



THE FIRST NATIONS OF MAA-NULTH TREATY SOCIETY

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July 29, 2022

Impact Assessment Agency of Canada
Attention: Debra Myles, Senior Advisor

Via: Email: RegionalAssessmentRequest-DemandeEvaluationRegionale@iaac-aeic.gc.ca

Dear Ms. Myles:

**Re: Salish Sea Indigenous Guardian Association
Proposed Regional Assessment**

Thank you for the opportunity to comment on the Salish Sea Indigenous Guardian Association's (SSIGA's) proposal that a regional assessment be conducted in the Salish Sea, received by the Impact Assessment Agency (Agency) on June 21, 2022. We write in response to that proposal on behalf of the five Maa-nulth First Nations (Maa-nulth):

- Huu-ay-aht First Nations,
- Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations,
- Toquaht Nation,
- Uchucklesaht Tribe, and
- Yuułu?ił?ath Government.

Maa-nulth have previously indicated support for a regional assessment in the Pacific region, including in our submissions regarding modernization of the federal and provincial impact assessment Acts and through our participation in the federal Cumulative Effects of Marine Shipping (CEMS) Initiative. The Review Panel in the Roberts Bank Terminal 2 (RBT2) impact assessment also recommended a regional assessment in the Salish Sea, and Maa-nulth supported that recommendation. Unlike project impact assessments, which are reactive to a proposed project, a regional assessment would gather baseline data for all potential stressors, in a way that supports both project impact assessments and the management of cumulative effects on our treaty rights and interests. That said, while we support a regional assessment in the Pacific region, further consultation is required on how that regional assessment is conducted.



huu ay aht
ANCIENT SPIRIT, MODERN MIND



Huu-ay-aht First Nations | Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations
Toquaht Nation | Uchucklesaht Tribe | Yuułu?ił?ath Government

Notably, further consultation is needed on the name and geographic scope of the assessment. SSIGA proposes that the geographic scope be “the entirety of the Salish Sea (both Canada and the US)”. As you know, our territories are outside the boundaries of the Salish Sea. However, our treaty rights and interests are inextricably linked to the Salish Sea. We have treaty rights to harvest and strong cultural connections to numerous species that utilize and rely on the Salish Sea. We are also guided by our sacred principle *hišuk is c̓awak*, meaning everything is one, everything is connected. Consistent with that principle, Maa-nulth have participated and continue to participate in several initiatives aimed at restoring the health of both our territorial waters and the Salish Sea, including the CEMS Initiative and the Salish Sea Initiative. Maa-nulth submit that any regional assessment in the Pacific region be similarly scoped, to include both our Northern and Southern Domestic Fishing Areas and the Salish Sea. However, unlike the Salish Sea Initiative, Maa-nulth recommend that the regional assessment be named to reflect a geographic scope beyond the Salish Sea, in further consultation with Maa-nulth and other participating First Nations.

Further consultation is also required on the body that leads the assessment. SSIGA’s proposal is that the assessment be “SSIGA-led in partnership with [their] member communities, other impacted Salish communities that have voiced interest, along with other stakeholders, NGOs, the Province of BC, and your Ministry.” Maa-nulth is not a member of SSIGA and SSIGA does not represent our treaty rights and interests. To ensure our distinct rights and interests are heard and appropriately responded to, rather than SSIGA leading the whole of the assessment, Maa-nulth propose a series of sub-regional assessments, each led by First Nations or representative bodies within the applicable sub-region. As you know, this is similar to the structure of the CEMS Initiative, where Maa-nulth are leading a sub-regional assessment of marine shipping impacts within our Domestic Fishing Areas. If the assessment proceeds in this manner, we would be open to information-sharing and collaboration with the leads of other sub-regional assessments, subject to Maa-nulth Indigenous-knowledge sharing protocols.

Maa-nulth agree with SSIGA that, while the CEMS Initiative, Salish Sea Initiative and other federal, provincial and First Nation initiatives support the management of cumulative effects in our territorial waters and the Salish Sea, they alone are not the solution. A regional assessment is needed to compile existing information, identify gaps in that information and, to the greatest extent possible, fill those gaps. Maa-nulth further support carrying out the assessment in stages, with further consultation needed on the timing and extent of those stages. Adequate funding is also crucial. As we’ve indicated in previous correspondence to Canada, if reconciliation is to have meaning, funding must be addressed as a preliminary matter to ensure Maa-nulth’s perspectives, values and rights are acknowledged, incorporated into and form the basis of any engagement affecting our treaty rights and interests.

We welcome any questions you may have about this letter and look forward to further consultation on the proposed regional assessment.

Yours truly,

<Original signed by>

Maa-nulth Treaty Society and on behalf of the Maa-nulth First Nations