



Snuneymuxw

First Nation
www.snuneymuxw.ca

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Re: Snuneymuxw First Nation and GCT Deltaport Expansion – Berth Four Project

On December 23, 1854 at Xwsolexwel (Nanaimo harbour), the Snuneymuxw People entered the Snuneymuxw Treaty of 1854 with the Crown to protect Snuneymuxw villages, enclosed fields, waterways, harvesting and gathering, and the right to hunt and carry-on fisheries as formerly. The Council of Snuneymuxw First Nation have the authority to preserve and protect these constitutional collective rights and title to Snuneymuxw territory and are protected by Section 35 of the *Constitution Act, 1982* (known as "Section 35 rights and interests"). Within our Section 35 constitutional protections are the right to self-govern, to practice Snuneymuxw culture, to speak Hul'q'umin'um', and any right flowing from these aspects (e.g., passing on knowledge and language to the next generation; gathering needed resources to participate in ceremony).

The spirit and intent of the Snuneymuxw Treaty of 1854 is to preserve and protect, forever and always, all Snuneymuxw villages, fields, waterways, gathering and harvesting sites for the Snuneymuxw people. These rights and title are determined by Snuneymuxw People and consent to impact our rights and title can only be given by Snuneymuxw First Nation. Unfortunately, immediately following the signing of the Treaty, the Crown unlawfully took away or disposed of Snuneymuxw lands, waters, and resources without the consent of our Nation, and did not take the necessary steps required to honour their constitutional obligations. Continued development and lack of Snuneymuxw consent throughout the Project area has led to an erosion of our territory and infringements on our Section 35 rights and interests including Treaty of 1854 rights.

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On December 9, 2021 Snuneymuxw First Nation received confirmation from the BC EAO that we have been approved as a Participating Indigenous Nation ("PIN") in the assessment of the Global Container Terminals' ("GCT") Deltaport Berth 4 Expansion Project ("DP4" or the "Project")¹. As part of the Environmental Assessment ("EA") early engagement and planning processes, Snuneymuxw First Nation has reviewed the Draft Indigenous Engagement and Partnership Plan (the "Plan"), and the Draft Joint Guidelines (the "Joint Guidelines") for the DP4 Project and submits the attached appendices with comments for the British Columbia Environmental Assessment Office ("EAO") and Impact Assessment Agency of Canada's ("IAAC") consideration.

It is our expectation that the information and comments provided in this document by Snuneymuxw First Nation will inform studies required to conduct the assessment in a manner that reflects our rights, interests, and priorities.

Sincerely,

<Original signed by>

Chief Mike Wyse

cc. Desiree Thomas, Lands Clerk, Snuneymuxw First Nation
Councillor Erralyn Joseph, Snuneymuxw First Nation
Germaine Conacher, Partner, MNP
Mary Ellen Turpel-LaFond, Senior Associate Counsel, Woodward and Company

¹ Via Email correspondence

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Appendix A: Comments on the Draft Joint Indigenous Engagement and Partnership Plan

#	Section	Details	Comment
1.	3. Objectives of Indigenous Engagement and Partnership	“conduct adequate Crown consultation on the potential positive and adverse effects (including direct and incidental) of the project and adverse impacts of the project on the exercise of Indigenous rights of the Indigenous peoples of Canada recognized and affirmed in Section 35 of the Constitution Act, 1982 (Aboriginal or Treaty rights);”	<p>This section indicates that the plan for Indigenous engagement and partnership specifically relates to the potential impacts of the Project on the <u>exercise</u> of Indigenous rights.</p> <p>The Practitioner’s Guide to Federal Impact Assessments under the <i>Impact Assessment Act</i>, 2019 is clear within Section 3 (Indigenous Participation and Engagement) that assessment of potential impacts on the rights of Indigenous peoples is required. This is further clarified through the Policy Context (Section 3.3) and the Guidance (Section 3.4). In order to fully understand Section 35 rights, the rights must be considered holistically with a broader view than just the exercise. Instead, a consideration of the subsistence, social and ceremonial aspects of the right must be incorporated.</p> <p>The current language within this section references to the <i>Canadian Environmental Assessment Act</i>, 2012 which required consideration of the exercise of rights through current use of lands and resources for traditional purposes. The <i>Impact Assessment Act</i> has expanded this consideration, this must be reflected within the language of the Plan.</p>
2.	3.0 Objectives of	“During the Early Engagement and Planning phases,	Snuneymuxw First Nation agrees that the process may be

