



Tsleil-Waututh Nation səlilwətał



January 7, 2021

Re: TWN Feedback on Process Planning Documents for the GCT Deltaport Expansion, Berth Four Project

We acknowledge receipt of correspondence from the Impact Assessment Agency of Canada (IAAC) to Tsleil-Waututh Nation (TWN), dated November 8, 2021, requesting participation in the comment period for the Process Planning Documents accepted by IAAC from GCT Canada Limited Partnership (GCT) for the Deltaport Expansion, Berth Four Project (DP4) (the Project).

The Project received a notice of decision on October 28, 2021 that the Project will proceed to the Process Planning phase of the environmental assessment. TWN was notified of the following Process Planning documents for review:

- Draft Process Order;
- Draft Joint Guidelines;
- Draft Joint Indigenous Engagement and Partnership Plan; and
- Draft Joint Assessment Plan.

We recognize the official comment period started November 8, 2021 with our feedback requested by January 7, 2022.

In its correspondence to TWN, IAAC specified that the objectives of the feedback are to provide input on:

- the appropriate scope of the assessment of the Project;
- the geographic extent of the activities of the Project;
- Indigenous specific sections of the Guidelines; and
- Key sections of the Guidelines relevant to concerns of TWN.

Please find our submissions in respect of each item below.

KEY ISSUES AND INITIAL CONCERNS

TWN is pleased to provide the summary below of key issues and initial concerns identified during review of the Process Planning documents. A complete list of comments is provided in the attached Tracking Table.

Draft Process Order

The Draft Process Order provided by the BC Environmental Assessment Office (EAO) was reviewed. TWN has no comments on this standard legal order.

Draft Joint Assessment Plan

The Draft Joint Assessment Plan lacks clarity with respect to timelines and overall schedule for each major phase and key task. A timeline chart with target schedules would be helpful for review and comment.

It is also requested that the IAAC and EAO consult with Indigenous Nations regarding the cooperation agreement with BC on behalf of the federal Minister. Additionally, under Indigenous Engagement, it should be noted that the provincial Minister is obliged to offer to meet with the

participating Indigenous Nation to seek to achieve consensus if the EAO's recommendation is contrary to the consent or lack of consent.

Draft Joint Indigenous Engagement and Partnership Plan

For TWN's objectives regarding consultation, I direct the Crown to TWN's Stewardship Policy (2009), specifically Section 1 Consultation and Accommodation (page 6 to 8). For more general TWN goals regarding project outcomes, I direct the Crown to the Scope of Policy and Stewardship Framework (page 5). We see our comments from Early Engagement reflected back in Section 3 of the draft JIEPP, and appreciate it.

TWN approves of the use of virtual meetings until it is safe to meet in person due to the COVID-19 pandemic as referenced in Section 5 of the JIEPP, however, has found virtual meetings to be less productive than in-person dialogue.

Draft Joint Assessment Plan

Complete comments on the Draft Joint Assessment Plan are provided in the attached Tracking Table.

Scope of the Assessment

Key concerns with the scope of the assessment:

- TWN requests the spatial scope of the marine shipping assessment to include the exclusive economic zone (out to the 200 nautical mile limit) as opposed to the 12 nautical mile limit of the territorial sea of Canada. Additionally, the assessment should include short sea shipping. This is of importance to understand the impacts of increased shipping traffic on the environment, rights and cultural health of the TWN. Of particular concern are impacts to Southern Resident Killer Whale (SRKW) and food fish for human consumption;
- Inclusion of economic boundaries to be considered must be shown on maps and discussed to understand the socio-economic impacts;
- Expansion of road and rail impact assessments beyond the lease boundary to understand the impacts of the increased road and rail transportation associated with the Project must be included. Of particular concern are health and safety, air quality, noise, light, and accidents and malfunctions and their impacts on the cultural health of Indigenous Nations;
- Alternative means to carrying out the Project must specifically note Roberts Bank Terminal 2 (RBT2) as an alternative for discussion, as well as in the list of projects to consider for cumulative impacts; and
- Underwater Noise was poorly described. Potential impacts to humans, fish and wildlife were not described. Underwater noise and vibration impact the well-being and survival of SRKW, the food SRKW prey on, resources TWN harvests and consumes, and the practice of cultural activities.

