including within the CCAA and the types and quantities of oil spill containment materials. Exact locations will be determined during detailed design. Specific locations will be provided in the marine and terminal oil spill response plans to be filed with the NEB before the start of commissioning. Critical resources decisions will be made as part of the Incident Command System that is described in Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011). Resources will be available to mobilize to sensitive areas (e.g. cultural, spiritual, archaeological and environmentally sensitive sites).

### *Rescue Tugs and Spill Response*

The Coastal First Nations requested response time for rescue tugs in the OWA and salvage tugs in either the OWA or CCAA, including under extreme weather conditions, and details of resources, spill response and costs for a worst-case scenario. Northern Gateway's draft General Oil Spill Response Plan (filed with the NEB on March 31, 2011) addresses the use of tugs and response plans. Northern Gateway will have detailed pipeline, terminal and marine oil spill response plans submitted six months before commissioning of the pipelines and the Kitimat Terminal. Northern Gateway will also coordinate with Transport Canada and the NEB to provide the two agencies with time for thorough review of the plans.

### *Aboriginal and Treaty Rights*

As discussed in Volume 5A of the Application, based on extensive work to develop the environmental and socio-economic assessment (the Application, Volumes 6 and 8B) for this Project, including ongoing ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have significant adverse effects on those who depend on the land and water for sustenance, including Aboriginal groups who may exercise their Aboriginal or Treaty rights in the use of land for traditional purposes.

As the Project proceeds, Northern Gateway will continue to engage with participating Aboriginal groups to better understand and address site-specific or regional interests and concerns, to develop plans and programs to reduce potential Project effects on the exercise of Aboriginal or Treaty rights, and to achieve better alignment of economic interests. A number of these plans and programs are discussed in the Application, and Northern Gateway looks forward to continuing dialogue.

### *Assessment of Regional Socio-Economic Impacts*

The Coastal First Nations raised a concern that the Application did not contain an assessment of regional socio-economic impacts and that baseline data was inadequate to consider aspects such as community wellness. Information related to regional socio-economic effects is discussed in the October 2010 Update the Application, Volume 6C, Section 4.4.

A discussion of the baseline health conditions in the Project's assessment regions of Alberta and BC is presented in the Socio-Economic Technical Data Report, Section 3 and Appendix F.

### ***Baseline Fish and Fishery Data***

The Coastal First Nations expressed a need for baseline data on fish, fishery, social and economic impacts from the fisheries, including First Nations' FSC fisheries, marine fisheries and traditional marine resource use. Baseline information on freshwater fish and fish habitat, marine fish and marine fisheries is provided in the ESA in the Application, Volume 6A, Part 2, Section 11, Volume 8B, Sections 9 and 12, and the Marine Fish and Fish Habitat TDR.

### ***Oceanographic Conditions and Inventory of Marine Species***

The Coastal First Nations raised a concern about in-depth information beyond the CCAA and OWA, including a thorough and comprehensive inventory and analysis of oceanographic conditions, physical, chemical and biological, and an in-depth inventory analysis of marine species in all life stages, their habits and their habitats.

Northern Gateway has conducted surveys of a wide range of biophysical indicators within the CCAA. Surveys were conducted in 2005–2006 and in 2008–2009. The types of surveys conducted and the geographical scope of these studies were based on scoping of issues, a preliminary screening of the effects of greatest concern, and a determination of the types of information that are required to address these effects. Additional oceanographic and meteorological surveys were completed to support spill trajectory modelling and sediment dispersion modelling. No surveys were conducted in the OWA. Instead, existing information was used to assess effects of concern.

Northern Gateway does not agree that in depth information of oceanographic, physical, chemical and biological conditions and an in-depth inventory of marine species in all life stages, their habits and habitats is required to complete an adequate and complete environmental assessment. Information is required to support the assessment of specific effects where there is a reasonable and logical likelihood that the Project will result in an adverse and significant environmental effect to a component of the environment. As noted in the first paragraph to this response, issues scoping was used to focus field surveys and effort. Northern Gateway believes that it has completed a greater number of surveys over a longer time frame and geographic area than any other coastal port or shipping project in Canada.

### ***Impact of Tanker Noise on Whales***

The Coastal First Nations raised a concern about the impacts of tanker noise in the OWA and CCAA on the ability of humpback whales to sing and impact on northern resident killer whales. The Application, Volume 8B, Sections 10 and 13 identify and assess the effects of marine transportation between the coastal waters of BC and the Kitimat Terminal on marine mammals, including northern pacific humpback whales.

### ***Stellar Sea Lions***

The Coastal First Nations were interested in obtaining information related to Stellar sea lions. The Application, Volume 8B, Sections 10 and 13 identify and assess the effects of marine transportation between the coastal waters of BC and the Kitimat Terminal on marine mammals, including the Stellar sea lion.

### *Extreme Weather Events and Weather Restrictions*

The Coastal First Nations raised an interest in assessment of extreme weather events on tanker traffic in the OWA and information on weather restrictions.

Operational environmental limits will be identified in Northern Gateway's Terminal Operations Manual for tanker and cargo handling at berth. Environmental limits for safe navigation of tankers in the CCAA and for trans-shipment operations at the marine terminal will be developed during detailed engineering with stakeholders such as the B.C. Coast Pilots, the Pacific Pilotage Authority, and the shipping industry.