Appendix A: Draft Joint Indigenous Engagement and Partnership Plan

	<p>Indigenous Engagement and Partnership</p>	<p>some Indigenous nations identified values and objectives for Indigenous consultation for this project. The Crown summarizes these as...</p> <ul style="list-style-type: none"> • clarity and further detail regarding the need for Roberts Bank Terminal 2 Project (RBT2) and GCT Deltaport Expansion – Berth Four Project (DP4). Specifically, how DP4 will consider RBT2 in its alternative assessment should RBT2 be approved. Indigenous nations have participated extensively within the RBT2 environmental assessment process, and have communicated concerns over consultation fatigue and duplication of efforts.” 	<p>duplicative, and an alternative assessment will be necessary for DP4 should RBT2 be approved. However, we have only recently been approved to participate in the RBT2 assessment, which is currently in its Application Phase. Consequently, it is necessary for Snuneymuxw First Nation to provide commentary and input relating to our specific rights and interests during the Planning Phase of the GCT DP4 Project.</p>
<p>3.</p>	<p>4.1 Crown Consultation List of Indigenous Nations</p>	<p>“The Crown will consult with the Indigenous nations listed² below to understand the potential impacts of the project on their interests. These consultations will comprise an integral part of the work that will support the assessment of the project. Figure 1 is a map of the listed Indigenous nations.”</p>	<p>Please update the Crown’s list of nations and Figure 1 to reflect the addition of Snuneymuxw First Nation as a Participating Indigenous Nation in this Project assessment.</p>
<p>4.</p>	<p>6. Distinction Between the Review Panel and the Joint Federal and Provincial Crown Consultation Team</p>	<p>“Once the review panel is established...</p> <ul style="list-style-type: none"> • the Crown Consultation team can only exchange information with the review panel on the public record, in a manner consistent with all other participants. As a result, it is important for Indigenous nations to submit information directly to the review panel throughout the panel process, even if the Crown is already in possession of that information.” 	<p>As the Crown Consultation team can only provide information to the review panel on the public record, please clarify the panel process, as referenced, to ensure Snuneymuxw First Nation can submit relevant information, where required.</p> <p>Please clarify whether Snuneymuxw First Nation will be able to direct comments to the Crown Consultation team in relation to all filings on the public record.</p>

Appendix B: Comments on the Draft Joint Guidelines

#	Section	Details	Comment
1.	5. Description of Engagement with Indigenous Nations	<p>For the purposes of the Impact Statement, the proponent must:</p> <ul style="list-style-type: none"> • collect available Indigenous knowledge and expertise and integrate it into its Impact Statement, just as it integrates scientific knowledge; • share project information frequently and transparently with Indigenous nations; • support the participation of Indigenous nations in the development of the Impact Statement, which could include funding studies conducted by potentially affected Indigenous nations who will have demonstrated interest in this regard; and • cooperate with Indigenous nations to identify preferred mitigation measures to avoid, minimize, offset or otherwise accommodate for potential adverse impacts on Indigenous nations or their rights, as well as to optimize the project's benefits for their communities. 	<p>In addition to the identified activities, the proponent must support Snuneymuxw First Nation in the identification of Indigenous interests which may be impacted by the project; the contextualization of Snuneymuxw First Nation's Section 35 rights and interests including Treaty of 1854 rights (hereafter "Section 35 rights and interests"); and identification of Snuneymuxw First Nation guiding values and topics to influence the assessment.</p>
2.	5.1 Potentially Impacted Indigenous Nations	<p>"The Impact Statement must assess the project's potential effects on the Indigenous nations identified by the proponent and confirmed by the Agency and the EAO in the Joint Summary of Issues and Engagement and any other that may be identified by the Agency or the EAO prior to the submission of the Impact Statement. Of the Indigenous Nations identified, 17 notified the EAO that they would like to participate in the assessment of the</p>	<p>Please add Snuneymuxw First Nation to this list of Indigenous Nations identified and indicate that Snuneymuxw First Nation is a Participating Indigenous Nation under the B.C. Act for the purposes of the provincial process.</p>

