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March 10, 2023

Sent via e-mail:ohchr-registry@un.org

Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10, Switzerland

Attention: Beatriz Balbin, Chief, Special Procedures Branch

Dear Beatriz Balbin,

I have been asked by Francois Poirier, CEO of TC Energy, to provide a response to your letter dated January 13, 2023 (Letter) related to the Special Procedures Branch's concerns regarding the Coastal GasLink Project.

Respecting human rights is a fundamental operating principle of TC Energy, and by extension, how we have planned, and are building, the Coastal GasLink Project. At Coastal GasLink, we have placed our respect and deep commitment to collaboration with Indigenous and local communities at the forefront of all that we do. This commitment started more than ten years ago, when we openly and respectfully approached more than 20 Indigenous groups along our then proposed project corridor in accordance with Canadian law, and consistent with the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and its guiding principles. Both Canada and British Columbia have since passed legislation to implement UNDRIP, and TC Energy complies with the laws of the jurisdictions within which we operate.

This response provides information and clarification to address the points raised within the Letter which relate to Coastal GasLink and TC Energy's areas of responsibility. Several of the points raised in the Letter are related to other authorities' area of responsibility, including law enforcement and delegation of Indigenous rights and title. That said, we take our responsibility as a developer and operator seriously and operate with the utmost respect for the Indigenous and local communities where we have the privilege to operate.

Based on the positive and respectful relationships that have been built over the years, we are proud of the project agreements we have in place with all 20 elected Indigenous communities along the project corridor, including Wet'suwet'en communities. These agreements were achieved through extensive consultation and engagement, unique to each Nations expectations, interests and values. They are the result of collaboration where we worked together to identify a path towards mutually beneficial relationships – relationships that considered and implemented feedback regarding the project route and design, maintaining safe access to traditional and cultural activities, as well as benefits such as training, employment, contracting and long-term community investments. Each of these communities spent considerable time and

effort to learn about the project and in making their decisions to support the project. When planning the route, Coastal GasLink undertook extensive consultation with Wet'suwet'en communities. Following this consultation, Coastal GasLink applied for an alternate route, which moved the project further away from cultural areas of importance to the Wet'suwet'en. For more information about route consultation and amendments, [visit our website](#).

Coastal GasLink's work is lawful, authorized and fully permitted under the laws of British Columbia and Canada. The project went through a robust provincial regulatory process where Indigenous groups were consulted, and the potential impact to Indigenous rights, including economic, social, heritage, health effects and other issues and concerns were thoroughly assessed. The decision to grant environmental approvals and permits to Coastal GasLink was in part attributed to the adequacy of Coastal GasLink's consultation and engagement with Indigenous groups and the design of mitigation and avoidance measures to protect Indigenous rights, culture and traditions. Coastal GasLink's consultation record is publicly available on the provincial regulator's [website](#) and we are pleased to include an engagement and consultation summary for your reference.

We operate on the core belief that our workers, contractors and Indigenous and local communities are entitled to a respectful and inclusive environment where everyone feels safe, and discrimination or harassment of any kind is not tolerated. These principles guide the Coastal GasLink Project, as well as our commitment to creating an extraordinary legacy of safety and respect for communities and the environment. As part of that commitment, we provide cultural awareness and other training to people at every level of the project – including those who work and live in our workforce accommodations. Additionally, there are policies and practices in place to support these commitments, such as TC Energy's [Harassment Free Workplace Policy](#) that affirms our commitment to creating a safe and respectful workplace.

In collaboration with Indigenous and local communities, Coastal Gaslink has implemented first of its kind programs for Indigenous inclusion. For example, our [Community Workforce Accommodation Advisor \(CWAA\)](#) and [Construction Monitoring and Community Liaison \(CMCL\) Programs](#) - were developed in partnership with Indigenous community members to promote a safe, healthy and respectful environment, in alignment with the protection of human rights and Indigenous cultures and values.

With the involvement of Indigenous and local workers and businesses across the project's 670-kilometre route, we have provided significant employment and awarded more than \$1.5 billion in contracts to Indigenous and local businesses and employees.

In particular, [Wet'suwet'en businesses and partnerships](#) with prime contractors are delivering contracts that are valued at over \$400 million. Approximately 75 Wet'suwet'en members have been hired to date, working in construction, environmental protection, security and within workforce accommodations. Construction and community liaisons have also worked alongside the project from Indigenous communities across the route sharing their culture and knowledge, acting as a bridge back into their communities for transparency and understanding of project activities. We are proud of the role Indigenous people are playing to build this critical energy infrastructure that will support the global clean energy transition.

Throughout our engagement, many of the 20 Indigenous communities along our project route brought forward a desire to purchase an equity interest in the project. Together, we pursued this idea, and in March 2022 we announced a historic [milestone](#): signing option agreements to sell a 10 per cent equity interest in Coastal GasLink to Indigenous communities along the project corridor. When exercised, these agreements will make these Indigenous groups owners and investors in this critical energy infrastructure, providing long- term economic benefits for years to come. Coastal GasLink will also enable Cedar LNG, the first Indigenous-majority-owned LNG export facility in Canada, which will provide significant benefits to the Haisla Nation and surrounding region.

We recognize that there continues to be different views of the project and some fundamentally oppose the project. However, Coastal GasLink continues to seek a collaborative approach to addressing issues and concerns raised by some Wet'suwet'en people.

In response to concerns we have heard about Project activities on the Wet'suwet'en Yintah, the Wedzin Kwa, and Ts'elkay Kwe Creek, for example, we have implemented new monitoring programs, introduced additional environmental protocols for safe construction, and created more opportunities for Wet'suwet'en members to learn about and participate in the project. We have worked closely with communities, including the Wet'suwet'en, to ensure processes are in place to facilitate safe access for cultural and traditional practices. We have established access protocols and engagement programs to ensure continued safe access. We remain committed to continuing to implement the highest standards for environmental protection across the entire project, including in these culturally sensitive areas.

We are committed to undertaking our work in a respectful manner and take our responsibility for protecting our workers and ensuring public safety seriously. TC Energy and Coastal GasLink respect the right to peaceful and lawful protest, however, the activities of opponents of the project have, at times, [exceeded the legal limits of protest](#), endangering people and the environment. It is regrettable that the RCMP are required to enforce the court ordered injunction, however we understand that RCMP enforcement has been necessary to protect workers and public safety due to unlawful and anarchistic activities in the area.

Coastal GasLink is proud to be playing a significant role in reducing global GHG emissions, while advancing Indigenous economic reconciliation in partnership with Indigenous communities. Coastal GasLink, together with LNG Canada, are providing a critical solution that will replace carbon-intensive energy forms such as coal-fired electricity generation in other jurisdictions. Many of our Indigenous partners are aligned with this solution that will also deliver significant benefits to their communities, our country and the world. And as world leaders look for secure sources of energy, Coastal GasLink enables Canada and North America to support our trading partners.

Our team would be pleased to arrange a time to meet with you to share more information on our approach to engagement with Indigenous groups on the project, which is ongoing and extensive, and our continued efforts to listen, learn and incorporate feedback and mitigate concerns. If you would like to arrange a meeting to further discuss the project, please contact coastalgaslink@tcenergy.com.

Sincerely,



Bevin Wirzba

President, Coastal GasLink

Executive Vice-President, Strategy and Corporate Development and Group Executive, Canadian Natural Gas and Liquids Pipelines