



Environmental
Assessment Office

EAO's Report on the Review of an Application for Extension of an Environmental Assessment Certificate

Prince Rupert Gas Transmission Project

November 25, 2014

EAC #E14-06

Requested by:

Prince Rupert Gas Transmission Ltd.

April 25, 2019

Pursuant to section 18 (2) of the Environmental Assessment Act, S.B.C. 2002, c.43 (Act)

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ACRONYM AND DEFINITION LIST

Aboriginal Interests	Aboriginal rights and title, including treaty rights	TOC	Table of Conditions
Act	<i>Environmental Assessment Act</i>	TransCanada	Prince Rupert Gas Transmission Ltd.- subsidiary of TransCanada PipeLines Ltd.
BC	British Columbia	TT	Tracking Table
CPD	Certified Project Description	UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
EA	Environmental Assessment	WG	Advisory Working Group
EA Application	Application for an Environmental Assessment Certificate (2014)		
EA Report	The EAO's Assessment Report (2014)		
EAC	Environmental Assessment Certificate		
EAO	The Environmental Assessment Office		
ePIC	EAO electronic Project Information Centre		
Extension Application	Application to request a one time five-year extension of the EAC #E14-06 for PRGT		
Extension Report	EAO's Summary Evaluation Report for an Extension of an EAC		
PRGT	Prince Rupert Gas Transmission Project		

1.0 OVERVIEW OF REQUESTED EXTENSION

On November 25, 2014, the Minister of Environment and the Minister of Natural Gas Development issued Prince Rupert Gas Transmission Ltd, a subsidiary of TransCanada PipeLines Ltd (TransCanada) the Environmental Assessment Certificate #E14-06 (EAC) for the Prince Rupert Gas Transmission Project (PRGT). A copy of documentation relating to the Environmental Assessment (EA) of the Project, the EAC, Certified Project Description (CPD), and Table of Conditions (TOC) are on the Environmental Assessment Office's (EAO) electronic Project Information Centre (ePIC) at <https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs>.

Section 18(2) of the *Environmental Assessment Act* (Act) allows for the holder of an EAC to apply for a one-time five-year extension of the deadline specified in the EAC for substantially starting the project. On December 7, 2018, TransCanada submitted an application to the EAO under Section 18(2) of the Act requesting a five-year extension of the November 25, 2019 deadline specified in the EAC (Extension Application¹). In the Extension Application, TransCanada describes historical circumstances that delayed post certification actions towards constructing and operating PRGT and that additional time is needed to secure commercial support and permitting for a new project that would utilize PRGT.

2.0 PROJECT DESCRIPTION

PRGT would involve the construction and operation of a sweet natural gas pipeline from near the District of Hudson's Hope in northeastern BC to Lelu Island, near Prince Rupert, BC (Figure 1 – Project Overview Map)

Additional project infrastructure includes compressor stations, a meter station, ancillary facilities and other project components as describes in the Project Description of the EA Application.

¹ <https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs?folder=223>

3.0 EXTENSION APPLICATION REVIEW

On December 7, 2018, the EAO accepted the Extension Application for review. The EAO established an advisory working group (WG) based on membership from the original EA, consisting of approximately 165 representatives of federal, provincial, local governments, and Indigenous groups identified in Schedule B of the Section 11 Order². The WG was established to provide technical advice on the review of the Extension Application. The EAO distributed the Extension Application to the WG and provided a 60-day review and comment period from December 19, 2018 to February 20, 2019. Indigenous groups listed in Schedule C of the Section 11 Order (that is at the lower end of the consultation spectrum) were also notified of the receipt of the Extension Application and invited to further discussions.

Submissions on the Extension Application were received from Gitksan, Metlakatla First Nation, Gitxaala Nation, Saulteau First Nations, Nak'azdli Whut'en, Doig River First Nation, the Ministry of Forests, Lands, Natural Resources Operations and Rural Development, Northern Health, Transport Canada, and Environment and Climate Change Canada. Key issues are identified in section 5 of this Extension Report. Detailed WG comments and TransCanada's responses are captured in the "PRGT Extension Request Working Group Tracking Table". The EAO also provided separate responses to any WG comments determined to be related to process or requiring a government response. The WG Tracking Table (TT) is available on the EAO's website³.

The EAO provided a draft of the Extension Report to the WG for review. Comments were received from Northern Health and Environment and Climate Change Canada and are discussed in section 5 of this Extension Report. Nisga'a Lisims Government responded with a letter of support for the Extension Application⁴.

The EAO also received two letters providing comments, one from a member of the public and the other from the Skeena Watershed Conservation Coalition⁵. Comments received by members of the WG raised issues and addressed in the TT included the cancellation of the Pacific Northwest LNG project, gas supply, introduction of the new *Environmental Assessment Act*, new Provincial initiatives, greenhouse gas emissions, cumulative effects, regulatory jurisdiction, and endangered species. Additional comments regarding economic effects, effects on watersheds, and effects on forests, wildlife, fish, and water quality/quantity were addressed in sections 5, 6 and 7 of the EA Report. Key issues relating to the Extension Application are discussed in section 5 of this Extension Report.

To inform the Executive Director's decision on whether to extend the Certificate, the EAO

² A comprehensive list of the WG members can be found in Appendix 1 of the EAO'S Assessment Report:

<https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs?folder=122>

³ <https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs?folder=227>

⁴ <https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs?folder=227>

⁵ <https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs?folder=226>

considered whether there have been any material and specific changes in circumstances that have occurred since the original EA that could affect the conclusions reached in the EA, and whether revisions to the EAC, CPD or TOC would be recommended to address these changes.

