

Summary of Issues

Trigon Pacific LPG Project

The Summary of Issues outlines the key issues that the Impact Assessment Agency of Canada (IAAC) considers relevant for the federal impact assessment process for the Trigon Pacific LPG Project (the project). Trigon Pacific Terminals Ltd.'s (the proponent) response to the Summary of Issues will support IAAC's decision on whether further assessment is required under section 16 of the *Impact Assessment Act*. If further assessment is required, the key issues outlined below and the proponent's response will inform the scope of the impact assessment, and the development of the Tailored Information and Studies Guidelines and plans, as appropriate.

IAAC was informed by input received to date from federal authorities, Indigenous groups, and the public on the proponent's Summary of the Initial Project Description. The proponent is encouraged to read the submissions on the Canadian Impact Assessment Registry Internet site for the project (Reference Number [90557](#)).

The proponent is required to describe how it intends to address the key issues identified below as part of the development of its project. A high-level description is sufficient. Where relevant, the proponent is encouraged to identify if the key issues will be addressed through existing legislative and regulatory frameworks (i.e., legislation or regulation), through the application of standard mitigation measures including the standard mitigation measures identified by IAAC, or through proponent commitments to best practices, policies or standards, or both.

IAAC is committed to advancing the Government of Canada's implementation of the United Nations Declaration on the Rights of Indigenous Peoples by meaningfully involving Indigenous peoples during the Planning phase for the project. By providing this Summary of Issues to the proponent, IAAC recognizes that the Government of Canada retains as a core responsibility, its obligation to respect the rights of Indigenous peoples, and fulfill the legal duty to consult while upholding the honour of the Crown, and fostering long-term relationships based on shared reconciliation objectives.

Key Issues

Fish and fish habitat

- Concerns about adverse effects to fish and fish habitat, including species at risk, from project-related marine shipping activities, including underwater noise and vessel strikes. Provide information on the potential adverse effects on fish and fish habitat from project-related marine shipping and measures that address the potential effects.

Migratory birds

- Concerns about adverse effects on migratory birds, including species at risk, from injury, mortality, sensory disturbance, loss or change of habitat, accidental release of harmful substances and flaring. Provide a list of migratory bird species that may potentially be affected by the project and measures that mitigate the potential adverse effects on migratory birds.

Rights of Indigenous peoples

- Concerns about impacts on the rights of Indigenous peoples as a result of ongoing development and increasing marine shipping in the Port of Prince Rupert through to

Dixon Entrance, and increased use of rail transportation along the Skeena River between Terrace and Prince Rupert, resulting in cumulative and ongoing displacement from preferred lands and waters and an inability to exercise governance and decision making over the use of traditional territories. Provide additional information about the potential adverse impacts of project construction, operation, and associated marine shipping and rail transportation on the rights of Indigenous peoples.

Indigenous peoples' physical and cultural heritage

- Concerns about adverse effects to heritage resources, archaeological sites, cultural values, and the preservation of Indigenous history, culture, rights, and title due to further disturbance or destruction of archaeological and culturally important areas as a result of the project, limited Indigenous participation in studies and monitoring, and increased recreational use associated with an influx of workforce. Provide additional information about the potential adverse effects to heritage resources, including archaeological sites, and the intangible facets of cultural heritage. Outline heritage studies, procedures, or plans (e.g., chance find protocols) that have been developed to address potential adverse effects to heritage resources.
- Concerns about adverse effects to heritage resources, archaeological sites, cultural values, and the preservation of Indigenous history, culture, rights, and title as a result of marine shipping associated with the project. Provide information about potential impacts to sensitive protected areas such as McIntyre Bay, Celestial Reef, and Learmonth Bank.

