



## Tsartlip First Nation

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May 17, 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

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I write to you regarding Global Container Terminal's ("GCT's") request to withdraw short sea shipping from the Deltaport Berth Four Expansion Project (the "Project" or "DP4") description and assessment.

First, Tsartlip wishes to confirm that the withdrawal of short sea shipping from the Project description will include the removal of the proposed short sea shipping berth, alleviating the necessity of the dredging and other construction activities related to that berth.

Second, Tsartlip is concerned that removing short sea shipping from the Project's description and assessment may shield short sea shipping from a comprehensive environmental and cumulative effects assessment, if GCT wishes to pursue short sea shipping at a future time.

Section 1.4 of the Summary of the Detailed Project Description (Document 71, dated October 2021) acknowledges that the Project as a whole meets the criteria for designation under the *Impact Assessment Act*, SC 2019, c 28 ("the Act"), as a permanent expansion of an existing marine terminal designed to handle ships larger than 25,000 dead-weight tonnage. Any future addition to the Project, once completed, would also meet that criteria – including future construction of a berth for short sea shipping.

However, it is not clear that conducting short sea shipping in future, if it were undertaken without the construction of a new berth, would meet the definition of a "designated project" requiring an assessment under the Act and its regulations. The Impact Assessment Agency of Canada ("the Agency") also has the power under section 16 of the Act to decide that an impact assessment of a designated project is not required.

Therefore, if short sea shipping is removed from the current Project's description and assessment, it is entirely possible within the current legislative framework for the addition of short sea shipping to occur without a further assessment of its impacts.

Tsartlip is concerned that GCT may wish to pursue short sea shipping in future, and that a comprehensive and cumulative effects assessment would not be undertaken given that short sea shipping alone would constitute a much smaller project if the DP4 Project is already constructed and operating.

Tsartlip therefore seeks an undertaking from the Agency that if GCT wishes, in future, to conduct short sea shipping from the Deltaport terminal, the Agency will conduct an impact assessment as a designated project under the Act that takes into account the cumulative effects of short sea shipping, any related construction, and the pre-existing developments and activities in the Salish Sea including the DP4, if approved.

Without such an undertaking, Tsartlip objects to the withdrawal of short sea shipping from the scope of the DP4's project description and project assessment.

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<Original signed by>

Don Tom, Chief of Tsartlip First Nation