### *Safety Record of Double-Hulled Tankers and Operational Safety Limits*

The Coastal First Nations expressed an interest in the safety record of double-hulled tankers and operation safety limits for tankers. They also requested evidence that safe passage of tankers can be conducted in the CCAA.

Tanker safety has substantially improved since the introduction of double-hulled tankers. In the last 10 years, there have been 23 incidents around the world involving double-hulled tankers, only three of which involved spills in excess of 700 tonnes.

There have been no incidents involving double-hulled tankers tethered to an escort tug, and with support of a close escort tug, that Northern Gateway is aware of.

Environmental limits for safe navigation of tankers in the CCAA and for trans-shipment operations at the marine terminal will be developed during detailed engineering with stakeholders such as the British Columbia Coast Pilots, the Pacific Pilotage Authority, and the shipping industry.

Northern Gateway has also completed full mission bridge simulations involving BC pilots to assess the safe transit of the full range of expected tanker sizes under extreme operating conditions.

### *Pilot Drop Off and Boarding Stations*

The Coastal First Nations expressed an interest in the location of pilot drop off and boarding stations. At present, there are three pilot boarding stations that are currently used for ships transiting to the northern coast of BC: Triple Island pilot boarding station; Pine Island pilot boarding station; and the Cape Beale pilot boarding station. For the Project, it has been proposed that the Triple Island Station be augmented by boarding stations at Browning Entrance and Caamaño Sound. For further details, see the Application, Volume 8A, Sections 2 and 4.

### *Assessment Effects on First Nations Activities*

The coastal First Nations expressed an interest in the assessment of effects on First Nations activities, not just sites and areas, including on the traditional territory, current and traditional uses. Northern Gateway is committed to reducing the effects of the Project on the use of lands and water for traditional purposes. Aboriginal traditional use or knowledge studies will be considered in Project planning and execution, with a particular emphasis on identification of site-specific resources, such as harvesting sites. In the context of coastal communities, Northern Gateway will endeavour to work with the community to

identify measures that can be taken to reduce or mitigate the effects of Project-related shipping on First Nation activities.

### *Humpback Whales*

The Coastal First Nations expressed an interest in obtaining detailed information on humpback whales. The Application, Volume 8B, Sections 10 and 13 identify and assess the effects of marine transportation between the coastal waters of BC and the Kitimat Terminal on marine mammals, including north pacific humpback whales.

Northern Gateway has requested access to information compiled by DFO. If access is provided, this data will also be reviewed and incorporated into Project planning and design.

### *Sufficiency of ATK Studies*

The Coastal First Nations expressed a concern that ATK studies be up to date and open to change. They were concerned that the ATK is lacking assessment of anticipated Project effects on current and traditional uses and possible mitigation. They were also concerned that there are over 60 Aboriginal groups and, but summaries of only 17 ATK studies in the Application. The Coastal First Nations expressed a need for the JRP to ensure all 60 Aboriginal groups have opportunity and funding for an ATK program. They also asked that First Nations be included in future field assessments.

As is the case with Aboriginal engagement generally, the focus of the ATK program has been on Aboriginal groups with communities within 80 km of the proposed RoW, as well as Coastal Aboriginal groups with interests in the area of the Kitimat Terminal and the CCAA.

As of March 31, 2011, 11 Alberta Aboriginal groups have completed or released ATK studies and 14 Aboriginal groups have ATK studies being scoped or are underway. In BC, 13 Aboriginal groups have completed or released ATK studies and four Aboriginal groups have ATK studies being scoped or are underway. The remaining Aboriginal groups are either in various discussions with Northern Gateway that need to be completed before they undertake an ATK study, or have declined the offer by Northern Gateway to undertake ATK studies.

### *Consultation with Heiltsuk Nation*

The Coastal First Nations raised a concern that the Heiltsuk Nation had not been consulted by Northern Gateway. Northern Gateway met with the Heiltsuk Nation in July 2003 to review the preliminary scope of the Project, including the three route and terminal facility site location options under consideration. Heiltsuk representatives expressed concern about tanker traffic and marine integrity and also indicated that proposed shipping lanes could intersect the northern most portion of Heiltsuk traditional territory.

Given the early stages in Project development, Northern Gateway did not undertake comprehensive community engagement activities with Aboriginal communities in many coastal areas between 2004 and 2007 as additional time and study was required to determine feasible tanker route options. In 2008, with greater certainty around marine aspects of the Project, Northern Gateway deployed several Aboriginal community coastal engagement strategies, which included face-to-face meetings, email correspondence

and Project mailouts. The scope of engagement activities varied depending on the proximity of each coastal community to proposed shipping lanes.

Even though the Heiltsuk are located in Bella Bella, a significant distance south of both terrestrial and marine aspects of the Project area, limited engagement activities were undertaken to further explore and understand the Heiltsuk's concerns about the development of the Project in relation to its traditional territory. In addition to Project information mailouts, attempts were made by both Northern Gateway and Heiltsuk representatives to coordinate a Project information meeting in Bella Bella during the summer months of 2009 and 2010, respectively. Northern Gateway met with the Heiltsuk in Bella Bella in November 2010. For additional details about engagement activities undertaken during the Update Period, see the Heiltsuk summary above.

### ***Aboriginal Traditional Knowledge Program***

An ATK study has not been discussed with the coastal First Nations. Northern Gateway continues to be prepared to engage in such discussions.