Indigenous Specific Sections of the Guidelines

Key concerns with the Indigenous specific sections of the draft Joint Assessment Plan include the following:

- The Indigenous engagement tasks for the purpose of the Impact Statement should include:
 - *“Cooperate with Indigenous Nations to present information in a format required by the Indigenous Nations’ decision makers”, and*

- *“Meaningfully engage with Indigenous Nations to understand and discuss perspectives in order to seek agreement on the nature of potential impacts on Indigenous interests.”*
- Requests for information from Indigenous Nations for inclusion in maps and data for public viewing must be treated with sensitivity. Locations of cultural, spiritual, hunting, fishing, and gathering sites is confidential and protected and cannot inform a fulsome understanding of the overall impacts because locations have changed and will continue to change over time – a traditional use study is a snapshot in time, and TWN retains the right to maintain, practice and revitalize our culture despite the fact that traditional uses are currently greatly constrained and curtailed in TWN traditional territory. Knowledge that cultural practices with respect to the VC occur in the Study Area should be the primary factor to inform the assessment;
- Inclusion of Indigenous Nations and Indigenous laws, policies and plans when describing the Relevant Statutes, Policies and Frameworks for each VC;
- Inclusion of Indigenous Nation sustainability objectives (where available) and how the Project impacts the progress of meeting the objectives for each Nation;
- The current and potential future Indigenous land and resource uses must be considered in the effects assessment;
- Indigenous marine use must be included in the effects assessment;
- Impact Statement must consider current negative impact to health of Indigenous Nations through reduced access to, or avoidance of, traditional foods (dietary changes) and food sovereignty, contamination of traditional foods, and loss of cultural education to transfer knowledge (cultural transmission) of language, food preparation, spiritual, harvesting and hunting areas within the context of historical and cumulative impacts; and
- TWN proposes to conduct a separate Nation-led **Indigenous Cultural Health Assessment** to capture the health of the community through connection to land/water/SRKW, experience of hunting/harvesting/fishing, dietary changes, access to culturally and spiritually significant locations, practice of culturally and spiritually significant activities and recreation, and knowledge transfer (cultural transmission).

Key Sections of the Guidelines

The following subsections provide a summary of concerns with the key sections of the draft Joint Assessment Plan as identified in the November 8, 2021 letter from IAA. A complete list of concerns including other topics is provided in the attached Tracking Table.

Marine Mammals

- TWN requests the marine shipping boundary be extended to the 200 nautical mile limit. Marine shipping proposed for this project has the potential to negatively impact the already struggling population of SRKW since marine shipping routes will traverse through SRKW critical habitat.
- Inclusion of Indigenous marine use plans, if available, as a relevant legislative framework.
- Methods for the detection of marine mammals including the use of qualified marine mammal observers and hydrophones must be described in the Impact Statement.

- Include marine mammal exclusion zones and marine mammal monitoring using qualified marine mammal observers and the latest research on marine mammal acoustic injury and behavioural disturbance in the mitigation and enhancement measures.
- See notes above regarding underwater noise. Describe how underwater noise and vibration in both the Project Study Area and the marine shipping route will impact SRKW and SRKW critical habitat specifically.
- Marine Vegetation and Wetlands Impact Statement must consider how marine vegetation and wetlands contribute to the health and population of SRKW. In particular, the ecological role wetlands and marine/intertidal vegetation play and fit within the food web and trophic linkages to summarize biotic interactions relevant to the Study Area.
- Mitigation measures that are proposed for project impacts must be project-specific.

Marine Fish and Fish Habitat

- Inclusion of Indigenous marine use plans, if available, as a relevant legislative framework.
- TWN requests the inclusion of important shellfish in the assessment.
- TWN requests the marine shipping boundary be extended to the 200 nautical mile limit.
- Inclusion of vessel strikes in potential sources of mortality.

