



ABORIGINAL CONSULTATION PLAN

*in respect of the Proposed Natural Gas Transmission System –
Northeast British Columbia to the Prince Rupert Area*

September 1, 2013

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A. OVERVIEW

Spectra Energy Corp (“**Spectra Energy**”), through its British Columbia affiliate 0948090 B.C. Ltd. (collectively, the “**Proponent**”), is developing a natural gas transportation system from northeast British Columbia to the Prince Rupert area of British Columbia (“**Proposed Project**”) on behalf of Spectra Energy and BG International Limited to support the export of liquefied natural gas (“**LNG**”).

The Proposed Project is subject to an environmental assessment (“**EA**”) under British Columbia’s *Environmental Assessment Act* (“**Act**”) by the British Columbia Environmental Assessment Office (“**EAO**”). A detailed description of the Proposed Project is available in the Project Description posted on the EAO website.

In connection with the EA, the EAO has assigned to the Proponent certain procedural requirements of consultation with Aboriginal Communities that would be potentially affected by the Proposed Project, in order to assist the EAO in meeting its duty to consult with Aboriginal peoples. These requirements are set out in the EAO’s section 11 procedural order (the “**Section 11 Order**”) for the Proposed Project issued May 6, 2013 (as amended by section 13 order issued July 9, 2013) and include, among other things, a requirement to produce and submit this Aboriginal Consultation Plan (“**Plan**”) within sixty days of the Section 11 Order being issued and a requirement to submit Aboriginal Consultation Reports periodically to the EAO.

This Plan provides a framework for the Proponent’s approach to consultation with potentially affected Aboriginal Communities¹ and Nisga’a Nation (both as defined in section D.1), in accordance with guidance from the EAO. This Plan is intended to provide a general description of the Proponent’s proposed approach to consultation², while being flexible enough to enable the Proponent to adapt according to the unique circumstances and requirements of individual Aboriginal Communities and Nisga’a Nation and to further guidance from the EAO. The Plan provides an overview of:

- (a) the Proponent’s role in consultation related to the EA for the Proposed Project;
- (b) the Proponent’s consultation objectives;
- (c) the Proponent’s proposed approach to consultation in respect of the Proposed Project;

¹ “Aboriginal Communities” means the specific ones listed in section D.1 but may, as the context requires, refer to Aboriginal communities generally rather than specific communities.

² “Consultation” in the context of this document means the full spectrum of consultation, from notification to deep consultation.

- (d) the Aboriginal Communities and Nisga'a Nation with whom consultation will be carried out;
- (e) the consultation activities that the Proponent has undertaken to date with Aboriginal Communities and Nisga'a Nation;
- (f) how issues and concerns identified through consultation activities and the Proponent's approach to addressing, mitigating or otherwise accommodating these issues and concerns will be reported; and
- (g) the Proponent's plans for additional Aboriginal community engagement and opportunities for Aboriginal Communities, businesses and individuals.

A draft of this Plan has been shared with each of the Aboriginal Communities and Nisga'a Nation, as well as the Aboriginal Associations that have been identified and defined in section D.1 of this Plan for their review and comment. Comments received and resulting actions by the Proponent are set out in Appendix A hereto. The Proponent expects that this Plan will be reviewed and updated as consultations with Aboriginal Communities and Nisga'a Nation proceed, as discussed in further detail below. Should the Proponent and a specific Aboriginal Community agree that a change of approach is needed, this Plan may be amended and re-submitted to the EAO. This Plan may also be amended from time to time in accordance with any directions provided by the EAO pursuant to the Section 11 Order.

B. ENVIRONMENTAL ASSESSMENT AND CONSULTATION

1. Proponent's Role in Consultation

The EA process in British Columbia assesses the potential environmental, economic, social, heritage and health effects that may occur during the lifecycle of a proposed project, and the potential for a proposed project to impact proven or asserted Aboriginal rights, including title, treaty rights and other Aboriginal interests or concerns (collectively, "**Aboriginal Interests**"). The EAO provides opportunities for participation and input by Aboriginal Communities that are potentially affected by a proposed project and by Nisga'a Nation. The EA process provides a mechanism to support the Crown's duty to consult with Aboriginal peoples.

Within the Section 11 Order, the EAO assigns proponents certain responsibilities for undertaking procedural aspects of consultation with potentially affected Aboriginal Communities and Nisga'a Nation. The EAO will provide oversight of a proponent's consultation activities. In the case of Aboriginal Communities that are treaty signatories, the EAO will also provide direction to a proponent regarding how to assist the Province in fulfilling its obligations under the particular treaty. The proponent's consultation responsibilities may include the collection of information regarding how the proposed project may potentially impact Aboriginal Interests, and consideration of how concerns of Aboriginal Communities and Nisga'a Nation regarding potential impacts on such Aboriginal Interests may be avoided, minimized, mitigated, or where appropriate, otherwise accommodated.

The EAO will use the information collected by a proponent in considering the potential effects of a proposed project. The EAO will also carry out consultation to ensure that it has sufficient information to provide to the Minister(s) responsible for making a decision on whether or not to issue an EA certificate for a proposed project. The EAO may propose conditions for an

environmental assessment certificate, if issued, in order to ensure that the Crown's duty to consult Aboriginal groups has been discharged.

2. Consultation Objectives

The primary objective for consultation is to understand the potential impacts of the Proposed Project on Aboriginal Interests and to seek to avoid, minimize, mitigate or otherwise accommodate those impacts, where appropriate. In doing so, the Proponent will assist the Crown in fulfilling its duty to consult with potentially affected Aboriginal Communities and Nisga'a Nation. The Proponent's further objective is to build positive and long-lasting relationships with Aboriginal Communities and Nisga'a Nation that go beyond the Crown's consultation obligations and are based on principles of mutual respect and understanding.

