



Malahat Nation

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Impact Assessment Agency of Canada

160 Elgin Street

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RE: Malahat Nation Comments on Initial Project Description for GCT Deltaport Expansion, Berth Four Project

The Malahat Nation, (Malahat) is a Coast Salish Indigenous community located on southern Vancouver Island. The Malahat people have lived, travelled, hunted and fished throughout the Salish Sea including southern Vancouver Island, the Gulf Islands, the San Juan Islands, and the mouth of the Fraser River since time immemorial. As such, Malahat has asserted aboriginal rights and title to an area which includes the project area and associated marine shipping route. We are descendants of the South Saanich people, who are signatories to the Douglas treaties. Malahat people therefore possess the right to fish “as formerly” under the Douglas Treaties. In addition, Malahat is a member of the Te’ mexw Treaty Association, which has been involved in negotiating a comprehensive modern treaty through the BC Treaty Commission process since 1995.

We submit this letter of comment in response to the Initial Project Description for the GCT Deltaport Expansion, Berth Four Project (DP4 or the Project) submitted by GCT Canada Limited Partnership. Malahat Nation is of the view that the proposed project is likely to impact our Section 35 and Douglas Treaty rights. We believe a substituted environmental assessment process is necessary and appropriate for the proposed project under the *Impact Assessment Act* and *Environmental Assessment Act*.

We have identified the following areas in which the project has the potential to impact Malahat Nation’s interests. This is a preliminary list and does not include all areas of concern or interests Malahat Nation may have regarding the proposed project in the future.

Marine shipping effects

An increase in marine shipping traffic introduces a potential interference with Malahat’s ability to safely travel throughout our marine territory. This impacts our membership’s ability to continue cultural traditions, connect with places of significance within the territory, transmit intergenerational knowledge, and maintain connections with neighboring Indigenous communities. Increased shipping activity also affects Malahat’s ability to exercise our Douglas Treaty rights in relation to fishing and marine resource harvesting.



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Furthermore, we are concerned with the potential erosional impacts to coastal archaeological sites which are vulnerable to increased ship wake. The preservation of these sites is highly significant to Malahat spirituality and community well-being.

Lastly, Malahat notes that the IPD anticipates an increase in the size and number of vessels calling, with the project's planned accommodation of Ultra Large Container Vessels. We are interested in the implications of this anticipated increase in vessel size and number, including effects on tidal and coastal geomorphic environments and increased risks of vessel collisions or fuel/cargo spills.

Impacts to marine mammals including Southern Resident Killer Whales

The Southern Resident Killer Whales (SRKW) are of major significance in Malahat culture. These whales are important figures in Malahat stories and have a special place in Malahat spiritual beliefs. We are concerned with the potential for increased underwater acoustic disturbance on SKRW behavior, foraging, and survival, particularly given the overlap between the project and marine shipping area and SRKW critical habitat. In addition to acoustic disturbance, other potential pathways of effect include habitat changes led to reduced prey availability and biomagnification and bioaccumulation of toxins sourced from bilge water, bottom paint, lubricants, and hydrocarbon exhaust.

We believe that the project and associated marine shipping have the potential to impact other cetaceans and marine mammal species including seals and sea lions through project construction, operations, and marine shipping and will review assessments and mitigations to this effect.

Impacts to fish and marine resource use

Malahat Nation has stewardship responsibilities to marine species within the traditional territory and relies upon on healthy, sustainable fisheries for important social and cultural uses. Food fish distribution is an important and much-celebrated component of community events as it provides important sustenance to Elders and other community members. Malahat has interests in food harvesting a wide range of marine species including, but not limited to, crab, salmon, oyster, mussels, abalone, prawn, eulachon, and marine flora such as kelp, seagrasses and sea asparagus. Without continued and reliable access to traditional marine resources and food systems, the Malahat Nation is likely to experience negative health consequences and a loss of cultural identity.

Marine fisheries also provide a key source of economic opportunity for Malahat, as the Nation holds commercial licenses for, or economic interests in, the harvesting of a number of species including but not limited to salmon, crab, red sea urchin, herring, halibut, rockfish, sablefish, geoduck, and clam.

We are concerned that the health and productivity of these species may be impacted by the project construction, operation, and associated marine shipping, contributing further to the cumulative effects of increasing industrial activity throughout the Salish Sea.

Atmospheric emissions including greenhouse gases (GHGs)

As a coastal community, Malahat Nation is particularly vulnerable to the impacts of climate change and sea level rise, and is concerned with the project's potential contribution to this effect. We note that the



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Initial Project Description estimates zero net GHG emissions during project construction and a net reduction in GHG emissions, compared to base case, through operations and maintenance activities, and will engage further with this issue as more detailed analyses become available.

Impacts to sensitive ecosystem and feasibility of offsetting

The project is located in a highly valuable and productive estuarine ecosystem, of particular importance to migratory shorebirds. The proposed 43 ha of dredging and subsequent project construction and operation may induce changes to sediment transport, freshwater and marine flow exchange, and the availability or nutritional composition of the biofilm, upon which migratory shorebirds critically depend. We also note that sedimentation changes in the project area may also impact the unique and valuable ecosystem of the Saanich Inlet as suspended sediment is transported from the Fraser River to the Strait of Georgia through to the inlet.

We are concerned with the feasibility of avoiding impacts to this sensitive ecosystem and the effectiveness of habitat offsetting measures, considering both the unique ecological attributes of the area as well as the scientific uncertainty involved in biofilm impact mitigation measures.

Territory-wide perspective

Malahat Nation notes that project-based impact assessment processes fail to describe the current and ongoing cumulative impacts to Malahat's traditional knowledge, cultural use, and occupancy across the territory and are instead limited to valued components within the project boundaries. In turn, this limited scope narrows our ability to identify issues and opportunities for mitigation based on a full consideration of historical, current, and future conditions affecting Malahat Nation. As part of the impact assessment process for this project, Malahat Nation would like to see the provision of capacity funding to carry out a territory-wide Traditional Knowledge, Use, and Occupancy Study so that we may engage in the impact assessment process with a fuller understanding of the potential impacts to the Nation and how these can be minimized most effectively.

Malahat Nation looks forward to participation in the impact assessment process and engagement regarding the assessment of impacts to our Nation, and determination of appropriate mitigation measures to address these concerns.