



Tsartlip First Nation
P.O. Box 70, #1 Boat Ramp Road
Brentwood Bay, BC V8M 1R3
Phone 250.652.3988 - Fax 250.652.3788



February 18, 2022

Impact Assessment Agency of Canada
160 Elgin Street, 22 Floor
Ottawa, ON K1A 0H3

Attention: Impact Assessment Agency of Canada

Re: GCT Deltaport Expansion – Berth Four
Reference Number: 81010

I represent Tsartlip First Nation (“Tsartlip”) regarding the Deltaport Expansion – Berth Four Project (“the Project”). I write to you to provide Tsartlip’s comments and feedback related to the Work Plan Summaries dated January 2022, in conjunction with the Updated Local and Regional Assessment Areas dated November 15, 2021 (“Assessment Areas”) and the Draft Joint Guidelines dated November 8, 2021 (“the Joint Guidelines”).

Tsartlip is concerned about the narrow scope of some Workplans, and the cumulative effects posed by existing developments and the Roberts Bank Terminal 2 Project, if approved.

3.0 Marine Mammals Work Plans

3.2 Marine Mammal Ecology

Section 8.4 of the Joint Guidelines sets out the information about Existing Conditions that must be provided as part of the Impact Statement to establish a current baseline for affected Valued Components (“VCs”). Section 9.10.3 of the Joint Guidelines requires the Proponent to provide information regarding the current baseline conditions for marine mammals in the Local Assessment Area (“LAAs”), such as baseline levels of contaminants in marine mammals. Section 9.10.4 requires the Proponent to provide information describing tolerance thresholds for potential adverse effects.

Workplan 3.2 sets out four general questions that will be answered by the Marine Mammal Ecology Work Plan:

- What are the seasonal changes in marine mammal distribution and occurrence within the study area?
- What are the behavioural responses of different marine mammal species to large vessel traffic within the study areas?
- What are the predator-prey interactions of Southern Resident Killer Whales?
- What are the positive current initiatives in BC and Washington State contributing to reducing the survival risks of SRKW?

The Marine Mammal Ecology Workplan states that field sampling of the study area for a one-year period will be used, along with a literature review of existing information.

Tsartlip is concerned that a focus on current baselines only fails to acknowledge that current baselines pose a continued threat to the survival and recovery of Southern Resident Killer Whales (“SRKWs”) which are of cultural and spiritual significance to Tsartlip. Tsartlip is also concerned that the one-year duration of field sampling in the study area will not be sufficient to adequately understand the rapidly-changing seasonal, abundance and behavioural variances being observed in SRKW behaviour.

In Tsartlip’s opinion, the study and literature review should aim to understand the conditions needed for SRKW recovery, how those differ from the current baseline conditions and cumulative effects, and whether the Project will further hinder the conditions needed for SRKW recovery. The consultant should also consider the potential added impacts of the Roberts Bank Terminal 2 Project, if approved, and the potential cumulative impacts of concurrent Roberts Bank Terminal 2 and Deltaport Berth Four Expansion Project activities.

Finally, in considering positive initiatives for reducing SRKW survival risks, the consultant should consider the magnitude of demonstrated positive impacts from those initiatives, the time lag required to see sustained positive impacts from those initiatives on SRKW behaviour and abundance, proposed Project timelines, and whether the SRKW population can withstand further impacts from the Project during the time lag for such initiatives to become effective.

3.3 Ambient Marine Underwater Acoustics

Workplan 3.3 seeks to understand the current ambient underwater sound levels in the study area and the changes to those levels anticipated from Project activities. In Tsartlip’s opinion, the Underwater Acoustics Workplan should also consider the added acoustic impacts of the Roberts

Bank Terminal 2 Project, if approved, and the potential cumulative impacts of concurrent construction and operation activities from both the Deltaport Berth Four Expansion Project and the Roberts Bank Terminal 2 Project.

Additionally, the Underwater Acoustics Workplan intends to use a calibrated hydrophone during the Marine Mammal Ecology study to collect data linked to marine mammal sightings, behaviour and use. Tsartlip is concerned that this approach will not address avoidance behaviours by marine mammals. The consultant should consider the potential link between increased acoustic disturbance and the absence of anticipated marine mammals in the study area, including any relation between acoustic disturbance and the shifting seasonal presence of SRKWs noted in the Marine Mammal Ecology Workplan.

4.0 Fish and Fish Habitat Work Plans

4.6 Marine Fish Habitat Use

Workplan 4.6 sets out the intended assessments for Marine Fish and Fish Habitat. The studies are designed to answer the question “how will fish habitat use and productivity be altered by the potential DP4 footprint?” Field surveys will target eulachon, Pacific sand land, Pacific herring, juvenile salmon, eelgrass fish communities, and forage fish spawning locations.

Salmon in particular are critical to W̱SÁNEĆ culture and Tsartlip members’ physical and social health. Additionally, Tsartlip members rely on halibut, rock cod, ling cod, red snapper, steelhead trout, rockfish and dogfish. The consultant should consider the impacts on all affected fish species, particularly those of importance to Tsartlip and other Indigenous peoples.

The consultant should consider potential Project impacts on a cumulative and ecosystem-basis, including the effects of impacts to fish on marine mammals, particularly the SRKWs. The consultant should also consider the potential added impacts of the Roberts Bank Terminal 2 Project, if approved, and the potential cumulative impacts of concurrent Roberts Bank Terminal 2 and Deltaport Berth Four Expansion Project activities.

6.0 Human Communities Work Plans

6.3 Archaeological and Heritage Resources

Tsartlip would like to ensure that impacts on the entire Regional Assessment Area (“RAA”) set out in “DP4 Local and Regional Assessment Areas for the Archaeological and Heritage Resources VC” (Figure 27, Assessment Areas) are considered. Vessel traffic related to the

Project will continue to travel through Tsartlip's traditional marine territories, and may impact the many exposed or semi-exposed WŚÁNEĆ heritage sites along the shores of the Gulf and San Juan Islands.

6.4 Social and Economic

Workplan 6.4 will address five social and economic VCs including land and resource use, marine use, and social determinants of health. This research must include consultation and collaboration with the Indigenous peoples affected by the Project, and how the Project may impact their land and resource use, health, and marine use.

The proposed Project is located on WŚÁNEĆ traditional territory, and Project-related traffic will transit through Tsartlip's traditional marine territories. Tsartlip members already face many barriers to accessing Tsartlip's marine territories, accessing land and marine resources, and undertaking cultural activities with direct impacts on members' physical and social health. The consultant should collaborate with Tsartlip to understand the social and economic impacts of the Project on Tsartlip members.

Conclusion

The Workplans generally set out very narrow research questions about current baselines and the potential impacts of the Deltaport Berth Four Expansion Project. However, this Project should not be considered in isolation. The Roberts Bank Terminal 2 Project, if approved, will have additional construction and operation impacts that may occur cumulatively to any impacts of the Deltaport Project. Therefore, studies aimed at understanding baselines and potential impacts must consider the potential added impacts of the Roberts Bank Terminal 2, which are not yet impacting the environment during the duration of the studies.

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Don Tom, Chief of Tsartlip First Nation