

July 23, 2024

Gitanyow Hereditary Chiefs
PO Box 148
Kitwanga BC VOJ 2A0

Re: Prince Rupert Gas Transmission Project

Dear Glen Williams, President and Chief Negotiator, Gitanyow Hereditary Chiefs:

Thank you for your letter dated May 14, 2024, addressed to the Honourable Minister George Heyman and Minister Josie Osborne, regarding the Prince Rupert Gas Transmission (PRGT) Project. The Environmental Assessment Office (EAO) and the BC Energy Regulator (BCER) have been asked to jointly respond to your letter.

In your May 14 letter, you requested additional information regarding the PRGT Project's future regulatory path and the status of the existing PRGT Project's permits granted by the BCER.

In your letter you outline three potential regulatory pathways forward for the PRGT Project, which we will elaborate on further:

1. Obtain an additional Environmental Assessment Certificate (EAC) extension for the PRGT Project before the current EAC's expiry date.
2. Begin construction activities under PRGT's existing permits and obtain a substantial start determination from the EAO for the PRGT Project under the current EAC before the current EAC's expiry date.
3. Re-apply to the EAO and re-initiate the environmental assessment review process and First Nation Consultation for the PRGT Project.

PRGT Ltd. has already received a one-time extension to their certificate, with the new EAC deadline being November 25, 2024. Section 31 of the *Environmental Assessment Act* (2018) allows for an extension to the EAC deadline on one occasion only. Should the EAC expire, all BCER permits will become invalid.

PRGT Ltd. can start construction only if they have met the pre-construction requirements of the EAC. As set out in the [EAO's Substantial Start Determination Policy](#), if the project is substantially started by November 25, 2024, then the EAC remains in effect for the life of the project, and if not, then the EAC expires. A determination as to whether a project is substantially started may be initiated either by the Holder of the EAC requesting a substantial start determination or by the EAO if the substantial start deadline has passed. In making this determination, the EAO will consult with First Nations, including Gitanyow Hereditary Chiefs (Gitanyow), which will include seeking views with regards to whether the project is substantially started and requesting any information relevant to this consideration.

As you are aware, the EAO received a [notice of the start of construction](#) from PRGT on May 24, 2024 to commence construction on August 24, 2024 within Nisga'a Lands. The EAO continues to engage with PRGT as a Holder of a valid EAC; however, the EAO is not in a position to speculate on what will happen if their EAC expires or what the next steps will be if they are not determined to be substantially started.

Regarding the BCER's permit conditions included in PRGT's pipeline and compressor station permits, they were required to provide notice to the BCER six months in advance of their anticipated construction start. On February 7, 2024, PRGT provided written notification to the BCER of their intent to commence construction activities within areas encompassed entirely by the current Section 5B of their pipeline, satisfying the pre-construction requirements as conditioned in the permit for Section 5B of the PRGT pipeline.

Advance notification of construction start has yet to be provided by PRGT for any other BCER permit, including the permit for pipeline Section 5A, which is located within Gitanyow's Lax'yip. To date, PRGT has applied to the BCER to extend some of their permit expiry dates for their pipeline and compressor station permits. The BCER anticipates PRGT will submit more permit extension in order of their current permits' expiry dates.

The following permits have been granted by the BCER to PRGT for activities within the Gitanyow's Lax'yip:

- 9708461 Pipeline Permit, Section 5A
- 9708512 Facility Permit, Bordon Lake Compressor

The permit conditions shared with Gitanyow, in consultation on the permit extension application for Section 5 back in 2023, remain in the Section 5A permit, which includes all areas originally within Section 5 that are located within Gitanyow's Lax'yip.

The PRGT permits for activities within Gitanyow's Lax'yip include the following conditions:

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1. *At least 6 months prior to construction start, the permit holder must provide the BCER (postpermitrequests@bcer.ca) with notice for the purpose of receiving the following:*
 - a. *An assessment of cumulative effects of the project, and*
 - b. *A description all of mitigations and offsets required during and post construction to address cumulative effects and to avoid, minimize and restore impacts to the current use of land and resources for traditional purposes by an impacted First Nation.*
 2. *The Permit Holder must not start construction activities until it has received the assessment of cumulative effects of the project and description of mitigations and offsets referenced in (1) above.*
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The BCER is committed to consulting with Gitanyow to understand the Huwlip's distinct rights, interests, and relationship to their territory and their unique role and connection to the proposed project area. The following permit conditions have been recommended:

3. *Prior to commencement of construction activities on any portion of the pipeline, the Permit Holder must engage with an impacted First Nation and consider any relevant information made available by a First Nation and conduct an investigation of the potential effects of the operation of the facility on the current use of land and resources for traditional purposes by the impacted First Nation. Relevant information may include, but not be limited to, updated wildlife studies, culturally modified trees, cache pits, house pits, grave sites, pictograph sites, smoke houses, cabins, artifacts, and areas traditionally used for camping, hunting, fishing, and berry picking located within the facility area.*
 4. *The Permit holder must submit the BCER (postpermitrequests@bc-er.ca) at least six months prior to commencing construction activities on any portion of the pipeline, a report describing the site-specific mitigation plans. The report must include, but not be limited to:*
 - a) *a summary of the engagement with impacted First Nations and relevant information considered by the Permit Holder, including First Nations specific studies or surveys, that inform the site-specific mitigation plans;*
 - b) *a description of how the Permit Holder considered and addressed any information received by First Nations in development of the site-specific mitigation plans;*
 - c) *a description of any outstanding concerns raised by First Nations regarding the potential effects of the activities on the current use of land and resources for traditional purposes, including a description of how these concerns have or will be addressed by the Permit Holder; and*
 - d) *a summary of any outstanding investigations or follow-up activities that will not be completed prior to commencing construction, including an estimated completion date, if applicable. The Permit holder must submit the above referenced report to impacted First Nations, at least 30 days prior to submitting the report to the BCER.*
 5. *The Permit Holder may not start construction activities on any portion of the pipeline until the BCER notifies the Permit Holder that it has completed a review of the report.*
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The BCER will also consult with Gitanyow on the site-specific mitigation plan and the record of engagement that must be submitted by PRGT to the BCER, at least six months prior to PRGT's intended construction start date within Gitanyow Lax'yip.

The EAO and BCER are committed to engaging further with Gitanyow on the PRGT Project and will continue to share new information with you as it is received from PRGT.

Should you wish to discuss this correspondence further, please contact:

Ryan Stark, Manager, Decision Support
BC Energy Regulator
250-794-5287
Ryan.Stark@bc-er.ca

Edwin Hubert, Project Assessment Director
BC Environmental Assessment Office
778.698.9323
Edwin.Hubert@gov.bc.ca

Respectfully,



Kelly Wintemute, Executive Project Director
BC Environmental Assessment Office
(236) 475-4421
Kelly.Wintemute@gov.bc.ca



Michael Shepard, Vice President of Responsible Development and Indigenous Relations
British Columbia Energy Regulator
(250) 419-4344
Michael.Shepard@bc-er.ca

CC: Hon. George Heyman Minister of Environmenta and Climate Change Strategy

Hon. Josie Osborne Minister of Energy, Mines and Low Carbon Innovation

Elenore Arend Associate Deputy Minister & Chief Executive Assessment Officer
BC Environmental Assessment Office

Michelle Carr Chief Executive Officer and Commissioner
British Columbia Energy Regulator

Glen Williams Simoogit Malii, President and Chief Negotiator
Gitanyow Huwilp

Joel Starlund Executive Director
Gitanyow Huwilp