In order to achieve these objectives, the Proponent's Aboriginal consultation and engagement strategy includes (but is not limited to) taking the following actions:

- (a) identify Aboriginal Communities with Aboriginal Interests in the Proposed Project area that could potentially be affected by the Proposed Project;
- (b) begin making contact with potentially affected Aboriginal Communities and Nisga'a Nation as soon as possible in the planning phase of the Proposed Project;
- (c) provide clear, accurate and timely information to potentially affected Aboriginal Communities and Nisga'a Nation throughout the Proposed Project phases by sharing information on key Proposed Project specifics;
- (d) encourage Aboriginal Communities and Nisga'a Nation to assist the Proponent in shaping its approach to consultation with such communities and keep Aboriginal Communities and Nisga'a Nation and other communities informed of opportunities to participate and communicate with the Proponent;
- (e) provide opportunities for potentially affected Aboriginal Communities and Nisga'a Nation to give meaningful input and raise questions or concerns regarding the Proposed Project and its potential effects on their Aboriginal Interests;
- (f) understand and consider issues and concerns raised by Aboriginal Communities and Nisga'a Nation and take steps to ensure that relevant issues and concerns are addressed, and any impacts on Aboriginal Interests are avoided, minimized, mitigated or otherwise accommodated, where appropriate;
- (g) maintain ongoing and transparent communications with potentially affected Aboriginal Communities and Nisga'a Nation throughout the construction and post-construction phases with a view to developing and maintaining long-term relationships required for the operation of the Proposed Project; and
- (h) provide accurate and timely information to the EAO regarding its consultation activities and the results of such activities by way of Aboriginal Consultation Reports at the following times:

- (i) within 30 days of the deadline for Nisga'a Nation, Aboriginal Groups and Working Group comments on the draft Application Information Requirements;
- (ii) at the time of submission of the Application;
- (iii) 120 days after the commencement of the Application review stage; and
- (iv) at any other time specified by the Project Assessment Lead.

C. ABORIGINAL CONSULTATION APPROACH

The Proponent is committed to engaging with potentially affected Aboriginal Communities and Nisga'a Nation through a transparent and interactive process that is fully integrated with the EA process. The consultation approach proposed in this Plan serves as a framework for consultation with Aboriginal Communities and Nisga'a Nation, as required under the Section 11 Order, subject to any additional EAO requirements. The Proponent is open to receiving guidance and suggestions from the EAO and from Aboriginal Communities and Nisga'a Nation for other methods of consultation and modifications to this approach. The Proponent's consultation approach is flexible enough to evolve as consultations with Aboriginal Communities and Nisga'a Nation continue throughout the phases of the Proposed Project, and as feedback is received from the EAO.

The Proponent's consultation approach includes the following key components:

1. Assessment of Consultation

Considerations in determining the appropriate level of consultation with a particular Aboriginal community may include:

- (a) location of the Proposed Project and whether it is located on Crown land, private property or Nisga'a Lands;
- (b) location of the Proposed Project in relation to Aboriginal Communities and their asserted traditional territories or treaty lands;
- (c) possible impacts and the extent of impacts to Aboriginal Interests, and treaty rights, of the Proposed Project; for example, environmental, wildlife or other traditional uses;
- (d) any information provided to the Proponent by the Province related to the strength of claim of Aboriginal Communities that assert Aboriginal rights or title;
- (e) requirements for new tenure to support the Proposed Project; and
- (f) feedback and input from the Aboriginal Communities and Nisga'a Nation regarding adequate engagement and consultation.

The nature and scope of the Proponent's consultation activities will be based on requirements set out in the Section 11 Order or as otherwise directed by the EAO and any input received from Aboriginal Communities and Nisga'a Nation.

2. Identification of Potentially Affected Aboriginal Communities

The Proponent has made a preliminary analysis of which Aboriginal Communities that it believes may be affected by the Proposed Project and with whom the Proponent has initiated contact. The Aboriginal Communities with whom the Proponent will carry out consultation remains subject to the Section 11 Order. Please see the discussion of presently identified Aboriginal Communities, as well as Nisga'a Nation, in section D.1 below.

The Proponent will consult with Aboriginal Communities and Nisga'a Nation on the basis of the guidance provided by the EAO. In doing so, the Proponent will attempt to build on relationships that it has already established or initiated with such Aboriginal Communities and Nisga'a Nation.

3. Sharing Project Information

Depending on the appropriate level of consultation in respect of each Aboriginal Community or Nisga'a Nation, the Proponent may engage with them through a variety of activities including, but not limited to:

- (a) providing and making available written communications such as:
 - (i) information advertisements;
 - (ii) public event advertisements;
 - (iii) information packages;
 - (iv) project fact sheets/backgrounders/newsletters;
 - (v) presentation materials;
 - (vi) website materials; and
 - (vii) social media feeds,
- (b) carrying out in-person consultation activities such as:
 - (i) meetings with Chief and Council and/or designated staff such as Resource Officers, Land Managers, and others with the responsibilities for such matters, and with other interested communities and individuals;
 - (ii) one-on-one/small group meetings or meetings with individual communities as requested;
 - (iii) presentations;
 - (iv) workshops;
 - (v) public open houses; and
 - (vi) site visits during various phases of the Proposed Project.

When sharing Proposed Project information with Aboriginal Communities or Nisga'a Nation, the Proponent will engage primarily with the persons recognized as the official leaders or representatives of the respective organization. This will generally be the respective Chiefs and Councils, or the hereditary governing representatives as the EAO may direct. The Proponent may also provide information to other representatives of Aboriginal Communities or Nisga'a Nation, for example, to their land and resource officers or elders, upon direction by the official leaders.

At an early stage in the consultation process, the Proponent will discuss with Aboriginal Communities and Nisga'a Nation their preferred practices for engaging in consultation, receiving information and providing feedback. The Proponent will also ensure that consultation with Nisga'a Nation adheres to requirements of the Nisga'a Final Agreement. Where the Province enters into agreements with other Aboriginal Communities such as, for example, "Shared Decision Making Agreements", the Proponent will abide by any provisions of such agreements to the extent applicable to the consultation carried out under this Plan and directed by the EAO. Finally, where agreements are entered into between the Proponent and Aboriginal Communities or Nisga'a Nation in respect of consultation or otherwise, the Proponent will abide by those agreements.