Cumulative Impacts

- TWN requires the proponent to address cumulative impacts from DP4 including use of marine shipping routes to the 200 nautical mile limit and the broader extent of road and rail routes.
- Cumulative impacts on valued components must be assessed applying a consistent pre-contact baseline, not from their “current condition.” The document refers to the “*pre-existing impacts and cumulative effects that are already interfering with the ability to exercise Indigenous interests including the ability to pass along cultural practices (e.g. language, ceremonies, Indigenous knowledge).*”
- Cumulative impacts must also be assessed beyond the life of the project, since if DP4 is built, it is unlikely to be decommissioned.
- Cumulative impacts to air quality and the compounding impacts of climate change and cultural heritage, including intangible cultural heritage will need to be assessed and must be compared to the TWN’s Climate Change Vulnerability Report.

Human Health

- TWN identity and cultural health encompasses the relationship we have to our cultural practices, traditions and language. Impacts to these sites/areas could cause irreparable harm to the historical, current and desired future uses of the sites and/or intangible cultural heritage and practices of TWN, including our ability to sustain cultural and spiritual practices.
- The Impact Statement must consider current potential health impacts of food sovereignty, particularly dietary changes from avoiding traditional foods (due to accessibility, quality and quantity), and consumption of contaminants within traditional foods within the context of historical and current cumulative impacts, and the loss of cultural education to transfer

knowledge (cultural transmission) of language, food preparation, spiritual, harvesting and hunting areas.

- The inclusion of prevalence of disease amongst Indigenous populations and link to the cumulative effects already experienced by Indigenous populations through the interference of the ability to exercise Indigenous rights and interests must be considered with respect to the impact of the Project on presence of disease in Indigenous populations.

The purpose of this letter is to provide comments on the Process Planning phase of GCT's DP4 Project. We have attached a tracking table with comments referencing specific sections of the four documents provided for review. Should you require anything further on this matter please do not hesitate to contact Brittany John, Consultation and Accommodation Manager (<email address removed>). TWN looks forward to working with the IAAC on this impact assessment.



Tsleil-Waututh Nation

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Deltaport Berth 4

Process Planning Phase Review – Tsleil-Waututh Nation

January 7, 2021

Comment No.	Document	Section	Comment
1	Joint Assessment Plan	1.2	Although one of the purposes of this plan is to provide “general timelines,” it does not provide much clarity with respect to an overall schedule for each major step and key tasks. There are a few scattered references to some legislated time constraints, but this plan should have a chart showing a target schedule for our review and comment.
2	Joint Assessment Plan	5.1 (Table)	The roles and responsibilities for the Agency and EAO indicate the aim to “ <i>Negotiate a project-specific cooperation agreement with BC on behalf of the federal Minister and provide an opportunity for public comment on a draft of the cooperation agreement.</i> ” We request that the Agency & EAO consult with Indigenous Nations regarding the cooperation agreement. This should be clarified in the statement above and in the list of tasks for “Crown Consultation – Agency and EAO.”
3	Joint Assessment Plan	5.4	Under “Indigenous Engagement” in this section, identify that the provincial Minister is obliged, per 29(5) of BCEAA 2018, to offer to meet with the participating Indigenous Nation to seek to achieve consensus if the EAO’s recommendation is contrary to the consent or lack of consent.
4	Joint Assessment Plan	5.4	In the Roles and Responsibilities table, the duties of the provincial Minister should be outlined, including the duty to meet with Indigenous Nations, as needed.
5	Draft Joint Guidelines	1.2	Project Location information should include spatial representation on maps of the Exclusive Economic Zone and expand the marine shipping assessment area to the 200 nautical mile limit, as well as include short sea shipping.
6	Draft Joint Guidelines	3.3	Alternatives to the Project: This section should specifically note RBT2 as an alternative that needs to be discussed in this section, as well as in the list of projects to consider for cumulative impacts.
7	Draft Joint Guidelines	3.4	To compare alternative means of carrying out the Project, the Impact Statement must include criteria to assess impacts to fish and fish habitat. Considerations for rare or sensitive ecosystems should also be included.
8	Draft Joint Guidelines	5	The list of the proponent’s Indigenous engagement tasks for the purpose of their Impact Statement should also include: <ul style="list-style-type: none"> • “<i>Cooperate with Indigenous Nations to present information in a format required by the Indigenous Nations’ decision makers</i>”, and • “<i>Meaningfully engage with Indigenous Nations to understand and discuss perspectives in order to seek agreement on the nature of potential impacts on Indigenous interests.</i>”
9	Draft Joint Guidelines	8.3	Include economic boundaries in the Assessment Boundaries that are to be considered.
10	Draft Joint Guidelines	8.4	Existing Conditions are described as current conditions for each VC, as well as trends. From an Indigenous perspective, current conditions have been highly impacted by years of impacts post-contact through