		project under the B.C. act as as [sic] participating Indigenous nations (PINs) for the purposes of the provincial process. The Indigenous nations who have submitted PIN notices are identified with an asterisk.”	
3.	5.2.1 Record of Engagement	“The record of engagement section must include: ...”	In addition to the outlined information, the record of engagement must also illustrate activities undertaken by the proponent to identify and understand Snuneymuxw First Nation’s Section 35 rights and interests; how the proponent worked with Snuneymuxw First Nation to properly contextualize their Indigenous rights and interests; and how this information informed guiding values or topics for the assessment.
4.	8.7 Characterization of Residual Effects	All	<p>In addition to the criteria used to characterize residual effects, additional criteria must be used to characterize the severity of impacts to Section 35 rights and interests and must be explicitly described within the Assessment Methodology. As per the Practitioner’s Guide to Impact Assessments, some criteria which can be used (and contributed to through input from Snuneymuxw First Nation) to analyze the severity of impact can include:</p> <ul style="list-style-type: none"> • Likelihood • Geographic extent • Frequency • Duration • Reversibility • Cultural well-being • Cumulative impacts • Governance • Impact inequity

			<ul style="list-style-type: none"> • Health <p>This must be complete for any identified impact to Section 35 rights and interests whether it has been classified as a residual effect or otherwise and can contribute to the evaluation of effects within federal jurisdiction which may be significant.</p>
<p>5.</p>	<p>9.4 Air Quality</p> <p>9.4.3 Existing Conditions</p> <p>&</p> <p>9.4.4 Potential Effects</p>	<p>“The Impact Statement must: ...</p> <ul style="list-style-type: none"> • provide baseline ambient air concentrations for contaminants, in particular near key receptors (e.g., communities, traditional land users, wildlife) and quantify emission sources for the following: ... <ul style="list-style-type: none"> ○ volatile organic compounds (VOCs), individual or an appropriate subset; ...” <p>“The Impact Statement must: ...</p> <ul style="list-style-type: none"> • using established methods for estimating emissions, provide a quantitative assessment of project related emissions (as listed in section 9.4.3) during construction and operation from the following types of sources: <ul style="list-style-type: none"> ○ point sources (e.g. including but not limited to power generation equipment such as gensets), turbines, compressor engines, incinerators, exhaust vents and stacks from processing facilities, ventilation vents, boilers and other heating equipment, flares, docked marine vessels, idling train engines and other transport vehicles, fugitive emissions from storage tanks). This should also include start-up and shut-down emissions, as appropriate; ...” 	<p>VOCs specifically related to odour during construction (e.g., benzene) and operations must be considered in the assessment. In particular, in relation to Indigenous receptors representative of harvesters or land users in the exercise of their Section 35 rights and interests.</p> <p>This must be characterized in the baseline (existing conditions) through engagement with Snuneymuxw First Nation as well as assessed in Project effects.</p>