4. Feedback and Response

The Proponent will seek to understand and respond appropriately to relevant issues or concerns regarding the Proposed Project and its potential effects on Aboriginal Interests that are raised through consultation.

In addition to receiving feedback and input from Aboriginal Communities and Nisga'a Nation through the consultation activities described in section C.3 above, the Proponent will also create contact and feedback mechanisms for individuals to contact the Proponent directly regarding the Proposed Project, such as setting up a toll-free information telephone line, making its e-mail address, mailing address and facsimile numbers publicly available, and providing contact information on its website. Such contact information is set out in Appendix C hereto.

The Proponent's response procedures for issues and questions raised during consultation will include several components:

- (a) The Proponent will ensure that those individuals undertaking consultation on behalf of the Proponent have the correct information and are able to respond to questions in an accurate and timely manner. This includes responses to common questions related to matters such as:
 - (i) properties and benefits of natural gas;
 - (ii) pipeline safety;
 - (iii) environmental responsibility;
 - (iv) project routing decisions;
 - (v) potential project effects and the assessments required for the EA;
 - (vi) scope and outcome of consultation; and

- (vii) influence/outcome of consultation on Proposed Project design.
- (b) With input from Aboriginal Communities and Nisga'a Nation, the Proponent will develop mitigation and response plans to ensure that their interests are represented in the Proposed Project planning and application process, and throughout the life of the Proposed Project. For example, a traditional land use study may identify important traditional land use sites. Appropriate impact mitigation strategies would then be recommended, such as relocating workspaces to avoid game trails or sensitive areas. The Proponent would then consider implementing such strategies, where appropriate, during project planning or construction.
- (c) The Proponent will ensure that issues and concerns that have been raised during consultation are provided to the Proponent's project team so that the results of consultation are integrated into project planning and design. The Proponent's procedure for responding to providers of issues and questions will include processes such as responding directly to the concerned party, posting responses on the Proponent Project website and/or providing written Project updates and summaries to the EAO for inclusion on its website.
- (d) The Proponent will take steps to ensure that consultation requirements are diligently met and concerns documented. The Proponent will collect and maintain a detailed record, or consultation database, in the form attached hereto as Appendix B, of all interactions with the Aboriginal Communities and Nisga'a Nation and other Aboriginal Communities, questions and concerns that have been raised and the Proponent's responses to such issues and concerns. The Proponent will demonstrate how input of Aboriginal Communities and Nisga'a Nation has been considered and incorporated into the planning process for the Proposed Project. Relevant portions of this record or consultation database may also form part of the Aboriginal Consultation Reports submitted by the Proponent in accordance with the Section 11 Order and the Proponent's application to the EAO.
- (e) The Proponent may also implement dispute resolution processes in cooperation with certain Aboriginal Communities in order to address issues that may arise.

5. Traditional Land Use

In addition to providing project-specific information to Aboriginal Communities and responding to their questions and concerns, the Proponent will also work to obtain information regarding Aboriginal practices, traditions or customs near the Proposed Project area. This may be done through traditional knowledge and traditional use studies, discussed below, and in the course of the Proponent's consultation activities.

The Proponent will work with Aboriginal Communities Nisga'a Nation to identify:

- (a) practices, traditions or customs that have been engaged in by Aboriginal Communities in the past in the vicinity of or in relation to the area in which the Proposed Project would be situated;

- (b) practices, traditions or customs that are currently engaged in by Aboriginal Communities in the vicinity of or in relation to the area in which the Proposed Project would be situated;
- (c) how the Proposed Project might potentially impact the practices, traditions or customs identified above;
- (d) measures that could be used in the Proposed Project's design or operation to avoid, reduce or eliminate those potential impacts; and
- (e) whether all or some of the identified practices, traditions and customs can be engaged in elsewhere within Aboriginal Communities' asserted traditional territory, and if so, what such Aboriginal Communities' views are as to the meaningfulness of the opportunity to do so.

Relevant information that the Proponent receives from Aboriginal Communities and Nisga'a Nation will form part of the Proponent's EA Application, in addition to the results of traditional knowledge studies and traditional use studies (subject to confidentiality concerns) discussed further below.

6. Participation in EA Process

The Proponent is committed to ensuring that Aboriginal Communities and Nisga'a Nation will have opportunities for meaningful participation in the EA process.

The Proponent is willing to consider providing support to Aboriginal Communities in carrying out traditional knowledge and traditional land use studies and in preparing reports as part of the EA process, as discussed further in section C.7 below. The results of these studies may assist the Proponent in determining whether practices, traditions and customs were and are carried out in the Proposed Project vicinity, and the potential environmental, economic, social, heritage and health effects that the Proposed Project may have on Aboriginal Communities and Nisga'a Nation. These studies may further assist the Proponent in considering steps to avoid, minimize, mitigate or otherwise accommodate, where appropriate, potential Proposed Project effects on Aboriginal Interests, including traditional land use. The Proponent may, subject to confidentiality concerns, also include in its EA Application relevant results of traditional land use studies or heritage resource inventories for review.

The Proponent has had discussions with Aboriginal Communities and Nisga'a Nation regarding the possibility of having First Nation representatives assist in conducting wildlife, archaeological, fish and stream and other studies and assessments within their respective traditional territories which may potentially be impacted by the Proposed Project. The majority of First Nations and Nisga'a Nation have entered into agreements to provide their community members the opportunity to participate in these studies and assessments and, to date, over a thousand person days of employment/participation have resulted.

Participation by community members in the above studies and assessments allows community members to become better informed about the Proposed Project and the Proponent to better understand potential impacts on Aboriginal Communities and Nisga'a Nation. Participants are able to observe where the right of way is proposed to be located, view current site conditions and provide information relevant to the EA process. The Proponent recognizes that, for the most part, unless the Aboriginal Communities or Nisga'a Nation specifically designate someone as a

community spokesperson, these participants do not speak on behalf of their respective communities.