Indigenous peoples' current use of lands and resources for traditional purposes

- Concerns about adverse effects to Indigenous peoples' ability to harvest wildlife, and culturally, economically, and spiritually important species due to increased recreational activity associated with workforce influxes, and project-related noise, light, and vibration, which may reduce resource availability and alter wildlife behaviour, foraging patterns, and habitat use. Provide additional information about potential effects to current use and access to lands and resources for traditional purposes as a result of changes to sensory conditions and influx of the project workforce to the area. Include consideration of changes to sensory conditions both on the land and on the water.
- Concerns about adverse effects to Indigenous peoples' ability to harvest wildlife and fish, and culturally, economically, and spiritually important species due to increased marine vessel activity. Provide additional information about potential effects to Indigenous marine use, including the ability to access and successfully utilize key harvesting sites during commercial fishing windows.

Indigenous peoples' health, social, and economic conditions

- Concerns about adverse effects on noise and air quality from construction, operations, decommissioning, and activities associated with combustion (including flaring, and transportation by rail or marine shipping) that may generate air contaminants, including particulate matter, nitrogen oxides, and sulfur dioxide, and cause long-term health impacts through exposure. Provide information on potential adverse effects on human health from changes to noise and air quality.
- Concerns about the adverse effects from the influx of workforce on social infrastructure and community services, including an increased demand for housing, health services, social services, transportation, policing and emergency services and changes to community dynamics. Provide additional information on the potential effects arising from workforce influxes, as well as information on the off-site work camp (including location, capacity, duration and ownership), transportation between the camp and project site, and operating arrangements between the proponent and the work camp provider.

- Concerns about the health, safety, and security of Indigenous women, girls, and Two-Spirit people from workforce influxes, including gender-based violence, harassment, exploitation and human trafficking, which may also exacerbate existing concerns along the Highway 16 corridor. Provide information about potential risks to more vulnerable sub-populations including Indigenous Women, Girls, and Two-Spirit and gender-diverse people, including measures to ensure safe workplaces and community safety, and approaches to engage affected communities.
- Concerns about procurement, employment, business and training opportunities for Indigenous peoples (especially Indigenous women), Two-Spirit and gender-diverse people, and concerns that local communities bear the impacts of development without receiving a fair share of associated economic and social benefits. Provide clarity on whether net increase in employment from existing operations is anticipated, as well as information on targeted measures to ensure equitable distribution of project benefits.
- Concerns about adverse effects to Indigenous and local economic well-being, traditional marine harvesting opportunities, and community income due to increased labour demand and workforce pressures that drive up construction and labour costs, as well as increased recreational fishing activity that competes with and reduces access to traditional fishing resources. Provide additional information on potential adverse effects to Indigenous and local economic well-being as a result of changes to labour demand and workforce pressures.

Indigenous engagement

- Concerns about the mischaracterization of consent, support, or endorsement in connection with economic participation in the project through equity agreements. Provide additional clarity about the proponent's engagement with Indigenous groups as it relates to discussions concerning consent or support for the project.

Species at risk

- Concerns about potential effects on species at risk, such as Little Brown Myotis, including the loss or disturbance of habitat and sensory disturbances. Provide a list of potentially affected species at risk and their listed status, any residences and/or critical or suitable habitat, including anthropogenic habitat, that may interact with the project, and describe how they may be adversely affected by the project.

Malfunctions or accidents

- Concerns about potential releases of hazardous substances, loss of containment from LPG storage systems, rail unloading failures, marine transfer incidents, fires, explosions, or catastrophic process failures, which may result in adverse effects to human health, community safety, Indigenous rights and interests, cultural values, and the environment. Provide additional information on any response plans that address potential accidents and malfunctions.
- Concerns about the potential for marine incidents (e.g., collisions, groundings, fires, explosions, and LPG/hazardous and noxious substances releases) and the adequacy of specialized emergency preparedness, response capacity, and coordination. Provide information on the proposed emergency preparedness and response plan for the project.
- Concerns about rail safety (e.g., collisions and train derailments) and emergency response preparedness. Provide information on anticipated train volumes, available rail capacity, and proposed emergency preparedness and response plan for the project.