6.	9.4 Air Quality 9.4.4 Potential Effects	Comment relates to full section.	This section does not currently require assessment of preferences and experiences associated with air quality and odour, as they relate to the ability to exercise Section 35 rights and interests. Perceptions of air quality can impact Snuneymuxw First Nation's ability to harvest and exercise their Section 35 rights and interests, as negative perceptions of air quality can lead to increased avoidance of the Project area. This must be discussed with Snuneymuxw First Nation and included in the effects assessment.
7.	9.4 Air Quality 9.4.5 Mitigation and Enhancement Measures	Comment relates to full section.	Once project effects specifically related to air quality perceptions have been quantified, mitigation measures specific to perceived impacts on Section 35 rights and interests should be determined with input from potentially affected Indigenous Nations, including Snuneymuxw First Nation. This should be explicitly identified within the Joint Guidelines.
8.	9.5 Atmospheric Noise 9.5.3 Existing Conditions	<p>"The Impact Statement must: ...</p> <ul style="list-style-type: none"> • describe current ambient noise levels at key receptor points (e.g. closest or most affected receptors including communities, traditional land users ... • for studies on ambient noise where there are human receptors present, consider the following during baseline data collection: <ul style="list-style-type: none"> ○ natural sounds; ○ soundscapes (see standard ISO 12913-1:2014. Acoustics — Soundscape — Part 1: Definition and conceptual framework); ○ expectations regarding quiet conditions in 	<p>This section indicates that while ambient noise levels will be assessed at key receptor points including traditional land users, where there are human receptors present, receptors will be assessed at usual sleeping hours.</p> <p>This must be reconsidered in consultation with Snuneymuxw First Nation as traditional land users may harvest during identified sleeping hours and as such may not access receptor points at intervals similar to the general public.</p>

		<p>specific places or at specific times;</p> <ul style="list-style-type: none"> ○ usual sleeping hours (the default assumption is 10 p.m. to 7 a.m.); ...” 	
9.	<p>9.5 Atmospheric Noise</p> <p>9.5.4 Potential Effects</p>	<p>“...where there is public concern associated with an increase in noise levels during construction, provide a vibration and noise impact assessment, including an overview of the concerns; ...”</p>	<p>Snuneymuxw First Nation is concerned with increases in noise levels during construction, particularly related to vibration. If there is potential for overpressure noise or vibration during construction this must be characterized in the noise impact assessment.</p>
10.	<p>9.5 Atmospheric Noise</p> <p>9.5.5 Mitigation and Enhancement Measures</p>	<p>Comment relates to full section.</p>	<p>Once Project effects specifically related to atmospheric noise have been quantified, mitigation measures specific Section 35 rights and interests should be determined with input from potentially affected Indigenous Nations, including Snuneymuxw First Nation. This should be explicitly identified within the Joint Guidelines.</p>
11.	<p>9.7 Marine Water, Sediment, and Coastal Geomorphology</p> <p>9.7.4 Potential Effects</p>	<p>“...the sources, quantities and frequency of project related emissions and discharges to the marine environment from vessels and infrastructure at the project site and marine shipping area. This should include, but not be limited to, discharges of ballast water, bilge water, scrubber effluent, grey water, sewage, food waste, deck wash, surface run-off, storm water, wastewater, aerial deposition of vessel emissions and any accidental spills of any kind; ...”</p>	<p>Sources of emissions and discharges to the marine environment from vessels and infrastructure at the Project site and marine shipping area are of concern to Snuneymuxw First Nation and input from the Nation should be sought in relation to this potential effect. This requirement for Indigenous input should be specified within the Joint Guidelines.</p>
12.	<p>9.7 Marine Water, Sediment, and Coastal Geomorphology</p> <p>9.7.4 Potential Effects</p>	<p>“With respect to dredging and disposal at sea, the Impact Statement must provide a description of:</p> <ul style="list-style-type: none"> • the location of dredging activity (including a bathymetric chart of the area before and after any dredging activity); • local conditions, including seasonal flow currents and tide cycles that inform sediment transport; • the sediments to be dredged, managed, re-used or 	<p>Dredging and disposal at sea, particularly the chemical characterization of changes to sediment quality, the local conditions including seasonal flow currents and tide cycles, and the predicted dispersion and deposition of sediments, are of concern to Snuneymuxw First Nation. Input from the Nation should be sought in relation to these potential effects and the requirement for Indigenous input should be specified within the Joint Guidelines.</p>