Relevant results of the Proponent's consultation activities and issues and concerns raised through consultation, and the Proponent's proposed responses, will form part of the Proponent's final Application to the EAO. The Proponent will share with Aboriginal Communities and Nisga'a Nation the information that it will include in its EA Application regarding such Aboriginal Communities and Nisga'a Nation and the results of consultation with them.

7. Participation Funding and Support for Aboriginal Engagement

The Proponent is willing to consider providing reasonable funding to assist Aboriginal Communities and Nisga'a Nation participating in the EA process and working group, as a complement to funding that the EAO may provide to such Aboriginal Communities and Nisga'a Nation.

The Proponent is also willing to consider providing reasonable funding to Aboriginal Communities and Nisga'a Nation to conduct required technical reviews, analyses and studies and to enable them to present information about their Aboriginal Interests, and their views regarding potential impacts of the Proposed Project on such interests. This could include meetings with the Proponent and travel to view current Proponent projects and/or facilities to help in the understanding of the Proposed Project scale, scope and effect.

8. Communication with the EAO

The Proponent recognizes that although it may be delegated procedural aspects of the duty to consult by the EAO, the Crown bears the ultimate responsibility to ensure that its duty to consult with Aboriginal peoples has been met. The Proponent will ensure that it maintains open communication with the EAO and provides timely reporting of relevant information to the EAO in respect of, or arising out of, its consultation activities, pursuant to the requirements set out in the Section 11 Order. Part of the Proponent's approach is maintaining a detailed record of its consultation activities in the form set out in Appendix B so that this information can be readily communicated to the EAO.

As discussed above, the Proponent is open to further discussions with the EAO regarding the appropriate nature and scope of consultation and the Aboriginal Communities with whom to consult.

9. Ongoing Communication and Consultation

Ongoing communications with Aboriginal Communities and Nisga'a Nation will be used to satisfy regulatory requirements and respond to concerns of Aboriginal Communities and Nisga'a Nation throughout the life of the Project. The Proponent's consultation activities will continue as appropriate, to ensure that relevant issues are identified and addressed, and that Aboriginal Communities and Nisga'a Nation remain informed about the Proposed Project and have the opportunity to engage in the consultation process. The Proponent will continue to communicate with and listen to feedback from Aboriginal Communities affected by its operations.

As discussed in section F below, the Proponent is committed to building strong and long-term relationships with Aboriginal Communities through community engagement activities, and by

seeking opportunities for individuals and communities to participate in, and benefit from, the Proposed Project.

D. ABORIGINAL COMMUNITIES AND NISGA'A NATION

1. Identified Aboriginal Communities

Based on an assessment of the Proposed Project scope and its potential routes as described in the Project Description, the Proponent has identified the following Aboriginal Communities as those with whom the Proponent anticipates consulting in respect of the Proposed Project in accordance with the directions of the EAO, taking into consideration their proximity to the Proposed Project routes and the potential for their Aboriginal Interests to be affected by the Proposed Project. The list includes the Aboriginal groups listed in both Schedules B and C of the Section 11 Order and may be further augmented or otherwise modified based on guidance and direction provided by the EAO at the commencement of and during the course of the EA:

- (a) Fort Nelson First Nation (Treaty 8 signatory);
- (b) Prophet River First Nation (Treaty 8 signatory);
- (c) Blueberry River First Nation (Treaty 8 signatory);
- (d) Doig River First Nation (Treaty 8 signatory);
- (e) Halfway River First Nation (Treaty 8 signatory);
- (f) Saulneau First Nation (Treaty 8 signatory);
- (g) West Moberly First Nation (Treaty 8 signatory);
- (h) McLeod Lake Indian Band (Treaty 8 signatory);
- (i) Tsay Keh Dene First Nation;
- (j) Nak'azdli Band;
- (k) Takla Lake First Nation;
- (l) Lake Babine First Nation;
- (m) Gitxsan (including Hereditary Chiefs and, to the extent directed by the Gitxsan, Village Councils);
- (n) Gitanyow (including Hereditary Chiefs and, to the extent directed by the Gitanyow, Village Councils);
- (o) Kitselas First Nation;
- (p) Kitsumkalum First Nation;
- (q) Lax Kw'alaams Nation;

- (r) Metlakatla First Nation;
- (s) Gitxaala First Nation;
- (t) Tl'azt'en Nation;
- (u) Yekooche First Nation; and
- (v) Dene Tha' First Nation

(collectively, "**Aboriginal Communities**").

While Spectra anticipates that its consultation activities will generally be focused on those Aboriginal Communities listed in Schedule B of the Section 11 Order, it is open to meeting with all Aboriginal Communities to understand the potential impacts of the Proposed Project on their Aboriginal Interests.

The Proponent will work with Aboriginal Communities to identify lands that may be impacted by the Proposed Project, the nature of their Aboriginal Interests and the potential impacts that the Proposed Project may have in respect of those interests. The Proponent will work with Aboriginal Communities to identify steps that the Proponent can take in project planning, design and operation to avoid, minimize, mitigate or otherwise accommodate any such impacts.

Finally, the Proponent anticipates carrying out certain consultation activities with the following Aboriginal associations:

- (a) Carrier Sekani Tribal Council; and
- (b) Treaty 8 Tribal Association.

(collectively, "**Aboriginal Associations**").

While the Proponent believes that it has identified all of the potentially affected Aboriginal Communities and Aboriginal Associations with whom it will consult, this list is not intended to be exhaustive. The Proponent is open to receiving feedback from the EAO and other Aboriginal Communities not identified in this Plan regarding their inclusion in consultation activities.

2. Nisga'a Nation

The Proponent will consult Nisga'a Nation (the "**Nisga'a Nation**"), as represented by the Nisga'a Lisims Government ("**NLG**") and, to the extent directed by the NLG, the following villages:

- (a) Nisga'a Village of New Aiyansh;
- (b) Nisga'a Village of Laxgalts'ap;
- (c) Nisga'a Village of Gitwinksihlkw; and
- (d) Nisga'a Village of Gingolx.