			colonization. Impacts to Indigenous rights, values and interests must include knowledge of pre-contact conditions as baseline.
11	Draft Joint Guidelines	9.4.1	Canadian Environmental Protection Act, 1999, <i>including the 2020 and 2025 Canadian Ambient Air Quality Standards</i> .
12	Draft Joint Guidelines	9.4.4	In addition to base case dispersion modelling and the project case dispersion modelling, include the cumulative case which includes the application case and emissions from reasonably foreseeable projects.
13	Draft Joint Guidelines	9.6.1	Relevant Statutes, Policies and Frameworks: Should include the federal <i>Fisheries Act, Species at Risk Act and Best Management Practices for Pile Driving and Related Operations – BC Marine and Pile Driving Contractors Association (2003)</i> .
14	Draft Joint Guidelines	9.6.2	Assessment Boundaries must consider 200 nautical mile limit, as shipping traffic will be increased throughout the shipping routes which contributes to impacts such as underwater noise, and risk of accidents and malfunctions, including ship strikes.
15	Draft Joint Guidelines	9.6.3	Underwater Noise – Existing Conditions The bullet that reads “Describe available Indigenous or community knowledge related to underwater noise” should be upgraded to “Collect and summarize Indigenous and local knowledge on underwater noise” as this recognizes that just because Indigenous knowledge isn’t available in a format available to EA practitioners, doesn’t mean it can’t be captured by deliberate engagement.
16	Draft Joint Guidelines	9.6.3	Underwater Noise – Existing Conditions: Must describe relevant underwater noise and vibration thresholds for humans and species of interest, including, but not limited to, diving birds, marine mammals, fish (salmon, eulachon, herring, sturgeon) and harvestable marine invertebrates.
17	Draft Joint Guidelines	9.6.4	Underwater Noise – Potential Effects: The impact statement should describe how changes in underwater noise will be monitored during construction and operation.
18	Draft Joint Guidelines	9.6.4	Underwater Noise – Potential Effects: The potential for increased underwater noise from additional vessels calling at Deltaport Berth 4 should be quantified in the Impact Statement.
19	Draft Joint Guidelines	9.6.4	Underwater Noise – Potential Effects: Must describe potential effects of underwater noise and vibration on species of cultural importance such as diving birds, marine mammals, fish and harvestable marine invertebrates such as clams, crabs and prawns. Must describe potential effects of underwater noise and vibration on cultural health including tangible and intangible cultural heritage. In particular, how does underwater noise and vibration impact SRKW? Does underwater noise lead to SRKW avoiding areas? Does it contribute to an increase in ship strikes of SRKW?
20	Draft Joint Guidelines	9.6	The Underwater Noise section 9.6 is drastically lacking in substance. This section provides no real meaning, direction or comfort to Tsleil-Waututh Nation (TWN) that concerns from the community have been heard and considered. Potential impacts to humans, fish and wildlife were not described. This is a very important topic, as underwater noise and vibration impacts the well-being and survival of SRKW, the food

