

Draft Joint Indigenous Engagement and Partnership Plan

GCT DELTAPORT EXPANSION – BERTH FOUR PROJECT (DP4)

November 8, 2021

DRAFT FOR CONSULTATION

Canada 



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Glossary

Term	Definition
Application	An application for an environmental assessment certificate (EAC) under the B.C. Act. This plan uses the federal term impact statement to refer to the application.
Assessment	Review of the project that will meet both federal requirements for an impact assessment under the <i>Impact Assessment Act</i> and provincial requirements for an environmental assessment under the <i>Environmental Assessment Act</i> (2018).
B.C. Act	The <i>Environmental Assessment Act</i> , S.B.C. 2018, c.51.
Canadian Impact Assessment Registry (Public Registry)	The Canadian Impact Assessment Registry is an Internet site established and maintained by the Agency consisting of project files relevant to the impact assessment process.
Community Advisory Committee (CAC)	A provincial venue for communities to advise the EAO on the potential effects of the proposed project on a community, to stay up to date on the progress of the assessment, and to be informed of opportunities to provide their input and advice.
Crown	A term used to refer to both the Government of Canada (federal Crown) and the Government of British Columbia (provincial Crown).
Environmental Assessment Office (EAO)	The EAO is a neutral regulatory agency within British Columbia's government. The EAO administers the B.C. Act, including the conduct of environmental assessments of major projects in B.C. and provides provincial Ministers with advice to inform their decision on whether a project should proceed.
EPIC	The EAO Project Information Centre is an online publicly available database of all projects and important documents established and maintained by the EAO.
Federal Minister	Minister of Environment and Climate Change Canada.
Impact Assessment Act	The <i>Impact Assessment Act</i> (S.C. 2019, c. 28, s.1).

Impact Assessment Agency of Canada (the Agency) The Agency is a federal body accountable to the Minister of Environment and Climate Change. The Agency provides high-quality impact assessments that contribute to informed decision-making, in support of sustainable development. The Agency is the responsible authority for all federal impact assessments.

Impact Statement Detailed technical document prepared by the proponent as per the requirements set out in the Joint Guidelines. When used in this plan, it also refers to an application for an environmental assessment certificate under the B.C. Act.

Indigenous interests Refers to all the requirements relating to Indigenous peoples required by both the *Impact Assessment Act*, and the *Environmental Assessment Act, 2018*. The *Impact Assessment Act* requires the assessment of the impacts that the proposed project may have "on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*". The *Impact Assessment Act* also requires an assessment of, the effects of the project with respect to the Indigenous peoples of Canada, including an impact — occurring in Canada and resulting from any change to the environment — on (i) physical and cultural heritage, (ii) the current use of lands and resources for traditional purposes, or (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada. Paragraph 2(2)(b) of the *British Columbia Environmental Assessment Act, 2018* defines Indigenous Interests as "those interests related to an Indigenous nation and their rights recognized and affirmed by section 35 of the *Constitution Act, 1982*, including Treaty rights and Aboriginal rights and title, that may be impacted by a proposed project".

Indigenous nations First Nations and Métis peoples of British Columbia¹.

Joint guidelines Document that provides direction and requirements for the proponent in preparing an impact statement. The joint guidelines

¹ This is not an acknowledgement by British Columbia that it owes a duty of consultation or accommodation to Métis in British Columbia under Section 35 of the *Constitution Act, 1982*

detail all the information and studies required to conduct the assessment. This document includes the federal requirements for Tailored Impact Statement Guidelines and the provincial Application Information Requirements.

<p>Joint Indigenous Engagement and Partnership Plan (JIEPP)</p>	<p>Document outlining how Indigenous nations may wish to participate in the coordinated federal and provincial process, including, where available, information on proponent-led engagement activities.</p>
<p>Participating Indigenous nation</p>	<p>An Indigenous nation that has notified the EAO that they would like to participate in the assessment of a project under the B.C. Act as a participating Indigenous nation. Participating Indigenous nations (PINs) are afforded specific procedural rights within the B.C. Act, including consensus seeking processes, providing a notice of consent or lack of consent at specific decision points, and access to facilitated dispute resolution.</p>
<p>Process Planning phase</p>	<p>This phase formalizes how the provincial environmental assessment must be carried out, including: identifying the required information; defining who does what, when, and how; and determining how participants work together for the rest of the assessment and future engagement approaches (including public engagement).</p>
<p>Proponent</p>	<p>A person or entity that proposes the carrying out of, or carries out, a project. In the case of this Project, the proponent is GCT Canada Limited Partnership.</p>
<p>Provincial Minister</p>	<p>B.C.'s Minister of Environment and Climate Change Strategy.</p>
<p>Provincial Ministers</p>	<p>The provincial Minister and the Responsible Minister (who is responsible for activities in the project sector).</p>
<p>Provincial process order</p>	<p>An order made under section 19(2) of the B.C. Act that defines the scope of the project and the assessment including the procedures, methods, and information requirements.</p>
<p>Referral package</p>	<p>The decision materials that will be submitted to Provincial Ministers that includes the matters under section 29(2) of the B.C. Act.</p>

Review Panel

A review panel is a group of independent experts appointed by the president of the Agency to conduct an impact assessment. The members are selected on the basis of their knowledge or experience relative to the potential effects of the project or knowledge of Indigenous issues, and must be free from bias or conflict of interest relative to the project. The review panel is responsible for conducting the impact assessment, which includes collecting information, holding a public hearing and preparing the impact assessment report.

