



## Pacheedaht First Nation

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November 26, 2020

**VIA EMAIL - [brett.maracle@canada.ca](mailto:brett.maracle@canada.ca)**

Impact Assessment Agency  
160 Elgin Street, 22<sup>nd</sup> Floor  
Ottawa, ON K1A 0W9

Attention: Brent Maracle, Crown Consultation Coordinator

Dear Sirs/Mesdames:

**Re: Deltaport Expansion Berth Four Project (DP4)**

I am writing to confirm the intention of the Pacheedaht First Nation to participate in the Impact Assessment Agency of Canada's environmental assessment for the DP4 project. Pacheedaht will be directly impacted by the DP4 project as the international shipping lanes through the Strait of Juan de Fuca are within Pacheedaht's Marine Territory.

Below we set out the information requested in your letter dated October 2, 2020.

### **Federal Assessment Required**

We are of the view that a federal environmental assessment by way of a review panel is required in relation to the DP4 project. A public hearing is needed in order for Pacheedaht leadership and members to provide testimony about their concerns regarding impacts to the Marine Territory.

### **Pacheedaht First Nation**

Pacheedaht's Territory is located on the southwest coast of Vancouver Island and includes waters in the Strait of Juan de Fuca and Swiftsure Bank.

Pacheedaht has Aboriginal title and governance rights to its Territory, including the Marine Territory. These rights are grounded in Pacheedaht's history of control, ownership, management, and use of the Marine Territory and its resources. Pacheedaht's governance rights include the right and responsibility to govern and manage the Marine Territory. This includes making decisions about how the Marine Territory is used. These rights are exclusive in all of the marine territorial waters, and shared at Swiftsure Bank with the strong kinship ties to Ditidaht First Nation to the West and Makah Tribe to the South.



The map below shows the extent of Pacheedaht’s Territory including the Marine Territory.



While the full extent of Pacheedaht’s Aboriginal rights in the Marine Territory need to be the subject of direct discussions with the Crown, at a very high level these rights include Aboriginal title, governance rights, fishing and harvesting rights for all purposes including food, social, and ceremonial, cultural and economic purposes, and cultural rights relating to the transmission of knowledge and language.

Swiftsure Bank, located at the mouth of the Strait of Juan de Fuca, is one of Pacheedaht’s preferred areas for the exercise of their Aboriginal rights. Safe access to these prime fishing and harvesting grounds is critical for supporting Pacheedaht’s Aboriginal title, governance rights, culture, and diet. Pacheedaht also harvests many preferred species along the shorelines and intertidal zones of their Marine Territory.

Pacheedaht is culturally, spiritually, and hereditarily connected to the many species of sea mammals that live in the Strait of Juan de Fuca. Whales, including orcas, are central within Pacheedaht cosmology and mythology. Orcas are regarded as transformational creates and are central to many oral traditions and cultural practices, including the wolf ritual. Orcas are also of great spiritual significance to Pacheedaht’s governance rights.

**Concerns Regarding Impacts from the DP4 Project**

Due to the presence of the international shipping lanes through Swiftsure Bank and the core of Pacheedaht’s Marine Territory, the DP4 project has the potential to significantly impact Pacheedaht’s ability to exercise its Aboriginal title and rights.

Being able to govern and safely access the waters of the Marine Territory is central to who Pacheedaht are as a people. While further potential impacts may be identified when more information about the DP4 project becomes available, some potential impacts from increased vessel traffic in the Marine Territory and across Swiftsure Bank include:



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- Interference with Pacheedaht Aboriginal title and governance rights should the DP4 project proceed without Pacheedaht's consent;
  - Safety concerns for Pacheedaht members when they are travelling by boat to reach fishing and harvesting areas and when they are fishing and harvesting in areas of open water and along shorelines;
  - Destruction of fishing gear, such as the nets and lines that Pacheedaht members set, through being run over by vessels or being cut by Pacheedaht members needing to move away quickly from large vessels;
  - Impacts to orcas and other marine mammals caused by interference with foraging behaviour and the risk of vessel strikes;
  - Damage to intertidal and shoreline habitat caused by vessel wake;
  - Disruption of the transmission of intergenerational knowledge and language by interfering with Pacheedaht's ability to be safely on the water with elders and children, including the transmission of management, fishing and harvesting knowledge for all aquatic species from the Marine Territory;
  - Damage and contamination to the resources and habitat that support Pacheedaht's Aboriginal rights through discharges, leaks, and spills;
  - Disruption to the sense of quiet that is required for harvesting and that supports Pacheedaht's spiritual connection to the Marine Territory; and
  - Concerns about avoidance of the Marine Territory by Pacheedaht members due to concerns about collisions, habitat contamination, and discharges and spills.

### Participant Funding

We confirm that Pacheedaht is interested in receiving the two available grants to support their participation in the Agency's review of the DP4 project.

Yours truly,

PACHEEDAHT FIRST NATION

<Original signed by>

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Kristine Gatzke

Pacheedaht Referrals Coordinator

cc: Impact Assessment Agency of Canada, Attn. Stefan Crampton  
Impact Assessment Agency of Canada, Attn. Joelle Houde  
Environmental Assessment Office, Attn. Kimberly Walters  
Pacheedaht First Nation, Attn. Kristine Gatzke  
Virginia Mathers, Mandell Pinder LLP