Nisga'a Nation is located in northwestern British Columbia and many of its residents live in the Nass Valley. In 1998, Nisga'a Nation reached a treaty with the Government of British Columbia

and the Government of Canada, with an effective date of May 11, 2000 (the “**Nisga’a Final Agreement**”). The Nisga’a Final Agreement sets out the treaty rights of Nisga’a Nation. The Nisga’a Lands, as detailed in the Nisga’a Final Agreement, consist of approximately 1,992 square kilometres of land and comprise the principal area of the Nisga’a territory. Nisga’a Nation has a fee simple interest in the Nisga’a Lands together with law-making ability with respect to environmental assessments and environmental protection in respect of the Nisga’a Lands. The Nisga’a Final Agreement also grants Nisga’a Nation certain hunting, harvesting and fishing rights in other areas known as Category A Lands, Category B Lands, the Nass Wildlife Area and the Nass Area.

Nisga’a Nation is represented by the NLG which has decision-making authority for Nisga’a Nation, as set out on the Nisga’a Final Agreement. Further, four Village Governments (and three urban locals) provide representation for Nisga’a citizens who live in these communities.

The Proposed Project route and some routing alternatives could traverse Nisga’a Lands, and if that occurred would require tenure from Nisga’a Nation. The Proposed Project route and routing alternatives may also enter onto or be in proximity to Nisga’a Villages, and therefore the Village Governments may also have an interest in being informed and consulted regarding the Proposed Project. The Proponent will discuss this with the NLG and the EAO in order to determine the extent of involvement and the process for Villages.

Recognizing the requirement in chapter 10, section 8 of the Nisga’a Final Agreement, the Proponent will work closely and cooperatively with both Nisga’a Nation and the EAO to help ensure that the EAO’s obligations under the Nisga’a Final Agreement are addressed. In doing so, the Proponent will seek to ensure that this occurs in a manner that is as integrated and coordinated with the requirements under the Act as possible.

The Proponent will undertake consultation with Nisga’a Nation based on guidance from the EAO, in accordance with the Nisga’a Final Agreement and in support of the Crown fulfilling its obligations under the Nisga’a Final Agreement. The Proponent will also ensure that it obtains the necessary tenure and applicable approvals, as may be required by Nisga’a Nation in areas where the Proposed Project route traverses Nisga’a Lands. All commitments, principles and approaches referred to elsewhere in this document will apply to all consultation with Nisga’a Nation.

E. CONSULTATION TO DATE

1. Aboriginal Communities

The Proponent began consultation and communications activities in respect of the Proposed Project with Aboriginal Communities during the fall of 2011 – initial discussions were of an informal nature, serving to introduce the Proponent to these Aboriginal Communities and to provide general information related to construction of large diameter natural gas pipeline infrastructure from the northeast of BC to the north coast of BC. The Proponent also participated in early conferences, seminars and meetings with various communities and individuals to introduce the Proponent and the Proposed Project.

Since then, consultation and communication activities have continued and intensified. The extent of consultation to date differs amongst Aboriginal Communities but all have, at a minimum, received letters/emails with offers to meet, a Project overview, the Project Description, mapping, notification of open houses in nearby communities, draft Aboriginal

Consultation Plan and draft Application Information Requirements. The Proponent has also held in person meetings with most Aboriginal Communities to discuss a range of topics, including matters such as routing options, capacity funding, contacts and preferred method(s) of engagement, involvement in field studies and traditional land use and traditional ecological knowledge studies and introductions to the Proponents' lead environmental consultant. In person meetings have been held with designated representatives, such as elected and hereditary Chiefs and/or Councils, lands and resource managers and other officials, consultants or lawyers (where specifically directed to by political leaders). Details of consultation conducted to date and issues, concerns and interests identified by Aboriginal Communities, together with the Proponent's corresponding responses, will be provided in the Aboriginal Consultation Reports.

2. Nisga'a Nation

The Proponent began consultation and communications activities in respect of the Proposed Project with Nisga'a Nation in early 2012 – initial discussions were of an informal nature, serving to introduce the Proponent and the Proposed Project to Nisga'a Nation. Later communications in 2012 included discussion of potential route options, both through Nisga'a Lands and the Nass Wildlife Area (as defined in the Nisga'a Final Agreement) and the necessary 2012 fieldwork, for which Nisga'a Nation provided the necessary permits.

Since the above early discussions, Nisga'a Nation has received a Project overview, the Project Description, mapping, invitations to open houses in nearby communities, draft Aboriginal Consultation Plan and draft Application Information Requirements. The Proponent has also held a number of in person meetings with officials of the NLG and its representatives to discuss a range of topics, including matters such as routing options, capacity funding, 2013 fieldwork (for which Nisga'a Nation has provided the necessary permits) and the NLG's Economic, Social and Cultural Impact Assessment Guidelines. Details of consultation conducted to date and issues, concerns and interests identified by Nisga'a Nation, together with the Proponent's corresponding responses, will be provided in the first Aboriginal Consultation Report which is expected to be filed with the EAO by the end of June, 2013.

F. PROPONENT'S COMMITMENT TO RELATIONSHIPS WITH ABORIGINAL COMMUNITIES

The Proponent is committed to building and maintaining long-term, beneficial relationships with Aboriginal Communities that extend beyond the requirements of consultation and that are based on mutual respect, understanding and interests. To build strong relationships with Aboriginal Communities and to provide opportunities for communities to benefit from its projects, the Proponent has developed an approach to Aboriginal relations and community engagement that focuses on the following key areas:

1. Relationship Building

The Proponent strives to create positive, productive and mutually beneficial relationships with Aboriginal Communities, businesses and their peoples that are based upon mutual respect and understanding. To the Proponent, respect means recognition of the unique cultural and historical characteristics of Aboriginal peoples and their connections to the land. It also means a recognition that "respect" means different things to different Aboriginal Communities, hi-lighting the importance of tailoring consultation on a community specific basis.