		<p>disposed (e.g. quantities, particle size, chemical characteristics) based on a sampling program representative of site conditions and in keeping with Environment and Climate Change Canada's disposal at sea sampling guidance;</p> <ul style="list-style-type: none"> • chemical characterization of changes to sediment quality as a result of project activities, including relevant contaminants of potential concern. Data should illustrate spatial variability in sediment quality (e.g. at surface and at depth where project-related interactions may occur), including sediment quality that will be exposed as the new seafloor; • the proposed location of disposal activity (including a bathymetric chart of area) and supporting rationale for a preferred disposal site along with waste management and disposal site alternatives considered; • how disposal is to be conducted along with alternatives considered; • the predicted dispersion and deposition of sediments over time of both dredging and disposal using scientifically acceptable techniques, including dispersion modeling where appropriate. Such predictions would include attention to suspended solids in the water column or turbidity, and to short and long-term accumulation of material on the seafloor along with contaminant concentrations; and • the route, duration and number of trips between dredging site and disposal site(s) along with equipment employed.” 	
13.	9.7 Marine Water,	Comment relates to full section.	Once project effects specifically related to marine water,

	<p>Sediment, and Coastal Geomorphology</p> <p>9.7.5 Mitigation and Enhancement Measures</p>		<p>sediment and coastal geomorphology have been quantified, mitigation measures specific to Section 35 rights and interests should be determined with input from potentially affected Indigenous Nations, including Snuneymuxw First Nation. This should be explicitly identified within the Joint Guidelines.</p>
14.	<p>9.8 Visual Environment</p> <p>9.8.3 Existing Conditions</p>	<p>“The Impact Statement must:</p> <ul style="list-style-type: none"> • describe the visual landscape from key use areas; ...” 	<p>In addition to available Indigenous knowledge related to the visual environment, the Impact Statement must describe the visual landscape from key use areas (i.e., areas frequented for the exercise of Snuneymuxw First Nation rights and interests) identified by Snuneymuxw First Nation.</p> <p>These key use areas can be carried forward for the assessment of potential effects and used as key receptor points for Snuneymuxw First Nation.</p>
15.	<p>9.8 Visual Environment</p> <p>9.8.5 Mitigation and Enhancement Measures</p>	<p>Comment relates to full section.</p>	<p>Once project effects specifically related to the visual environment have been quantified, mitigation measures specific to Section 35 rights and interests should be determined with input from potentially affected Indigenous Nations, including Snuneymuxw First Nation. This should be explicitly identified within the Joint Guidelines.</p>
16.	<p>9.9 Marine Fish and Fish Habitat</p> <p>9.9.3 Existing Conditions</p>	<p>“The Impact Statement must...</p> <ul style="list-style-type: none"> • describe available Indigenous or community knowledge related to marine resources; • describe the use of fish that are: <ul style="list-style-type: none"> ○ used as traditional foods, including a description of the particular species of importance and whether its consumption has cultural importance for Indigenous nations [sic], including 	<p><i>Clyde River (Hamlet) v. Petroleum Geo-Services Inc.</i>, 2017 SCC 40 at para 45 states:</p> <p>...the consultative inquiry is not properly into environmental effects <i>per se</i>. Rather, it inquires into the impact on the <i>right</i>. No consideration as given in the NEB’s environmental assessment to the source – in a treaty – of the appellant’s rights to harvest marine mammals, nor to the impact of the proposed testing on those rights.</p> <p>This legal precedent illustrates that biophysical</p>