4.0 REGULATORY CONTEXT AND REQUIREMENTS

The primary regulator for construction and operation of natural gas pipelines in BC is the Oil and Gas Commission pursuant to the *Oil and Gas Activities Act*. Regulatory agencies for many of the required authorizations participated in the EA as members of the WG.

Various licenses, permits, or approvals would be required for field programs, construction, and operations of PRGT under federal, provincial and local jurisdiction. A comprehensive list of regulatory authorities and authorizations required for the construction and operation of PRGT are included in the EA Report, *Table 2-4: Authorizations which May be Required for the Proposed Project*⁶.

5.0 SUMMARY OF ISSUES

5.1 Aboriginal Rights and Title (Aboriginal Interests)

Metlakatla First Nation, Gitxaala Nation, and Doig River First Nation raised concerns related to the cumulative effects from multiple proposed projects and the resulting impacts to Aboriginal rights and title, including treaty rights (Aboriginal Interests).

The EA required an assessment of the potential adverse effects of PRGT, including cumulative effects, and the development of meaningful mitigation measures, including ways to avoid, minimize or otherwise manage any such potential adverse effects. The EAO consulted Indigenous groups during the EA with respect to cumulative effects and the potential impacts of PRGT to Aboriginal Interests; a summary of which is contained in section 18 of the EA Report. The TOC includes legally binding conditions to mitigate impacts to Aboriginal Interests.

In consideration of the above noted issues and additional ones raised during the review of the Extension Application, the EAO is satisfied that despite changes to the physical environment, a potential approval of the extension request would not constitute a material change with consequences to Indigenous groups' exercise of their Aboriginal Interests and treaty rights that has not otherwise been considered and appropriately addressed during the original EA and the TOC.

5.2 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Gitxaala Nation, Wilp Luutkudziiwus, Saulteau First Nations and Gitxsan Kispiox Watershed

⁶ <https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs?folder=122> (pages 49-52)

Chiefs Office raised concerns regarding BC's commitment to UNDRIP and calls to action of the Truth and Reconciliation Committee. Gitxa'ana Nation and Nak'azdli Whut'en raised concerns related to the anticipated legislative changes impacting the EA process.

The Province is committed to adopting and implementing UNDRIP and the Calls to Action of the Truth and Reconciliation Commission. The EAO approached the review of the Extension Application consistent with the Province's commitments.

5.3 Environmental Effects

The WG raised concerns related to (see comments and responses TTs published on the EAO's website⁷): environmental effects (cumulative effects, baseline data, disposal at sea, greenhouse gas emissions, and species at risk including caribou), and socio-economic and health concerns. These concerns are noted and addressed in sections 5, 6 and 7 of the EA Report. In addition, the EAO notes that the EAC conditions 17 and 18 (Caribou Mitigation and Monitoring Plan) and condition 19 (Wildlife Plan) provide for considering any new information, mitigation and adaptive management related to caribou in the development of the Caribou Mitigation and Monitoring Plan, and in respect of the Wildlife and Wildlife Habitat Management Plan, prior to commencement of construction.

In consideration of these issues, the EAO is satisfied that despite any changes to the physical environment, a potential approval of the extension request would not have consequences that have not otherwise been considered and appropriately addressed during the original EA and the TOC. Changes to the physical environment will be required to be reviewed and considered during the development of the environmental management plans associated with the EAC conditions, prior to construction.

5.4 Health Effects

Northern Health indicated that there has been new guidance developed for assessing and addressing social and health impacts since issuance of the EAC. Northern Health recommended that TransCanada consider this guidance in plan development. As a result, TransCanada committed to developing a Health and Medical Services Plan as a mitigation of the Social and Economic Effects Management Plan (EAC condition 34) to incorporate the new guidance. In addition, TransCanada commits to continued engagement with Northern Health to identify any new issues and mitigations relevant to PRGT should the project re-establish commercial support.

In consideration of the issues raised and commitments made by TransCanada, the EAO is satisfied that a potential approval of the extension request would not have consequences that have not otherwise been considered and appropriately addressed during the Extension

⁷ <https://projects.eao.gov.bc.ca/p/prince-rupert-gas-transmission/docs?folder=227>

Application.

6.0 CONCLUSIONS

Based on:

- Information contained in TransCanada's Extension Application;
- TransCanada's consultation record with Indigenous groups prior to submission of the Extension Application; and
- TransCanada's responses to comments and concerns from the WG and the EAO.

And given:

- The EAO conclusion that issues raised by the WG and Indigenous groups were adequately and reasonably addressed and are not material and specific changes in circumstances that have occurred since the original EA that could affect the conclusions reached in the EA, and that revisions to the EAC, CPD or TOC would not be justified;

The EAO is satisfied that:

- Despite changed circumstances, an approval of the extension request would not constitute a material change with consequences to Indigenous groups exercise of their Aboriginal Interests and treaty rights that has not otherwise been considered and appropriately addressed during the original EA and the TOC; and
- The Crown's duty to consult and appropriately accommodate potential impacts of the proposed extension on Aboriginal rights and title have been adequately fulfilled.

The EAO recommends that the Executive Director issue an Order under Section 18(4) of the Act to extend the EAC for PRGT for five years, noting that all other requirements arising from the original assessment remain in effect for the duration of the lifecycle of PRGT.