Technical Advisory Committee (TAC)

A provincial committee to provide expert advice to the EAO and participating Indigenous nations related to the assessment. Technical advisors will include provincial experts and regulators, Indigenous nations, and experts from local governments, and may include representatives from the United States. The Technical Advisory Committee is the provincial forum for the detailed, technical review of the proponent's documents and technical studies.

This document is a draft version of the Joint Indigenous Engagement and Partnership Plan (JIEPP) of the GCT Deltaport Expansion - Berth Four Project. The Crown is now seeking input from Indigenous nations for the development of the Joint Tailored Impact Statement Guidelines/ Application Information Requirements (Joint Guidelines), Joint Assessment Plan and the JIEPP.

1. Introduction

On October 28, 2021, the Impact Assessment Agency of Canada (the Agency) determined that an impact assessment is required for the GCT Deltaport Expansion - Berth Four Project (the project), pursuant to Subsection 16(1) of Canada's *Impact Assessment Act* (the IAA). Likewise, on the same date, the British Columbia Environmental Assessment Office (EAO) provided a notice of decision under Section 18(1) of the *Environmental Assessment Act (2018)* (the B.C. Act) that the project will proceed to an environmental assessment.

On November 3, 2021, the federal Minister also referred the assessment to an independent review panel. The EAO intends to principally rely on the federal review panel's assessment to meet the provincial requirements for an environmental assessment. Each government retains the power to make their own decisions regarding the project.

The project requires an impact assessment by the Government of Canada and an environmental assessment by the Government of British Columbia. These assessments requirements will be undertaken in a cooperative manner. The [Impact Assessment Cooperation Agreement Between Canada and British Columbia \(2019\)](#) provides for a number of mechanisms for cooperative assessments with the objective of reducing duplication and increasing efficiency and certainty about the process. The agreement includes a commitment for Canada and British Columbia to work together to coordinate, cooperate and collaborate with Indigenous nations throughout assessments.

The Joint Indigenous Engagement and Partnership Plan (JIEPP) outlines opportunities and methods for meaningful engagement and consultation with potentially affected Indigenous nations throughout the coordinated impact assessment process for the project. This impact assessment process will be conducted in a manner consistent with the [Joint Guidelines](#). For the purposes of this assessment we will use the term Indigenous nations instead of Indigenous groups, peoples or communities based on input from Indigenous nations. The JIEPP is intended to be flexible and does not preclude the Crown from making changes to the approaches described in the JIEPP to accommodate changes that may occur during the assessment process, including adopting revised approaches suggested by Indigenous nations.

Although the assessment process is not a rights-determination process, the Crown acknowledges that the content and extent of the duty to consult and, where appropriate, accommodate, varies according to the nature of the rights and the severity of the project's potential impact on these rights. The Crown's assessment of the extent of the duty to consult and, where appropriate, accommodate, is conducted in collaboration with Indigenous nations during the assessment. Throughout this JIEPP, the terms engagement and consultation are used interchangeably. Within the context of the coordinated assessment process, the Crown encourages the active participation of a community's diversity, such as leadership. As well as other members of the community, such as women, Elders, youth and knowledge holders.

To complement this JIEPP, interested Indigenous nations may develop community-specific consultation plans, in collaboration with the Crown, to describe the community's specific objectives for consultation, or any unique features of the assessment and consultation process pertaining to that community.

In addition, a [Joint Assessment Plan](#) has been developed to incorporate the federal IAA requirements for a cooperation plan and a public participation plan with the B.C. Act's requirements for an assessment plan. The [Joint Assessment Plan](#) and the [Joint Permitting Plan / Regulatory Coordination Plan](#) are separate and can be found on the Public Registry and EPIC. The draft provincial process order can be found on [EPIC](#).

The Crown is now seeking input from Indigenous nations for the development of the Joint Tailored Impact Statement Guidelines/Application Information Requirements ([Joint Guidelines](#)), the [Joint Assessment Plan](#) and the JIEPP.

