

Court File No.

FEDERAL COURT OF APPEAL

BETWEEN:

AITCHELITZ, SKOWKALE, SHXWHÁ:Y VILLAGE, SOOWAHLIE,
SQUIALA FIRST NATION, TZEACHTEN, and YAKWEAKWIOOSE

APPLICANTS

AND:

ATTORNEY GENERAL OF CANADA and
TRANS MOUNTAIN CORPORATION

RESPONDENTS

AFFIDAVIT #4 OF TANNY NGUYEN

I, Tanny Nguyen, Project Manager, of Miller Titerle Law Corporation, located at 300 – 638 Smithe Street, Vancouver, British Columbia V6B 1E3, SWEAR THAT:

1. I am a Project Manager at Miller Titerle Law Corporation, counsel for the Applicants in this matter, and as such I have personal knowledge of the facts and matters hereinafter deposed to, save and except where the same are stated to be based on information and belief and where so stated I verily believe the same to be true.
2. The document attached as Exhibit "A" to my Affidavit was not filed in the National Energy Board hearings in respect of Trans Mountain Corporation's Trans Mountain Expansion Project because it relates to Crown consultation efforts more broadly.

3. Attached as **Exhibit "A"** to my Affidavit is a true copy of a letter from Justice Frank Iacobucci to Chief David Jimmie, President of the Ts'elxwéyeqw Tribe (the "**Tribe**") dated January 28, 2019, in response to the Tribe's letter of January 15, 2019.

SWORN BEFORE ME at the City of)
 Vancouver in the Province of British)
 Columbia, this 8th day of July, 2019)



A Commissioner for Oaths in and)
 for the Province of British Columbia)



TANNY NGUYEN

Ryley Mennie
Barrister & Solicitor
Miller Titerle Law Corporation
 300 – 638 Smithe Street
 Vancouver, BC V6B 1E3

January 28, 2019

EMAIL

Chief David Jimmie
President
Ts'elxwéyeqw Tribe Management Limited
Building 8A, 7201 Vedder Road
Chilliwack, BC V2R 4G5

This is Exhibit A referred to in the Affidavit #4 of Tanny Nguyen sworn before me at Vancouver, BC this 8th day of July, 2019.


A Commissioner for taking affidavits for
British Columbia

Dear Chief Jimmie:

Re: Trans Mountain Expansion Project – Phase III Consultation

Thank you for your letter of January 15, 2019 setting out the Ts'elxwéyeqw Tribe's expectations in respect of the Phase III consultation process for the Trans Mountain Expansion Project (TMX). I appreciate you taking the time to raise these points with me, and I have read your letter with great interest and respect.

As you will know from the Vancouver roundtable meeting at which we first met and from the consultation approach document that was sent to you, I was appointed by the Government of Canada to oversee, and provide independent direction and guidance to the government on how to undertake a meaningful consultation and reasonable accommodation process with Indigenous groups that may be impacted by the project. My role is not to consult on specific details with individual Indigenous groups and communities. That work is carried out instead by the Crown's Consultation Team.

I am pleased to learn that representatives of the Crown's Consultation Team have already begun their meetings with representatives of the Tribe. I have provided a copy of your letter to Deborah Corber, who as you may know is the Consultation Lead with responsibility for carrying out discussions with the Tribe on behalf of the Crown, and understand that she will have a detailed response to your letter very shortly.

I note that, when issues were raised at the Vancouver roundtable about the role of the Crown and perception of bias/conflicts in relation to the project, you understood me as saying I undertook to take the issue back and provide a response. While my colleagues and I do not recall making such an undertaking, I appreciate that you may have interpreted what I said that way, and apologize for any confusion. In any event, I understand Ms. Corber will be addressing that issue in her letter.

Thank you again for raising these issues and for doing so, as you say in your letter, in the spirit of collaboration and good faith. I look forward to hearing more about what I hope will be

productive discussions between Ms. Corber and the other members of the Crown's Consultation Team with the representatives of the Tribe.

Yours truly,

A handwritten signature in cursive script that reads "Frank Iacobucci". The signature is written in dark ink and is positioned above the printed name.

Frank Iacobucci

FI