		<p>medicinal use. 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; and</p> <ul style="list-style-type: none"> ○ of Indigenous cultural use and value;” 	<p>components cannot be used as a proxy for assessing impacts to rights. As such, in describing current conditions for fish and fish habitats, the Impact Statement should address these factors from a rights-based lens, not just the availability or use of biophysical components. Some further considerations for the proponent include:</p> <ul style="list-style-type: none"> ● are Indigenous groups currently able to access and harvest traditionally significant species? ● do any species hold spiritual significance to potentially impacted Indigenous groups, or are any species essential for the transmission of knowledge? ● are Indigenous groups currently able to meaningfully exercise their rights in these areas? <p>Additionally, fish have an economic importance to Snuneymuxw First Nation that must also be considered in this section.</p> <p>Following discussion of these considerations in relation to existing conditions, the considerations must also be assessed for potential effects.</p>
17.	<p>9.9 Marine Fish and Fish Habitat</p> <p>9.9.5 Mitigation and Enhancement Measures</p>	<p>Comment relates to full section.</p>	<p>Once Project effects specifically related to the marine fish and fish habitat have been quantified, mitigation measures specific Section 35 rights and interests should be determined with input from potentially affected Indigenous Nations, including Snuneymuxw First Nation. This should be explicitly identified within the Joint Guidelines.</p>
18.	<p>9.10 Marine Mammals</p> <p>9.10.3 Existing</p>	<p>“As applicable, the Impact Statement must...</p> <ul style="list-style-type: none"> ● Describe the use of marine mammals that are: <ul style="list-style-type: none"> ○ used as traditional foods, including a 	<p>While the existing conditions do include key aspects of Snuneymuxw First Nation Section 35 rights and interests, this must be expanded for a more extensive view of rights, including governance rights. Snuneymuxw governance is</p>

	<p>Conditions</p>	<p>description of the particular species of importance and whether its consumption has cultural importance for Indigenous peoples, including medicinal use. All sites used in the study or historically important sites for the collection of traditional foods must be identified and mapped, such as important harvesting sites; and</p> <ul style="list-style-type: none"> ○ of Indigenous cultural use and value; ● reference species of Indigenous cultural use and value based on available information; and ● describe available Indigenous or community knowledge related to marine mammals.” 	<p>rooted in Snawayalth (teachings) and worldview, which emphasize our core values of mutual respect and recognition, the interconnection of all things in creation, and our stewardship and jurisdiction over our lands and resources.²</p>
<p>19.</p>	<p>9.10 Marine Mammals 9.10.5 Mitigation and Enhancement Measures</p>	<p>Comment relates to full section.</p>	<p>Snuneymuxw First Nation has deep cultural and spiritual connections to SKRW, and has shared concerns relating to this species in other project reviews. Snuneymuxw First Nation members understand losing killer whales to be “like losing language...like losing culture.” (page 472)³</p> <p>Once Project effects specifically related to the mammals have been quantified, particularly effects to killer whales, mitigation measures specific to Section 35 rights and interests should be determined with input from potentially affected Indigenous Nations, including Snuneymuxw First Nation. This should be explicitly identified within the Joint Guidelines.</p> <p>Additionally, the assessment of potential effects to Marine</p>

² <https://www.snuneymuxw.ca/governance>

³ NEB 2018. Trans Mountain Pipeline ULC Application for the Trans Mountain Expansion National Energy Board reconsideration of aspects of its OH-001-2014 Report. MH-052-2018. Project https://docs2.cer-rec.gc.ca/eng/llisapi.dll/fetch/2000/90464/90552/548311/956726/2392873/3614457/3751789/3754555/A98021-1_NEB_-_NEB_Reconsideration_Report_Reconsideration_-_Trans_Mountain_Expansion_-_MH-052-2018_-_A6S2D8.pdf?nodeid=3754859&vernum=-2