			SRKW prey on (primarily Chinook salmon), fish, shellfish and marine birds TWN harvests and consumes, and the practice of cultural activities. Overall, underwater noise has the potential to impact the rights of TWN.
21	Draft Joint Guidelines	9.7.1	Relevant Statutes, Policies and Frameworks should include the federal <i>Species at Risk Act</i> , and the <i>Canadian Navigable Waters Act</i> .
22	Draft Joint Guidelines	9.8.4	<p>Edit bullet point as follows: “describe the locations and characteristics of the most sensitive receptors including species at risk and areas favoured utilized historically and in current times by Indigenous peoples for the practice of traditional and cultural activities, including but not limited to harvesting of traditional and ceremonial foods and materials, recreation, spiritual practices, artistic representation, and technological and economic development.”</p> <p>In terms of process, TWN wants to be involved in discussions regarding fishing licence areas with DFO from the beginning.</p>
23	Draft Joint Guidelines	9.9	<p>Marine Fish and Marine Habitat: Marine species at risk in the area and their provincial and federal conservation statutes should be identified and included in the assessment.</p>
24	Draft Joint Guidelines	9.9.1	<p>Marine Fish and Marine Habitat – Relevant Statutes, Policies, and Frameworks: Any Indigenous marine use plans related to marine fish resource use should be included as a relevant framework.</p>
25	Draft Joint Guidelines	9.9.2	Assessment Boundaries must include a 200 nautical mile limit, as shipping traffic will be increased throughout the shipping routes which contributes to underwater noise and potential for ship strikes.
26	Draft Joint Guidelines	9.9.3	<p>Marine Fish and Marine Habitat – Existing Conditions: The bullet that reads “Describe available Indigenous or community knowledge related to marine resources” should be upgraded to “Collect and summarize Indigenous and local knowledge on marine resources” as this recognizes that just because Indigenous knowledge isn’t available in a format available to EA practitioners, doesn’t mean it can’t be captured by deliberate engagement.</p>
27	Draft Joint Guidelines	9.9.3	<p>“All sites used in the study area or historically important sites for the collection of traditional foods must be identified and mapped, such as important fishing sites”</p> <p>This information is confidential and should be protected, and while some data may be made available to the Crown and Proponent, the information may not be shared on publicly available maps and figures. Individual harvesting or fishing sites are not relevant to the overall assessment of impacts, only that harvesting, fishing, and other traditional and cultural practices with respect to the VC occur in the Study Area. See guidance document <i>Protecting Confidential Indigenous Knowledge under the Impact Assessment Act</i>.</p>
28	Draft Joint Guidelines	9.9.4	<p>“describe risk of fish mortality, including that associated with:</p> <ul style="list-style-type: none"> - noise and vibrations caused by project activities in or near the aquatic environment; and - entrapment, impingement, crushing, burial or entrainment;” <p>Include lacerations and vessel strikes as possible sources of mortality.</p>

