



Transport Canada Transports Canada

Pacific Region
Environmental Services
620 – 800 Burrard Street
Vancouver, BC V6Z 2J8

RDIMS: 18765474

July 22, 2022

Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa ON K1A 0H3

Attention: Debra Myles

Dear Ms. Myles:

RE: Request for a Regional Assessment in the Salish Sea

Thank you for the notification of a request for a regional assessment (RA) from the Salish Sea Indigenous Guardians Association (SSIGA) for the Salish Sea region. Transport Canada (TC) recognizes the objectives behind the SSIGA's request and the desire for regional consideration of key issues within the Salish Sea.

TC can provide support and expertise to the Impact Assessment Agency (the Agency) in their analysis. The Agency's preliminary meeting with federal authorities (FAs) directed FAs to focus on five key considerations, including whether an existing or planned initiative would adequately address the issues raised in the request.

TC's preliminary input is largely in response to this consideration as there are a number of initiatives underway and in development in which TC is actively involved that may address, in whole or part, the SSIGA's objectives of building baselines and establishing cumulative data on the health and well-being of the Salish Sea. Taking stock of existing initiatives in the region could be useful in informing the need for, and potential development of, any future regional initiatives. It will also assist in identifying areas or mechanisms through which the SSIGA could participate in relevant government initiatives or programming and/or how these initiatives or programs could fit into what SSIGA is looking to achieve.

The following are key initiatives led or co-led by TC that we see as applicable to the Agency's consideration of SSIGA's RA request.

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The Oceans Protection Plan

The first phase of the Oceans Protection Plan (2016-2021) was a five-year plan with a \$1.5 billion dollar investment, led by multiple federal departments, that focused on marine safety, environmental protection and working in partnership with Indigenous Peoples across Canada including the southern coastal BC region.

The success of the Oceans Protection Plan (OPP) to date is based on the leadership and expertise being brought to the table by Indigenous communities on multiple fronts as we work together. The next phase of the OPP recently received funding in Budget 2022 for up to nine years, and was designed based on the lessons learned and engagement with Indigenous communities and organizations, as well as marine stakeholders, involved in or impacted by the OPP. In this next phase of the OPP, Canada will establish 15 new measures to expand ocean protection initiatives to more regions and better proactively combat emerging threats to marine safety, while continuing or expanding 39 existing initiatives. The renewed and expanded plan will help make further progress to enhance the protection and restoration of vulnerable marine ecosystems and wildlife; improve the efficiency, safety, and sustainability of Canada's marine supply chains and mitigate their impacts on the environment, including by advancing research on marine pollution, ecosystems, and wildlife; better manage marine traffic navigation off our coasts and marine incidents of all types; and advance partnerships and training opportunities for Indigenous and coastal communities to incorporate their expertise and experiences in various aspects of marine safety and ecosystem protection. Canada will continue working collaboratively with Indigenous Peoples and other marine stakeholders to ensure Canada's oceans are protected for generations to come.

Cumulative Effects of Marine Shipping (CEMS) – Oceans Protection Plan (OPP)

The Cumulative Effects of Marine Shipping (CEMS) Initiative under the OPP is undertaking a regional, activity-based cumulative effects assessment of marine shipping in partnership with Indigenous peoples in the South Coast of British Columbia. To respond to the preferences of Indigenous Peoples in this assessment area, CEMS is being delivered through a multi-tiered assessment approach with both a regional assessment and sub-regional assessments being undertaken within collaborative governance arrangements with various interested Indigenous groups.

At a regional level in the South Coast of British Columbia, Transport Canada has partnered with the First Nations Fisheries Council (a partnership under the Commitment to Action and Results Accord) and established the Ship Movement Vessel Management Coordinating Committee (VMCC) (including ~18 different South Coast BC First Nations). Sub-regionally in the South Coast of British Columbia, Transport Canada has co-developed or is in the process of co-developing collaborative governance arrangements (Terms of Reference and Living Workplans) with 10 individual or collective groups of First Nations (representing 31 First Nations). The CEMS assessments at both the regional level and the subregional level are collaborative in nature and as such, the scope (i.e., the parameters of the assessment) and timelines for the completion of specific activities and results are/were not prescribed. The scope of the regional assessment in partnership with the FNFC and VMCC was co-developed through 2021. Sub-regionally, bilateral and collaborative engagement with Indigenous peoples to determine the scope of the assessment(s) is currently underway and will continue as per the workplans being developed directly with Indigenous groups.

The collaborative identification of the scope of the assessments has been in part informed by views raised by Indigenous groups in environmental assessments including Roberts Bank Terminal 2, Tilbury Marine Jetty and Trans Mountain Expansion. The impacts of marine shipping on safety and potential cultural heritage loss may be scoped into any of the subregional multi-tiered assessment(s). If this is identified by Indigenous groups as a priority for assessment, it could assist in evaluating any overlap of Indigenous use and vessel traffic in that assessment area and result in the development of recommendations to mitigate any effects identified.

For more information on CEMS, please contact:

Charmaine Bosse
Environmental Advisor, Environmental Assessment, Environmental Management
Charmaine.Bosse@tc.gc.ca

Whales Initiative

The Government of Canada is committed to supporting the protection and recovery of at-risk whales and Transport Canada is implementing research and measures to better understand and manage the negative impacts of vessel traffic, including underwater noise on the recovery of Southern Resident Killer Whales. The Whales Initiative builds on a strategy developed under OPP and aims to address imminent threats to Southern Resident Killer Whales, including lack of prey, underwater noise, and persistent contaminants in the water.