The Proponent works with Aboriginal Communities to identify, support and participate in special community projects and events.

2. Communication and Information Sharing

The Proponent recognizes the importance of maintaining open and ongoing communication with potentially affected Aboriginal Communities in its operating areas regarding the Proposed Project. The Proponent's approach includes advising Aboriginal Communities about the scope of the Proposed Project and regulatory requirements, potential effects on the environment. The Proponent works with communities and organizations to share information, concerns, ideas and to solicit input. The Proponent strives to identify mutual interests and benefits through ongoing communications.

3. Capacity Building

The Proponent seeks to support Aboriginal Communities through programs that build capacity and enhance the ability of such communities and their members to participate in various business opportunities through education, workforce development and ultimately employment. The Proponent also considers and makes charitable contributions to Aboriginal Communities from time to time to support various projects and initiatives proposed by such communities. Finally, as mentioned in section C.7 above, the Proponent intends to provide "capacity funding" where appropriate to Aboriginal Communities and Nisga'a Nation in order to assist them with necessary resources to engage in consultation with the Crown and the Proponent in respect of the Proposed Project.

4. Economic Development

The Proposed Project is expected to provide in the range of 3000 to 3600 person years of employment during construction, and approximately 50 to 60 permanent jobs after completion. The Proponent is committed to increasing Aboriginal participation in its workforce.

The Proponent will endeavour to create or identify contracting and employment opportunities for qualified Aboriginal contractors and individuals in the Proposed Project, and where appropriate, provide training opportunities. The Proponent will also endeavour to identify individuals and businesses near the Proposed Project area to be included in its employment and contracting database. Where applicable, the Proponent will work cooperatively with local and provincial governments to increase opportunities for Aboriginal peoples in BC's energy sector. Participation is based upon meeting the required qualifications to perform work safely and competitively.

The Proponent will also maintain a record of local and Aboriginal involvement in the Proposed Project, including information such as the value of contracts and procurement.

5. Benefits Agreements

In parallel to consultation activities related to the EA, the Proponent will also seek to engage in discussions with Aboriginal Communities and Nisga'a Nation regarding possible benefits agreements. While such discussions will be separate from the EA consultation process, and while acknowledging that such agreements are not preconditions to the completion of the EA process or consultation, the Proponent will advise the EAO if any such agreements are reached, as contemplated by the EAO Fairness and Service Code. The Proponent will also advise the EAO if any agreements under chapter 10, section 10 of the Nisga'a Final Agreement are entered into with Nisga'a Nation.

Appendix A - Comments Received on Aboriginal Consultation Plan

The Proponent shared the draft Aboriginal Consultation Plan with all Aboriginal Communities, the Aboriginal Associations identified in section D.1 and Nisga'a Nation in March of 2013 and asked for comments or other feedback. Two Aboriginal Communities responded with written comments. The following table outlines the comments received from these two Aboriginal Communities and the responses and actions taken by the Proponent in reply.

First Nation	First Nation Comment	Proponent Response	Section
Takla Lake First Nation	<p>Bullet (e) on page 7 talks about assessing whether First Nations can exercise traditional practices elsewhere if they are affected by the proposed pipeline. This portrays a troubling view of aboriginal rights and title. The courts have stated that aboriginal title is “a right to the land itself” and includes ownership-type interests of First Nations in specific tracts of land. For areas where First Nations have aboriginal title or strong evidence of title, it is irrelevant whether they have similar rights or evidence elsewhere. The point is that the First Nations either have title or can likely prove title to those specific areas and these legal interests or areas of strong evidence must be dealt with on their own merits in those exact areas. With respect to aboriginal rights, the courts have clearly stated that First Nations have a right to exercise aboriginal rights in their preferred areas. The consultation should focus on preferred areas to exercise rights and practices. Legally, it is not proper accommodation to simply tell a First Nation to go and hunt somewhere else. This</p>	<p>Spectra Energy respects the concern raised. However, the above referenced subsection (e) of Part C.5 merely states that the Proponent will work with Aboriginal Communities to identify <u>whether</u> all or some of the identified practices, traditions and customs can be engaged in elsewhere within Aboriginal Communities’ asserted traditional territory, <u>and if so</u>, what such Aboriginal Communities’ <u>views are as to the meaningfulness of the opportunity to do so</u>” (underlining added). In other words, it is merely one of the areas to be explored. There may very well be good reasons why the answer to this question will be “no”.</p>	C.5(e)

	section should be re-worded to focus on identifying preferred areas to exercise rights and practices and then avoiding or compensating impacts.		
Takla Lake First Nation	There should also be an item in this section on identifying areas where First Nations have already been displaced; i.e. where First Nation members used to exercise rights or practices but no longer can due to industry, pollution etc.	Spectra Energy respects this concern and is of the view that the scope of subsection (e) of Part C.5 is broad enough to encompass this area of discussion. In identifying whether identified practices can be engaged in elsewhere and the Aboriginal Communities' views as to the meaningfulness of the opportunity to do so, it will certainly be relevant to identify whether the community has already been displaced from other areas, such that the area in question is, for example, the last, or one of the last areas, in which the practice is engaged in.	C.5(e)
Takla Lake First Nation	There should also be wording to cover confidentiality issues.	Spectra Energy agrees. While Spectra Energy always seeks to honor its commitments, we will add a specific line in the Plan stating that where agreements have been entered into between Spectra Energy and FN's, Spectra Energy will abide by those agreements. Such agreements will virtually always include confidentiality provisions detailing which documents and communications are confidential.	C.3
Takla Lake First Nation	The funding section in section 7 talks about potential funding to enable First Nations to present information but not about funding for technical review and analysis or studies: "Proponent is also willing to consider providing reasonable funding to Aboriginal Communities and Nisga'a Nation to enable them to present information about their asserted or established Aboriginal rights or title, and their views regarding potential impacts of the Proposed Project on such rights or title.	Spectra Energy agrees. The above provision will be amended to insert the words "to conduct required technical reviews, analyses and studies and" before the words "to enable them to present information ...". As a result the above provision will read "Proponent is also willing to consider providing reasonable funding to Aboriginal Communities and Nisga'a Nation to conduct required technical reviews, analyses and studies and to enable them to present information about their asserted or established Aboriginal rights or title, and their views	C.7

