

Malahat Nation

Malahat Nation self-identified as a participating Indigenous nation to the EAO on November 27, 2020. The Impact Statement must include a nation-specific assessment of project effects on Malahat Nation's Indigenous interests.

Malahat Nation have stated that:

"The Malahat Nation, (Malahat) is a Coast Salish Indigenous community located on southern Vancouver Island. The Malahat people have lived, travelled, hunted and fished throughout the Salish Sea including southern Vancouver Island, the Gulf Islands, the San Juan Islands, and the mouth of the Fraser River since time immemorial. As such, Malahat has asserted Aboriginal rights and title to an area, which includes the project area and associated marine shipping route. We are descendants of the South Saanich people, who are signatories to the Douglas treaties. Malahat people therefore possess the right to fish "as formerly" under the Douglas Treaties. In addition, Malahat is a member of the Te'mexw Treaty Association, which has been involved in negotiating a comprehensive modern treaty through the BC Treaty Commission process since 1995."

- If effects are uncertain or unknown, the uncertainty has real impact on Malahat's ability to plan, manage and rely on natural resources;
- Engagement capacity needs to be intertwined with the Crown's duty to consult and acknowledge the Proponent may be incurring impacts to Malahat Nation by proposing a project that requires significant amount of staff time and resources to comment on;
- Malahat Nation has been stewards of natural resources throughout the Salish Sea since time immemorial managing within the carrying capacity of human impacts of the natural ecosystem, contemplation of proposed project based on a percentage increase of the impacts to the natural environment are inappropriate and should be framed as how projects can ensure that impacts remain within the carrying capacity of the ecosystem from all perspectives;
- Malahat has a right to participate in the economic benefits derived from the use of natural resources that Malahat has rights and title to continued use for future generations, beyond just construction activities but also including operation and decommissioning of any proposed projects; and,
- Malahat will Encourage the alignment of regional business with the rights and title of Malahat Nation. To enact the right for Malahat Nation to economically participate in business that occurs in Malahat's territory (CCP Value 1 Objective 3) Malahat will also consult with all levels of government on systems that align the needs of business, First Nations and the environment. Hold Canada accountable for the systemic issues that have historically disadvantaged Malahat and seek to improve and reimagine those systems to ensure fair benefit

Table 13.9 Malahat Nation-Specific Potential Effects on Indigenous Interests

Preliminary Indigenous Interests	Preliminary Potential Effects
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<p>Harvesting and Subsistence Activities</p>	<p>Effects of the project on Indigenous rights to harvesting enshrined in historical and modern treaties and the Constitution.</p> <p>Effects on harvesting for Food, Social, and Ceremonial purposes.</p> <p>Effects on historical and contemporary preferred harvesting sites and accessibility of culturally important harvesting sites.</p> <p>Changes to the abundance, distribution or quality of resources relied upon to engage in harvesting and subsistence activities.</p> <p>Effects of the project on current and future availability, quality and quantity of traditional foods.</p> <p>The Impact Statement must also consider the following effects on Indigenous interests relating to harvesting and subsistence activities identified by Malahat Nation listed in the rows below.</p> <p>Effects on marine species and resources and subsequent effects on the continuation of sustainable fisheries and the ability for Malahat Nation to exercise their fishing and marine resource harvesting rights.</p> <p>Effects on Malahat Nation's distribution of fish.</p> <p>Effects on marine shipping on species and ecosystems, including cetaceans, marine mammals (e.g. seals and sea lions), and migratory birds.</p> <p>Project-related atmospheric emissions, including greenhouse gases causing sea level rise, increased temperatures and increased erosion</p>
<p>Cultural Use Sites and Areas</p>	<p>Effects of project activities on the cultural and ceremonial use of areas in and around the project area.</p> <p>Physical disturbance of cultural, heritage, archaeological, paleontological, and architectural sites, including through changes to:</p> <ul style="list-style-type: none"> physical and cultural heritage; access to physical and cultural heritage; cultural value, spirituality, or importance associated with physical and cultural heritage; and sacred, ceremonial culturally important places, objects, or things, including languages, stories and traditions. <p>Visual aesthetics over the life of the project and post-project abandonment or decommissioning.</p> <p>Effects of increased marine traffic on the access and use of culturally important marine environments.</p> <p>Effects of the project on the use of travel ways, navigable waterways, and water bodies.</p> <p>The Impact Statement must also consider the following effects on Indigenous interests relating to cultural use sites and areas identified by Malahat Nation listed in the rows below.</p> <p>Effects on marine resources and subsequent social and cultural effects on Malahat Nation community members.</p> <p>Effects on the Malahat Nation's cultural practices.</p> <p>Effects on coastal cultural and spiritual sites from increased shipping traffic and erosion, as well as subsequent effects on Malahat Nation spirituality and well-being.</p> <p>Interference from ships and the ability for Malahat Nation to connect to important places within Malahat Nation territory.</p>