For additional questions about the Whales Initiative, please contact:

Christian Lafrance
Policy Advisor, Environmental Policy – Clean Water
Christian.Lafrance@tc.gc.ca
343-552-8318

Enhanced Maritime Situational Awareness (EMSA)

The Enhanced Maritime Situational Awareness (EMSA) Initiative (a measure put in place as part of the Trans Mountain Expansion Project and Oceans Protection Plan) aims to improve access to Maritime information and data, including vessel traffic for Indigenous communities and other partners. The web-based geographic information system provides an accessible and near real-time common operating picture for coastal communities to support local and collaborative planning, analysis, and informed decision-making around marine space. Indigenous communities have been partners in the initiative since the beginning, from participation in the selection of a software developer and pilot host communities to co-development of the system and prioritizing developments to enhance functionalities. Access to EMSA is open to all Indigenous communities.

For more information on EMSA, please contact:

Kelly Larkin
Program Manager, Oceans Protection Plan Implementation
Kelly.Larkin@tc.gc.ca

Olivia Hall

Program Advisor, Oceans Protection Plan Implementation
Olivia.Hall@tc.gc.ca

Given TC's broad mandate to ensure Canada's transportation system is safe, secure, efficient, and environmentally responsible, the department is a supporting partner to other federal departments with applicable initiatives to this analysis. These initiatives are mentioned below along with departmental contacts the Agency may wish to engage with to explore potential linkages to the RA request and further inform this analysis. These initiatives include the Salish Sea Initiative, Marine Spatial Planning, and Canada's responses to the Canada Energy Regulator's recommendations relating to the Trans Mountain Expansion (TMX) project.

Salish Sea Initiative (TMX Accommodation Initiative 1)

The Department of Fisheries and Oceans (DFO) is the lead on this initiative that supports eligible Indigenous groups in conducting marine stewardship activities. It provides scientific, technical, and administrative capacity funding for Indigenous groups to monitor the local marine environment and participate in broader planning processes. This initiative responds to concerns related to the cumulative effects of increased human activities on valued ecosystem components of the marine ecosystem.

For more information on the SSI, please contact Donovan Lynch - Manager, Consultation and Engagement, Salish Sea Initiative, at Donovan.Lynch@dfo-mpo.gc.ca.

Marine Spatial Planning

Marine Spatial Planning (MSP) in the South Coast of British Columbia, inclusive of the Salish Sea, is a process led by DFO that brings together relevant authorities to coordinate how humans use and manage marine spaces that balances ecological, economic, cultural, and social objectives. We understand advancing reconciliation with Indigenous Peoples through their involvement as partners in MSP and meaningful inclusion of Indigenous knowledge and knowledge systems in planning, management and decision-making will be foundational to the process.

For further information or questions about MSP, please reach out to:

DFO: Guillaume Côté
Director, Domestic Oceans Policy
Guillaume.Cote@dfo-mpo.gc.ca

TC: Sara Burton
Senior Advisor, Environmental Assessment, Environmental Management
Sara.Burton@tc.gc.ca

Trans Mountain Expansion (TMX) project – Canada Energy Regulator (CER) Recommendations 1 & 2

Canada is responding to the Canada Energy Regulator's (CER) first and second recommendations from the Reconsideration Report for the Trans Mountain Expansion project.

For the first recommendation, Advancing Knowledge in Support of Managing Cumulative Effects in the Salish Sea, the Government of Canada is enhancing knowledge to help with future assessments and potential development of cumulative effects management plans in the Salish Sea. It is taking stock of the current state of knowledge, identifying gaps in understanding ecosystem components of value and concern, and augmenting research and monitoring on water quality, air quality and marine emissions and improving access to this knowledge to enable communities and Indigenous Nations to undertake studies from the perspective of local values and knowledge, and to identify ways to address cumulative effects. For the second recommendation, annual reporting on progress to address the health of the Salish Sea, the government will assess its current annual reporting related to the health of the Salish Sea and will work to close any gaps.

For further information on the initiatives related to TMX Recommendations 1 & 2, please contact our colleagues at Environment and Climate Change Canada (ECCC) and DFO:

Marie-Ange Gravel
Manager, TMX Secretariat, Environmental Protection Operations
marie-ange.gravel@ec.gc.ca

Donovan Lynch
Manager, Consultation and Engagement, Salish Sea Initiative
Donovan.Lynch@dfo-mpo.gc.ca

The Government of Canada is working to address concerns and improve both opportunity and access for Indigenous Peoples to practice their rights in a safe manner. As described above, government departments in partnership with Indigenous groups, are implementing several programs and initiatives to support these goals through both regional and project-specific approaches. These programs are designed to provide opportunities for collaboration on marine management in the marine spatial environment and taking stock of these existing initiatives could be helpful in identifying gaps and/or determining potential opportunities for SSIGA participation.

TC appreciates the opportunity to provide input regarding the Agency's consideration of this regional assessment request. Should you have any questions or comments regarding the content of this letter, please reach out to Suzanne L'Heureux at suzanne.lheureux@tc.gc.ca.

Sincerely,

<Original signed by>

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CC. Kevin Inouye, TC
Ron Hall, TC
Megan Bennett, TC