29	Draft Joint Guidelines	9.10.1	Marine Mammals – Relevant Statutes, Policies, and Frameworks Any Indigenous marine use plans related to marine mammals should be included as a relevant framework.
30	Draft Joint Guidelines	9.10.3	Marine Mammals – Existing Conditions The last bullet in this section that currently reads “Describe available Indigenous or local knowledge related to marine mammals” should be upgraded to “Collect and summarize Indigenous and local knowledge on marine mammals” as this recognizes that just because IK isn’t available in a format available to EA practitioners, doesn’t mean it can’t be captured by deliberate engagement.
31	Draft Joint Guidelines	9.10.5	Marine Mammals – Mitigation and Enhancement Measures Mitigation measures should include stop work procedures if a marine mammal enters the exclusion zone. The exclusion zone should be quantified using the latest research on marine mammal acoustic injury and behavioural disturbance.
32	Draft Joint Guidelines	9.10.5	Marine Mammals – Mitigation and Enhancement Measures Methods of detecting marine mammals entering the exclusion zone (marine mammal observers, hydrophones) should be described in the impact statement.
33	Draft Joint Guidelines	9.11	Opening sentence should include reference to marine vegetation in addition to wetlands. Furthermore, marine vegetation is not well considered in this section. While macroalgae is listed as a subcomponent, the assessment methods are generally reflective of terrestrial and freshwater environments. How will marine vegetation be captured in this assessment?
34	Draft Joint Guidelines	9.11.1	Relevant Statutes, Policies and Frameworks should include the federal <i>Migratory Birds Convention Act</i> – which is relevant for Migratory Bird Sanctuaries. Additionally, the provincial <i>BC Weed Control Act</i> and its regulations should be included to address noxious weeds.
35	Draft Joint Guidelines	9.11.3	The fifth bullet point should be edited as follows: “describe the use of local vegetation for medicinal, nutritional, economic or cultural purposes for Indigenous Nations including seasonal and annual variabilities. or as a source of traditional foods and whether its consumption has any Indigenous cultural importance.”
36	Draft Joint Guidelines	9.11.3	The Impact Statement must consider how wetlands contribute to the health and population of Southern Resident Killer Whale.
37	Draft Joint Guidelines	9.11.3	The Impact Statement must consider the ecological role wetlands and marine/intertidal vegetation play including the diversity, richness, density and species distribution. Additionally, how wetlands and marine/intertidal vegetation fit within the food web and trophic linkages to summarize biotic interactions relevant to the LAA and RAA.
38	Draft Joint Guidelines	9.11.4	Temperature changes to wetlands should also be considered whether due to effluent or discharge or climate change. Contamination of wetlands and marine vegetation must also be considered as it relates to the health of Indigenous Nations and impacts rights.
39	Draft Joint Guidelines	9.12.3	Impact Statement should include cyclical nature of bird populations, and assessment should use multiple years of data to establish “baseline” conditions. One year of data is insufficient and is merely a snapshot in time. Many bird species are irruptive in nature, and presence on overwintering grounds may fluctuate from year to year.

			Use of inter-annual data is mentioned – this is an important detail to highlight.
40	Draft Joint Guidelines	9.12.3	“All sites used in the study area or historically important sites for the collection of traditional foods must be identified and mapped, such as important hunting sites.” See comment #27 for TWN’s perspective on this statement.
41	Draft Joint Guidelines	9.12.4	Consider avian use of Project infrastructure such as nesting, perching, or roosting and potential impact to species such as increased mortality, decreased fecundity or nest success, and potential for habitat sinks. Additionally, measures to mitigate avian use of Project infrastructure must be considered in 9.12.5.
42	Draft Joint Guidelines	9.13.1	Relevant Statutes, Policies and Frameworks should include the federal <i>Fisheries Act</i> and provincial <i>Forest and Range Practices Act</i> and the <i>Identified Wildlife Management Strategy</i> .
43	Draft Joint Guidelines	9.13.3	Habitat modelling for species at risk should be used to identify potential habitat for species at risk within the Study Area. Potential habitat for species at risk must then be considered in the effects assessment (9.13.4) as federally identified critical habitat may not be currently available for the Study Area for each individual species at risk.
44	Draft Joint Guidelines	9.14.2	Description of the Project’s main sources of GHG emissions should specify it will include emissions from stationary combustion, mobile equipment, emissions from marine and indirect emissions from acquired energy.
45	Draft Joint Guidelines	9.14.2	Provide an assessment of upstream GHG emissions.
46	Draft Joint Guidelines	9.14.2	TWN’s Climate Change Vulnerability Report should be included as a technical document.
47	Draft Joint Guidelines	10.1.4	In the list under “ <i>assess potential adverse and positive effects, at the community level, of changes to social conditions including, but not limited to:</i> ”, we request that this be added: Cultural health, including tangible and intangible cultural heritage
48	Draft Joint Guidelines	10.4.1	Edit as shown: “Federal, Indigenous , provincial and local government statutes, policies and frameworks...” AND In the bullet list of relevant policies related to land and resource use, also add “ Indigenous Nation laws, policies and plans (i.e., stewardship plans, etc.) ”
49	Draft Joint Guidelines	10.4.4	Edit this sentence as shown: “ <i>describe and assess the potential interactions of the designated project with local and regional land use and resource activities as applicable, including adverse and positive effects to:</i> ” AND, add the following to the bullet list below: Current and potential future Indigenous land and resource use For example, if a First Nation isn’t currently harvesting a resource, (e.g. harvesting shellfish due to contamination, etc.) that doesn’t mean that Nations aren’t actively working towards the goal to regain access to that resource in the future.
50	Draft Joint Guidelines	10.5.1	Edit as shown: “ <i>Relevant federal and Indigenous Nation statutes, policies and frameworks...</i> ” AND