Cumulative effects

- Concerns about potential adverse effects to Indigenous rights and interests, community well-being, infrastructure and services, environmental and human health, and access to traditionally used lands and resources due to the cumulative and long-term impacts of existing and reasonably foreseeable industrial development in the Prince Rupert region and associated marine shipping activities. Provide additional information about vessel calls, routing, tug movements, and cumulative increase of marine vessels relative to existing conditions within the Port of Prince Rupert and through to Dixon Entrance. Provide additional information on the relationship between the proponent and the operator responsible for marine shipping, including any ability of the proponent to direct or influence the activity.
- Concerns about potential adverse effects to Indigenous rights and interests, community wellbeing, environmental and human health, and access to traditionally used lands and resources due to the cumulative and long-term impacts of existing and reasonably foreseeable industrial development between Terrace and Prince Rupert, including associated increases in rail transportation. Provide additional information about the number and frequency of rail car transportation along the Skeena River between Terrace and Prince Rupert, taking into consideration rail cars both entering and exiting the Port of Prince Rupert. Provide additional information on the relationship between the proponent and the operator responsible for rail transportation, including any ability of the proponent to direct or influence the activity.

Climate change and greenhouse gas (GHG) emissions

- Concerns about the project's GHG emissions from ground flare, on-site power generation if BC Hydro is unable to provide sufficient power to support project's operations, and the cumulative effects of facility operations and associated marine shipping emissions in the Prince Rupert region. Provide additional information on GHG reduction measures to support the federal climate change commitment of net-zero by 2050 and any interim measures to be implemented in the event that BC Hydro is unable to provide sufficient power to support the project.

Water quality and quantity

- Concerns about adverse effects on water quality and water quantity from construction and operation activities that could affect fish and fish habitat, terrestrial species at risk, migratory birds, and water used by Indigenous peoples. Provide information on how the project may affect water quality and quantity during each phase, including any mitigation strategies or management plans.

Appendix – Other comments, advice, and recommendations

The Impact Assessment Agency of Canada (IAAC) is providing the following comments, advice, and recommendations for information purposes only. The proponent is encouraged to consult the Canadian Impact Assessment Registry Internet site for the project (Reference Number [90557](#)) to review the original comments.

Indigenous and public consultation and engagement

- Concerns regarding the adequacy of engagement activities with Indigenous groups to meaningfully consider and incorporate their concerns into planning and decision-making.
- Concerns about short notices and compressed timelines of the Planning phase and requests to suspend the timelines to address and respond to key issues raised.
- Request for higher resolution project footprint map or scalable GIS product to facilitate meaningful review of the project.

Operational and land use concerns

- Concerns about the lack of information on decommissioning the existing coal operations.
- Concerns about the effects of site preparation or the risks of not remediating the lands used to develop the project.
- Concerns that there is no limit proposed on the length of the project's operations phase.
- Comments about the need for the project to meet the demand for Canada's LPG.
- Concern about the lack of land use rights under its lease to construct and operate the project and export LPG.
- Concerns about the proponent's attempt to initiate two separate regulatory processes for projects on the same parcel of land, including the current impact assessment process for the project and an attempt to initiate a review under section 81-91 of the *Impact Assessment Act* for a previous version of the project.

Port development

- Concerns about regulatory processes managed by the Prince Rupert Port Authority (PRPA) in assessing the impacts of the project, including in relation to transparency and consultation with Indigenous groups.
- Request for clarity around PRPA's involvement in the impact assessment process given its role as a federal regulatory authority, the land manager of the Port of Prince Rupert, and a party to an ongoing legal dispute over the lease agreement with the proponent.

Regional initiatives

- Concerns about regional initiatives or discussion forums related to rail transportation and marine shipping being referred to as mitigation measures for effects from the project.

Assessment scope

- Concerns that the proposed local and regional study areas are too narrow in scope to appropriately assess effects on marine transportation, cumulative effects, fisheries, migratory species, Indigenous rights, wildlife, marine harvesting, and stewardship responsibilities.
- Concerns about the representativeness of selected monitoring locations to support sufficient baseline data collection, environmental assessment, and predictive modelling.