



April 14, 2024

VIA EMAIL (deltaport@iaac-aeic.gc.ca)

GCT Deltaport Expansion – Berth Four Project
Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, Ontario K1A 0H3

Re: Tsawwassen First Nation Comments on Review Panel Terms of Reference and Canada-British Columbia Cooperation Agreement

Thank you for providing the draft Review Panel Terms of Reference (“**Panel TOR**”) and Canada-British Columbia Cooperation Agreement (“**Cooperation Agreement**”) for comments, as well for providing an extension for the receipt of our comments.

Panel TOR

Tsawwassen proposes that clause 3.10 be amended to include a new paragraph (e) for *Canada’s Collaborative Modern Treaty Implementation Policy* as another framework and guidance document. Although this policy is not produced by the Agency, it applies to the whole of government.

Tsawwassen First Nation (“**Tsawwassen**”) supports the appointment of the Review Panel during the Impact Statement Development and Review Phase, particularly to allow for the taking place of activities contemplated under paragraph 4.4(a). Tsawwassen seeks to work with the Panel Secretariat on developing Tsawwassen cultural training and orientation activities.

Tsawwassen supports a public hearing on Tsawwassen Lands, as contemplated in clause 4.16. Given that we are providing early notification of this, we expect that reasonable efforts should allow for a hearing on Tsawwassen Lands to take place. This will facilitate the participation of Tsawwassen leadership, staff and Members.

Tsawwassen has concerns with the current formulation of clause 4.29. As currently stated, clause 4.29 only contemplates an Indigenous Nation having the ability to comment on a section pertaining to their Nation in the event that the draft sections are posted on the Public Registry. Then, the Nation only has 21 days to review the draft sections and provide comments. This approach is inconsistent with the role Tsawwassen seeks to play in validation, as set out in the Joint Guidelines¹ (see page 186). Tsawwassen seeks to view and comment on the draft

¹ “The Tsawwassen-specific assessment should be informed by [principles including] ‘nothing about us without us’. Each of the governments shares the responsibility for ensuring that the understanding of impacts is tied to current and future community concerns, values, and practices. The parties will work

sections of the Panel Report pertaining to Tsawwassen regardless of whether the draft Tsawwassen section is posted on the Public Registry. Tsawwassen would also like more time than 21 days for its review and comments. We seek to discuss this further, before the Panel TOR are finalized.

Related to the above, we think it would be beneficial to include a new clause before clause 3.20 stating something like the following: “the Panel is invited to engage iteratively with Indigenous Nations during the assessment and to validate its understanding of information provided by Indigenous Nations”. We are happy to discuss possible language of this nature with you.

Cooperation Agreement

Tsawwassen has no concerns with the Cooperation Agreement. We are interested in discussing the possibility of a collaborative submission, as contemplated in clause 7.24.

We note that stronger language than “learn about the next steps” could be used in clause 7.35.

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<Original signed by>

Sheila Williams
Manager, Treaty Rights and Title
Tsawwassen First Nation

CC. Jessie Hannigan <Contact information removed>
BC Environmental Assessment Office

together to validate any assessment information regarding Tsawwassen with the Tsawwassen community.”