	<p>This could include meetings with the Proponent, travel to view current Proponent projects and/or facilities to help in the understanding of the Proposed Project scale, scope and effect, subject to agreement between the Proponent and relevant Aboriginal Community". This should be amended to address funding for technical review, analysis and studies.</p>	<p>regarding potential impacts of the Proposed Project on such rights or title ..."</p>	
Takla Lake First Nation	<p>The wording on jobs, economic development and Impact Benefit Agreements is soft. There are not really any commitments, although the general statements are a helpful start.</p>	<p>By its very nature, an Aboriginal Consultation Plan is not the place for commitments on jobs, economic benefits and benefits agreements. Further, general statements about objectives in these areas is all that can be made at this early stage of the project.</p>	<p>F.4 F.5</p>

First Nation	First Nation Comment	Proponent Response	Section
Gitanyow Hereditary Chiefs	It would be helpful to add a definition or criteria for the term “appropriate and reasonable” in reference to consultation and mitigation measures. This term is used throughout the Draft Plan and Gitanyow understands that this can have significant implications in practice, and that clear and mutually agreed upon definition would be beneficial for Spectra, the BC Environmental Assessment Office, and the Gitanyow Hereditary Chiefs.	Because the meaning of this term is so dependent on the surrounding facts, it is not, by its very nature, capable of concise definition. The term is, in fact, used in only three places in the draft Plan, always in the context of potential mitigation measures. What is appropriate and reasonable as mitigation in a particular circumstance will be dependent on numerous factors which Spectra Energy and Gitanyow will need to discuss. Ultimately it is the regulator (be that the EAO or the OGC) which decides, in the form of conditions, what is appropriate and reasonable.	General comment.
Gitanyow Hereditary Chiefs	Given that the Draft Plan intended to identify the entire consultation process for all of the affected First Nations and Aboriginal organizations (24 in total), it would be beneficial to provide greater clarity on how the various comments from these First Nations and organizations will be incorporated fairly and equally into the final Plan and how potential inconsistencies will be addressed amongst affected First Nations.	Spectra Energy documents all comments received and changes made to the Plan as a result, and this information will be included in the Plan which is filed with the EAO for all FN's to see. Where Spectra Energy knows or understands that one change may adversely affect another, we will attempt to work through both parties (or more) to come to a common understanding as to what is acceptable to all.	General comment.
Gitanyow Hereditary Chiefs	Given that Gitanyow and Spectra have recently signed a Consultation Process Agreement, it would be beneficial and provide greater certainty to Gitanyow if a clause was included somewhere in the Draft Plan that stipulates that part of the overall consultation process will include Spectra's ongoing commitment to live up to the terms and objectives of	Spectra Energy will add a line in the Plan stating that where agreements have been entered into between Spectra Energy and FN's, Spectra Energy will live up to those agreements.	C.3

	any such signed Agreements.		
Gitanyow Hereditary Chiefs	Gitanyow is currently involved in several environmental assessments, and it would be helpful if Spectra included in the Draft Plan some level of commitment to separating out EA materials for review by individual First Nation territory.	Upon request, Spectra Energy will attempt to provide Gitanyow with traditional territory specific documents for review, recognizing however, that not all assessments can be separated to this level. As such, Spectra Energy does not consider this to be appropriate for inclusion in the Plan.	General comment.
Gitanyow Hereditary Chiefs	<p><u>Reference: Page 2 Part--1:</u> “The EA process provides a mechanism to ensure that the Crown fulfills its duty to consult with Aboriginal peoples.”</p> <p>It should be clearly stated that the EA process on its own does not guarantee that such a duty is fulfilled. In many cases additional consultation and accommodation measures are required. Given the scale, proposed location, and potential impacts from the Spectra proposed project , it is anticipated that additional consultation and mitigation measures will be required for Gitanyow. Spectra should not assume that the EA process alone will fulfill the Crown’s duty to consult.</p>	Spectra agrees that the EA process on its own may not fulfill all consultation duties of the Crown. The above sentence will be changed to read “The EA process provides a mechanism to support the Crown’s duty to consult with Aboriginal peoples.”	B.1
<u>Gitanyow Hereditary Chiefs</u>	<p><u>Reference: Page 2 Part B--1:</u> “The EAO may propose conditions for an environmental assessment certificate, if issued in order to ensure that the Crown’s duty to consult aboriginal groups has been discharged.”</p> <p>It would be beneficial to add “The</p>	We refer to our response to comment 3, namely that Spectra Energy will add a line in the Plan stating that where agreements have been entered into between Spectra Energy and FN’s, Spectra Energy will live up to those agreements.	B.1 C.3