			In the bullet list of relevant policies related to marine use, also add "Indigenous Nation laws, policies and plans (i.e., stewardship plans, etc.)"
51	Draft Joint Guidelines	10.5.4	Edit this sentence as shown: <i>"describe potential effects to commercial, and recreational and Indigenous marine use, including on navigation and navigation safety, identify interactions between the project and these effects, and outline indicators that will be used to measure these effects, and assess the effects."</i>
52	Draft Joint Guidelines	11.3	Existing conditions: <i>"on a map, provide the approximate location and distance of likely human receptors, including foreseeable future receptors, which could be affected by changes in air, water, traditional food quality, and noise and light levels. Include communities' gathering, hunting, trapping and fishing areas, permanent residences, temporary residences (e.g. Indigenous cottages and camps identified in collaboration with Indigenous peoples) and sensitive receptors (e.g. schools, hospitals, community centres, retirement complexes, health care centres) near the project"</i> <i>"describe the consumption of traditional foods as a health-related behaviour, including what species are used, quantities, frequency, harvesting locations and how the data were collected (e.g. site-specific consumption surveys, First Nations Food, Nutrition and Environment Study)"</i> See comment #27 for TWN's perspective on these statements.
53	Draft Joint Guidelines	11.3	Impact Statement must consider current negative impacts to health of Indigenous Nations through reduced access to traditional foods (dietary changes), contamination of traditional foods, and loss of cultural education to transfer knowledge (cultural transmission) of language, food preparation, spiritual, harvesting and hunting areas.
54	Draft Joint Guidelines	11.4	Tsleil-Waututh Nation proposes to conduct a separate Nation-led Indigenous Cultural Health Assessment to capture the health of the community through connection to land/water/SRKW, experience of hunting/harvesting/fishing, dietary changes, access to culturally and spiritually significant locations, practice of culturally and spiritually significant activities and recreation, and knowledge transfer. This needs to be conducted to complete the assessment properly and to convey impacts in a more quantitative way that both the Crown and the Proponent will better understand.
55	Draft Joint Guidelines	11.4.1	Include prevalence of disease amongst Indigenous populations and risk to increased disease.
56	Draft Joint Guidelines	12.3	Existing Conditions – Impact Statement must describe Indigenous Nation laws, policies and plans, such as environmental stewardship objectives that may be impacted by the Project.
57	Draft Joint Guidelines	12.3	Existing Conditions – Impact Statement must include the current and potential future Indigenous land and resource uses.
58	Draft Joint Guidelines	12.3	Existing Conditions – "To meet the above requirements, the Impact Statement must describe and consider the efforts of the Indigenous Nations to restore traditional practices, to the extent this information is available:" Edit introduction to include: "if they have been shared by Indigenous Nations with the proponent and if the proponent has

