

January 12, 2021



Impact Assessment Agency of Canada  
Attention: Analise Saely, Consultation Lead

AND

BC Environmental Assessment Office  
Attention: Brendan Mather, Project Assessment Director

VIA EMAIL

Dear Ms. Saely and Mr. Mather:

**Re: Joint VB Environmental Assessment Office (EAO) and Impact Assessment Agency of Canada (Agency) comment period for the guidelines and plans for the GCT Deltaport Expansion – Berth Four Project**

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We write in response to your letter inviting comments on the Draft Joint Guidelines and Plans for the Deltaport Berth Four (“DP4”) impact assessment (the “Planning Documents”). Generally, the Planning Documents capture Sc’ianew (Beecher Bay) First Nation’s (“Sc’ianew’s”) preliminary interests and valued components. However, there are a few areas Sc’ianew wish to emphasize and seek to have clarified in the Planning Documents, as follow:

- Sc’ianew are pleased to see a shift in approach regarding cumulative effects assessment compared to past marine] shipping impact assessments (Parts 8.8 and 12.2 of the Guidelines). Specially, Sc’ianew agree with the statement in the Guidelines that cumulative effects on a valued component "may be important even if the project's incremental effects to these components by themselves are minor". Sc’ianew further agree that the impact assessment must include a cumulative effects assessment for valued components Indigenous groups identify as concerning in the context of cumulative effects, and for valued components where residual effects rely on uncertain mitigation measures, not just for valued components the proponent identifies as having residual effects following application of their proposed mitigation measures (pp. 42-43). The cumulative effects of DP4 are of great concern to Sc’ianew and must be thoroughly assessed. Further consultation is required on this topic.

- Sc'ianew also support the shift under the new federal and provincial Acts to assessing impacts on Indigenous interests, not just aboriginal and treaty rights (Parts 12 and 13 of the Guidelines). However, the table on pp. 155-56 of the Guidelines is not a comprehensive summary of our preliminary interests in connection with DP4. We ask that the following interests be more clearly reflected in the table:
  - our cultural connection to species that would be impacted by DP4, including salmon and killer whales,
  - our commercial rights and interests, including our marina,
  - participation in the changing economy of the west coast, including sharing in the wealth of DP4,
  - not only effects on our ability to exercise our rights and interests, also effects on our experience exercising them, effects on travel routes and resulting effects on intergenerational knowledge transfer and cultural continuity,
  - invasive species introduced in our territory via marine shipping,
  - food security,
  - the cumulative effects of marine shipping projects,
  - the effects of increased emissions from cargo handling, vessel traffic and vehicle traffic on climate tinge and the resulting effects of climate change on Sc'ianew (e.g. warming seas contributing to the introduction of invasive species), and
  - effects on our governance rights, including our ability to co-manage resources within our territory.
  
- The short-sea shipping component of the project remains insufficiently defined to assess its effects on our rights and interests. The Guidelines appropriately require the proponent to estimate the anticipated number, frequency, routing, speed and transit time of short-sea shipping barges and tugs (p. 174). However, as this is an emerging market, it will also be important to build triggers for additional consultation and, where appropriate, additional accommodation into the project conditions if the short-sea shipping component does not materialize as anticipated.
  
- Sc'ianew support submissions of other Indigenous groups proposing that marine shipping component of the project be scoped to the outer limits of the Exclusive Economic Zone (200nm) to comply with federal Acts and the Crown's duties to Indigenous peoples. The entire route of vessels within Canadian jurisdiction must be assessed, not just the portion within the territorial sea (12nm), to fully understand the effects of marine shipping on our rights and interests and ensure appropriate mitigation and accommodation measures are in place if the project proceeds.

- The MV Zim Kingston incident in October 2021 confirms the risk Sc'ianew raised in the Roberts Bank Terminal 2 ("RBT2") impact assessment regarding the potential for containers with hazardous materials to be lost at sea. As you know, that vessel was enroute to GCT Deltaport when the containers were lost, the same port the proponent is proposing to expand in this impact assessment. Sc'ianew are glad to see the Guidelines require the proponent to analyze the risk of a container falling overboard (p. 171) and seek further consultation on the design of this component of the assessment, to ensure it captures our interests. Our Chief was part of the unified command for the MV Zim Kingston incident and while overall the response was well run, it revealed gaps in the response system for such incidents, including timely information on which containers were lost and what was in the containers, local capacity to respond to vessel fires, a requirement that shipowners use a local response agency to respond to vessel incidents and a designated Indigenous representative for vessel incidents on the West Coast, to communicate with and ensure the voice of impacted Indigenous groups is heard.
- Sc'ianew continue to seek a comparative analysis of DP4 and RBT2 by Canada and BC, prior to the approval of RBT2 and separate from the cumulative effects assessment for DP4. Sc'ianew wish to better understand the relative impacts of the two projects and whether it is possible for both to proceed, before either project is approved.
- The Draft Joint Indigenous Engagement and Partnership Plan notes that additional federal funding will be made available to Indigenous groups to support their participation in the assessment process, but there are no commitments around the adequacy of that funding. To advance reconciliation, the funding offered must enable full and meaningful participation in the process.

We look forward to continued consultation as the Planning Documents are finalized and we move to the next phase of the assessment.

Yours truly,

<Original signed by>

Chief Russell Chipps,  
Sc'ianew First Nation