	<p>Proponent may also volunteer certain conditions, under agreement with the affected First Nations.” Gitanyow is hopeful that through the Consultation Agreement with Spectra, and the commitment to reach an Environmental Accord, may likely result in additional and ideally voluntary conditions that can be included in the EAO Certificate.</p>		
<p><u>Gitanyow Hereditary Chiefs</u></p>	<p>Reference: Page 4 Part 1: “Assessment of Consultation”.</p> <p>Gitanyow is requesting the addition of the following consideration: “an assessment of the strength of claim of the affected First Nations to support the determination of the appropriate level of consultation, as per relevant case law” (i.e Haida spectrum). The need for this clause is highlighted by the following point under Part 3 “Depending on the appropriate level of consultation in respect of each Aboriginal Community or Nisga’a Nation, the Proponent may engage with them through a variety of activities including....”</p>	<p>It is incumbent upon the EAO under applicable law to make a <i>prima facie</i> determination of strength of claim at the time the environmental assessment decisions are made, not the Proponent. As such, it is not for Spectra Energy to determine strength of claim. However, Spectra Energy is quite prepared to consider any strength of claim information that is provided by the Province. A new subsection will be added to Part C.1 of the Plan referring to “any information provided to the Proponent by the Province related to the strength of claim of Aboriginal Communities that assert aboriginal rights or title;”</p>	<p>C.1(e)</p>
<p><u>Gitanyow Hereditary Chiefs</u></p>	<p>Reference: Page 5 final paragraph “At an early stage in the consultation process, the Proponent will discuss with Aboriginal Communities and Nisga’a Nation their preferred practices for engaging in consultation, receiving information and providing feedback. The Proponent will also ensure that consultation with Nisga’a Nation adheres to requirements of the Nisga’a Final Agreement.”</p> <p>Gitanyow is requesting the following addition at the end of the paragraph:</p>	<p>Spectra Energy will add to the end of the above paragraph “Where the Province enters into agreements with other Aboriginal Communities such as, for example, “Shared Decision Making Agreements”, Spectra Energy will abide by any provisions of such agreements that it is directed to by the EAO.”</p>	<p>C.3</p>

	<p>“...and any Shared Decision Making Agreements with affected First Nations.”</p>		
<p><u>Gitanyow Hereditary Chiefs</u></p>	<p><u>Reference: Page 6 Part 4--C:</u> “The Proponent will create feedback mechanism that will provide information regarding issues and concerns that have been raised to the Proponent Project team, so that there is a defined mechanism in place to ensure the results of consultation are integrated in to project planning and design.”</p> <p>Gitanyow is requesting additional clarity on what is meant by “feedback mechanism” and “defined mechanism”. Gitanyow’s interests in consultation are largely focused on ensuring that, as it states, “the results of consultation are integrated into project planning and design.” Simply stating that there will be a “defined mechanism” does not provide Gitanyow the needed certainty on how the results of the consultation process will be integrated in to project planning and design. We are requesting specific references to the Consultation Agreement between Gitanyow and Spectra be included to provide greater clarity and certainty.</p>	<p>Spectra Energy agrees that reference to “feedback mechanism” and “defined mechanism” in Part C.4(c) is confusing. The subparagraph can be written much more simply and directly as follows:</p> <p>“The Proponent will ensure that issues and concerns that have been raised during consultation are provided to the Proponent Project team so that the results of consultation are integrated into project planning and design. The Proponent’s procedure for responding to providers of issues and questions will include processes such as responding directly to the concerned party, posting responses on the Proponent Project website and/or providing written Project updates and summaries to the EAO for inclusion on its website.</p> <p>As for the comment on the Consultation Agreement, we refer to our response to comment 3, namely that Spectra Energy will add a line in the Plan stating that where agreements have been entered into with FN’s, Spectra Energy will live up to those agreements.</p>	<p>C.4(c)</p> <p>C.3</p>
<p><u>Gitanyow</u></p>	<p><u>Reference: Page 7 Part 5--:</u> “whether all or some of the identified practices, traditions and customs can be engaged in elsewhere within Aboriginal communities’ asserted traditional territory ,and if so, what such Aboriginal communities’ views are as to</p>	<p>Spectra Energy respects the concern raised. However, the above referenced subsection (e) of Part C.5 is not stated to be a “main objective of consultation”. The subsection merely states that the Proponent will work with Aboriginal Communities and Nisga’a Nation to identify</p>	<p>C.5(e)</p>

	<p>the meaningfulness of the opportunity to do so.”</p> <p>This approach demonstrates a significant lack of knowledge and understanding of the Gitanyow Ayookxw (Law) and relationship to the Lax’yip (Territory). Gitanyow has been very pro-active in informing Spectra and its consultants of our Ayookxw and system of title and rights to the Lax’yip. To include the above as a main objective of consultation on Traditional Land Use fundamentally contravenes the Gitanyow Huwilp Recognition and Reconciliation Agreement, which is a guiding document for all consultation within Gitanyow Lax’yip Gitanyow is requesting that this clause be removed or significantly altered.</p>	<p><u>whether</u> all or some of the identified practices, traditions and customs can be engaged in elsewhere within Aboriginal communities’ asserted traditional territory ,<u>and if so</u>, what such Aboriginal communities’ <u>views are as to the meaningfulness of the opportunity to do so</u>” (underlining added). In other words, it is merely one of the areas to be explored. There may very well be good reasons why the answer to this question is “no”.</p>	
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Appendix B – Form of Consultation Database

First Nation or Aboriginal Group: _____

Date	Consultation Activity and Contact Names (eg. meeting with Chief and council/ letter to or from _____, telephone call to or from _____ etc.)	Issues/Matters Raised or Discussed	Response from First Nation/Mitigation or Accommodation measures proposed by Proponent etc.	Status of Issue (e.g. next steps or required follow-up? Has issue been satisfactorily resolved?)

Appendix C – Proponent Contact Information

Website: energyforbc.ca

Toll Free number: 1.855.757.4755

Contact Information for Community Coordinators

<p>Fort St. John Office Evan Saugstad Manager, Aboriginal Affairs and Permitting Tel: 250-785-9197 Cell: 250-788-6054 esaugstad@spectraenergy.com</p>	<p>Fort St. John Office Ed Whitford Community Coordinator Cell: 778-256-2954 ewhitford@spectraenergy.com</p>	<p>Prince George Office Franca Petrucci Community Coordinator Tel: 250-960-2087 Cell: 778-349-0971 fpetrucci@spectraenergy.com</p>	<p>Prince George Office Maggie Marsland Community Coordinator Tel:250-960-2089 Cell: 250-640-1384 memarsland@spectraenergy.com</p>	<p>Terrace Office Mark Amundrud Community Coordinator Tel: 250-635-0618 Cell: 250-641-0724 mhamundrud@spectraenergy.com</p>	<p>Terrace Office Graham Genge Community Coordinator Tel: 250-635-0618 Cell: 250-641-0571 ggenge@spectraenergy.com</p>
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