			Mammals should be linked to the assessment of potential effects on Marine Shipping.
20.	9.11 Marine Vegetation and Wetlands 9.11.4 Potential Effects	“The Impact Statement must describe all the interactions between the project and vegetation and wetland environments, including...”	<p>Currently this section does not require any assessment of potential effects to food sources and food web interactions. As this may affect the ability of Indigenous groups to access resources and harvest traditionally important foods, please add:</p> <ul style="list-style-type: none"> • Describe changes to the primary and secondary productivity, food sources, potential imbalances in the food web and trophic levels. <p>Additionally, while the existing conditions require descriptions of vegetation use and purposes which may be significant to Indigenous groups, the potential effects section does not currently require any assessment of impacts to Section 35 rights and interests as result of Project-related changes to vegetation and wetlands.</p>
21.	9.11 Marine Vegetation and Wetlands 9.11.5 Mitigation and Enhancement Measures	<p>“In particular, the Impact Statement must...</p> <ul style="list-style-type: none"> • describe any reclamation, including wetland reclamation and/or revegetation procedures proposed as mitigation measures, including... <ul style="list-style-type: none"> ○ selection of plant species to be maintained and planted to promote return to a natural ecosystem, including consideration for Indigenous use, during operation and upon reclamation, and integration of the reclaimed landscape with the regional landscape; ○ seed mixes to use, the spreading rates and the location of the spreading. Native and indigenous species adapted to the local conditions should be used when the 	<p>The selection of plant species and seed mixes for revegetation and reclamation should be determined with input from impacted Indigenous Nations as culturally critical species may not be represented in standard seed mixes.</p>

		purpose of revegetation is to naturalize or regenerate the area; ...”	
22.	10.1 Social Conditions and Community Well-being 10.1.4 Potential Effects	<p>“The Impact Statement must:...</p> <ul style="list-style-type: none"> • Document and take into account tolerance thresholds for potential adverse effects identified by Indigenous peoples...” 	As Snuneymuxw First Nation does not have readily available data in relation to tolerance thresholds of social conditions and community well-being, the proponent and the Crown must work with Snuneymuxw First Nation to understand and develop these thresholds for inclusion.
23.	10.2 Employment and Economy 10.2.1 Relevant Statutes, Policies and Frameworks	“Statutes, policies and frameworks that may be relevant to the employment and economy include national, provincial, regional and/or local economic development plans, strategies and action plans.”	<p>National, provincial, regional, or local plans and strategies were not developed with Snuneymuxw First Nation’s input and interests in mind. Consequently, these plans and strategies do not reflect our Nation’s goals and priorities.</p> <p>Instead, direct engagement with Snuneymuxw First Nation must be undertaken to understand the goals and priorities of our Nation.</p>
24.	10.2 Employment and Economy 10.2.3 Existing Conditions	<p>“As applicable, the Impact Statement must:</p> <ul style="list-style-type: none"> • Provide an overview of the existing employment rates and economic well-being in the assessment area and impacted communities including trends in labour force and employment statistics for residents in the local and regional assessment areas, including jobs likely to be in demand over the life of the project...” 	The proponent should be required to seek Nation data rather than census data. Nation members may experience access issues for self-reporting during census data collection; as such, the proponent can receive more accurate data by connecting directly with Snuneymuxw First Nation.
25.	10.5 Marine Use 10.5.3 Existing Conditions	<p>“The Impact Statement must...</p> <ul style="list-style-type: none"> • describe other marine harvesting uses and activities...” 	Please clarify whether this point refers to Indigenous harvesters or non-Indigenous harvesters only?
26.	10.5 Marine Use 10.5.4 Potential Effects	Comment relates to full section.	This section does not address potential effects from non-navigational factors such as effects to harvesting, economy, and culture due to the increases in marine traffic. These factors will affect the exercise of Section 35