	Project-related atmospheric emissions, including greenhouse gases causing sea level rise, increased temperatures and increased erosion
Cultural Continuation	<p>Increased disruption to the protection, and persistence of Indigenous culture.</p> <p>Effects on the cultural practice of distributing food to community members and elders.</p> <p>Effects of project activities on the interruption of intergenerational transmission of Indigenous knowledge.</p> <p>Changes to ability to fish, hunt, trap and gather for cultural or ceremonial activities and practices.</p> <p>Effects on the cultural continuation of food sharing.</p> <p>Effects on Indigenous culture and teachings linked to the health and persistence of culturally important species, including SRKW.</p> <p>Effects on the cultural practice of distributing food to Malahat Nation community members.</p> <p>Effects of shipping on the interruption of intergenerational transmission of Indigenous knowledge.</p> <p>Effects of shipping on Malahat Nation's ability to continue cultural traditions.</p> <p>Effects of shipping on Malahat Nation's ability to safely access culturally important areas and resources.</p> <p>Effects of shipping on Malahat Nation's ability to maintain connections with neighboring Indigenous communities.</p> <p>Effects on the culturally and spiritually important SRKW from acoustic disturbances, habitat changes, prey availability and biomagnification/bioaccumulation of toxins.</p> <p>Effects on marine resources and subsequent social and cultural effects on Malahat Nation community members.</p> <p>Effects on coastal archaeological sites from increased shipping traffic and erosion, as well as subsequent effects on Malahat Nation spirituality and well-being.</p>
Indigenous Governance Systems	<p>Effects on Malahat Nation's ability to exercise Indigenous rights.</p> <p>Changes to Malahat Nation's stewardship responsibilities to marine species within the traditional territory and the potential effects to Malahat Nation's social and cultural uses of marine resources.</p> <p>Interference from ships and the ability for Malahat Nation to connect to important places within Malahat Nation territory.</p>
Economic Activities	<p>Effects on Indigenous and economic rights to marine fisheries and commercially licensed fishing, hunting, trapping and gathering.</p> <p>Economic losses from project effects on harvesting.</p> <p>Economic benefits from the project through business opportunities and employment.</p> <p>Interference with Malahat Nation's ability to fully utilize commercial crab licenses, as well as other commercial licenses and harvest other marine resources for economic purposes.</p> <p>Effects on Malahat Nation's ability to harvest marine resources for economic purposes.</p> <p>Effects on ventures such as the Skywalk and ecotourism businesses relying on healthy ecosystems</p> <p>Project-related atmospheric emissions, including greenhouse gases causing sea level rise, increased temperatures and increased erosion</p>

Indigenous
Health and
Well-being

Changes to the experience when exercising an Indigenous interest, including presence of visual disturbances, changes in air quality, effects of vibrations, and acoustic disruption.

Effects on community food distribution and subsequent effects on community health and well-being.

Effects on Malahat Nation spirituality and well-being as a result of disturbance of or damage to coastal archaeological sites from increased shipping traffic and erosion.

Effects of shipping on the Malahat Nations' members safety and well-being while travelling throughout their marine territory.

Project-related atmospheric emissions, including greenhouse gases causing sea level rise, increased temperatures and increased erosion