			<p>obtained permission from the Indigenous Nations for the information to be shared publicly.”</p> <p>Please collaborate with Indigenous Nations to determine how each Nation would best prefer their rights and interests captured in the Impact Statement. Precise locations of culturally important sites may not necessary for the effects assessment.</p>
59	Draft Joint Guidelines	12.4	<p>We request the following additions to the effects assessment:</p> <p><i>“The Impact Statement must: assess potential impacts to physical and cultural heritage, and structures, sites or things of historical, archaeological, paleontological or architectural significance to groups, including, but not limited to:</i></p> <ul style="list-style-type: none"> - <i>changes to sacred, ceremonial or culturally important places, objects, or things, including languages, stories and traditions (such as health and presence of SRKW and access to viewing opportunities); and</i> - Cultural health, including tangible and intangible cultural heritage.” <p>The Impact Statement must also – Assess the potential health impacts of food sovereignty, particularly dietary changes from avoiding traditional foods (due to accessibility, quality and quantity), and consumption of contaminants within traditional foods within the context of historical and current cumulative impacts.</p>
60	Draft Joint Guidelines	13.27: TWN	<p>TWN proposes a TWN-led cultural health study to properly determine the current conditions of the TWN community’s cultural health, for use in assessment of impacts of the project on TWN cultural health. This needs to be done to do the assessment properly and to convey impacts in a more quantitative way that both the Crown and the Proponent will better understand.</p>
61	Draft Joint Guidelines	16.0	<p>See comments 5, 14 and 25 re: inclusion of 200 nautical mile Exclusive Economic Zone and SRKW within the “marine shipping area”. Tracking of shipping is possible up to 200nm limit and should be assessed. Marine shipping noise continues to impact marine life outside of the Study Area. Increased shipping traffic equates to increased underwater noise and increased potential for marine mammal strikes. Impacts from underwater noise, accidents and malfunctions, ship strikes, and increased ocean traffic must be fully described.</p>
62	Draft Joint Guidelines	16.5	<p>Accidents and Malfunctions must consider long-term impact of accidents and malfunctions on rights and cultural uses of marine environment by Indigenous Nations, such as, but not limited to, recreational, fishing/hunting, artistic, ceremonial, or peaceful enjoyment.</p>
63	Draft Joint Guidelines	17.1.2	<p>Effects assessment should consider impact of increased traffic as part of the human health assessment on traffic routes beyond the lease boundary. In particular, how will increased traffic (and accidents and malfunctions) on existing road infrastructure effect health and safety, air quality, noise, light, and the implications of these on the cultural health of Indigenous Nations, including mental health, wellbeing and connection to land.</p>
64	Draft Joint Guidelines	17.2.2	<p>The impact of additional train traffic along rail routes must also be considered. Of particular concern are health and safety, air quality, noise, light, and accidents and malfunctions and their impacts on the cultural</p>

			health of Indigenous Nations, including mental health, wellbeing and connection to land.
65	Draft Joint Guidelines	Appendix 1	<p>Candidate VCs –</p> <p>Employment and Economy should also capture impact on opportunities for Indigenous Nations and cultural considerations. Additionally, impact of delays to Tsleil-Waututh Nation achieving environmental stewardship objectives.</p> <p>Employment and Economy must also consider both the wage economy and traditional economy.</p> <p>Light should also capture impact on birds and bats. Skyglow may affect more species than just marine birds during migration.</p> <p>Species at Risk not under the categories of Marine Fish and Habitat, Marine Mammals, and Birds have not been considered. How will other non-marine or avian species be captured?</p> <p>Human Health should include tissue assessment for other food sources regularly harvested, particularly for species of higher trophic levels which are more likely to have bioaccumulation of COPCs.</p>
66	Draft Indigenous Engagement and Partnership Plan	Section 3	For TWN's objectives regarding consultation, please review TWN's Stewardship Policy (2009), specifically Section 1 Consultation and Accommodation (page 6 to 8). For more general TWN goals regarding project outcomes, I direct the Crown to the Scope of Policy and Stewardship Framework (page 5) within the Stewardship Policy. We see our comments from Early Engagement reflected back in Section 3 of the draft JIEPP, and appreciate it.
67	Draft Indigenous Engagement and Partnership Plan	Section 5	TWN approves of the use of virtual meetings until it is safe to meet in person due to the COVID-19 pandemic, however, has found virtual meetings to be less productive than in-person dialogue.