			rights and interests and must be considered as part of the effects assessment on marine use.
27.	11. Human Health 11.3. Existing Conditions	<p>“The Impact Statement must...</p> <ul style="list-style-type: none"> describe existing conditions using disaggregated data for diverse subgroups (e.g. women, youth, two-spirited people, elders and people with disabilities) and their different access to resources, opportunities and services within the community to support GBA+.” 	As part of GBA+ analysis the Impact Statement should consider any impact inequities from the Project on subgroups of Snuneymuxw First Nation harvesters in relation to their harvesting experiences.
28.	11. Human Health 11.4 Potential Effects 11.4.1 Biophysical Determinants of Health 11.4.2 Social Determinants of Health	Comment relates to full section.	<p>The assessment of potential effects to Snuneymuxw First Nation community health should include the assessment of real and perceived changes to human health factors. PDF pages 134 and 135 should be rewritten to state:</p> <p>“The Impact Statement must:</p> <ul style="list-style-type: none"> Describe potential effects to human health resulting from real or perceived changes on biophysical, social, cultural and economic determinants of health...” <p>The assessment of effects to human health from real or perceived changes to human health factors should be carried throughout each determinant section.</p>
29.	11. Human Health 11.4.1 Biophysical Determinants of Health	<p>“The Impact Statement must...</p> <ul style="list-style-type: none"> document and take into account tolerance thresholds for potential adverse effects on health identified by Indigenous nations...” 	Snuneymuxw First Nation does not have readily available data in relation to tolerance thresholds of health conditions. The proponent and the Crown must work with Snuneymuxw First Nation to understand and develop these thresholds for inclusion.
30.	11. Human Health 11.4.2 Social Determinants of	<p>“The Impact Statement must...</p> <ul style="list-style-type: none"> describe how potential avoidance of land near project components by Indigenous peoples due to 	The ability to exercise constitutionally protected rights is essential to Snuneymuxw First Nation health. The requirements for social determinants of health must

	Health	perceived changes in environmental quality and tranquility was considered in assessing potential effects on the diet and health of Indigenous peoples;”	address how potential avoidance will affect Indigenous rights, rather than only assessing how avoidance affects diet and health. Additionally, this requirement needs to consider avoidance of land and waters. This should be rewritten to state: “describe how potential avoidance of land and waters near project components by Indigenous peoples due to perceived changes in environmental quality and tranquility was considered in assessing potential effects on the diet, health, and rights of Indigenous peoples. ”
31.	11. Human Health 11.4.2 Social Determinants of Health	“The Impact Statement must... • document and take into account tolerance thresholds for potential adverse effects identified by Indigenous peoples...”	As Snuneymuxw First Nation does not have readily available data in relation to tolerance thresholds related to social determinants of health, the proponent and the Crown must work with Snuneymuxw First Nation to understand and develop these thresholds for inclusion.
32.	11. Human Health 11.5 Mitigation and Enhancement Measures	“The Impact Statement must: • describe the mitigation and enhancement measures proposed separately for each Indigenous nation;”	Snuneymuxw First Nation should be involved in the development of these mitigation and enhancement measures specific to their Nation.
33.	12. Assessment of Impacts on Indigenous Interests	“The Impact Statement must indicate where input from Indigenous nations has been incorporated, including Indigenous knowledge. To the extent possible, information should be specific to the individual Indigenous nations involved in the assessment, and describe contextual information about the members within an Indigenous nation (e.g. women, men, two spirit persons, elders, and youth).”	Contextual information should also include details on Section 35 rights and interests exercised by Snuneymuxw in the Project vicinity (e.g., harvesting rights, cultural rights, governance rights, etc.).
34.	12. Assessment of Impacts on Indigenous	Comment relates to full section.	In order to accurately understand cumulative impacts on Section 35 rights and interests, there must first be an understanding of the severity of those impacts. Please

	Interests 12.2 Cumulative Impacts on Indigenous Interests		refer to Comment 4 for proposed amendments to the assessment methodology to include consideration of severity.
35.	16. Marine Shipping 16.3 Effects Assessment	“At a minimum, the proponent must consider the effects on...”	Though Section 35 rights and interests are included under the effects listed, there should be a requirement to specifically include the assessment of safety of Indigenous marine harvesters, particularly in relation to ship wake. The assessment of marine shipping should also include real and perceived changes to Indigenous interests and safety.
36.	16.4 Mitigation and Enhancement Measures	Comment relates to full section.	There are no mitigation requirements specific to Indigenous rights and interests. As marine shipping components can impact Snuneymuxw First Nation fisheries and culturally significant waterways, etc., it is essential for Snuneymuxw First Nation to provide input on effective mitigation and enhancement measures for marine shipping.