2. Description of the Proposed Project

GCT Canada Limited Partnership (the proponent) is proposing to expand its existing GCT Deltaport Container Terminal, a container storage and handling facility located in Delta, British Columbia (B.C.). The GCT Deltaport Expansion - Berth Four Project (the project) would add a fourth berth on the east side of the Roberts Bank Causeway, and include an expansion of the intermodal rail yard along the causeway (Roberts Bank Way) and dredging to provide safe access for ships. The additional land-based container storage and handling facilities would provide capacity for an additional two million 20-foot long storage containers per year at the existing terminal.

For more information on the assessment of the project or to view the information and comments received, visit the Canadian Impact Assessment Registry (the Public Registry) at [GCT Deltaport Expansion - Berth Four Project - Canada.ca \(iaac-aeic.gc.ca\)](#) or the EAO Project Information Centre (EPIC) at [EPIC \(gov.bc.ca\)](#).

3. Objectives of Indigenous Engagement and Partnership

Crown Objectives:

- conduct adequate Crown consultation on the potential positive and adverse effects (including direct and incidental) of the project and adverse impacts of the project on the exercise of Indigenous rights of the Indigenous peoples of Canada recognized and affirmed in Section 35 of the *Constitution Act, 1982* (Aboriginal or Treaty rights);
- engage in a manner that is consistent with the Crown's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) as a comprehensive international human rights instrument and Canada's roadmap for reconciliation. The Declaration also emphasizes the need to work together in partnership and respect, as articulated through the

principle of free, prior and informed consent. This principle reflects working together in good faith on decisions that impact Indigenous peoples, with the intention to achieve consensus;

- meaningfully engage with Indigenous nations regarding Indigenous knowledge they may wish to share during the process. The Crown will consider the Indigenous Knowledge Framework and provincial Guide to Indigenous Knowledge in Environmental Assessments, as well as other guidance documents;
- engage and work with Indigenous nation partners as governments, with their own jurisdiction and authority, and establish a collaborative approach to evaluate the project. Part of that engagement and work as governments is building a shared understanding of the connection of the Indigenous nation to the lands, waters and resources in issue, grounded in the Indigenous nation's history, culture, and tradition, and situating the project proposal within how the Indigenous nation has determined its priorities and visions into the future;
- meaningfully engage with Indigenous nations to discuss the types of impacts the project might have on their interests including:
 - Impacts on Rights, as outlined in Guidance: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html>;
 - effects of the project with respect to the Indigenous nations on current use, culture, health and socio-economic conditions; and
 - effects of the project on Indigenous nations and rights under the Environmental Assessment Act. The B.C. EA decision must take this into account along with consent or non-consent from participating Indigenous nations.
- provide meaningful opportunities for collaboration with Indigenous nations on specific elements of the assessment as identified by Indigenous nations. This may include collaboration with Indigenous nations on community-developed methodology or processes to assess the potential impacts of the project on their interests or Indigenous-led assessments;
- conduct meaningful consultation with Indigenous nations on measures to avoid, mitigate or minimize potential adverse impacts of the project on their interests. This engagement may also identify potential positive outcomes and enhancement measures; and
- identify specific requirements of the Indigenous nation for assessments, including Indigenous governance and decision-making requirements.

The objectives listed below have been developed based on input the Crown has received from Indigenous nations to date. We are seeking input from Indigenous nations on their objectives for this process. Please provide any additional information during this comment period.

Objectives Identified by Indigenous Nations:

During the Early Engagement and Planning phases, some Indigenous nations identified values and objectives for Indigenous consultation for this project. The Crown summarizes these as:

- sufficient capacity funding needs to be provided to ensure meaningful participation, respond to on-going projects in a more effective and comprehensive manner, and hire qualified technical consultants to work with relevant Indigenous nation staff, Elders, and knowledge keepers;

- consideration of the inputs, gaps, and concerns that Indigenous nations have identified in previous or ongoing environmental assessments in the lower Fraser River and Salish Sea, including feedback provided to the various federal and provincial agencies;
- coordination by the Crown across projects and federal and provincial agencies is expected by Indigenous nations, when possible, to reduce consultation fatigue and duplication of efforts;
- consideration of information from previous and ongoing studies as applicable (with the caution that they may not sufficiently capture project-specific concerns and need to follow Indigenous nations' protocols for knowledge and information sharing);
- engaging Indigenous nations earlier in the process to identify appropriate timelines and capacity;
- reflection of Indigenous nations' views in effect assessment;
- demonstrate that the assessment of the proposed project can provide more positive than negative impacts;
- incorporation of Indigenous knowledge into the proposed studies of the assessment;
- incorporation and translation of Indigenous knowledge to ensure equal opportunities are provided for both western science and Indigenous knowledge;
- meaningful and collaborative scoping needs to be done to understand potential impacts to Indigenous nations' interests and that there are appropriate information requirements for assessing them;
- adequate consideration of cumulative effects in decision-making throughout the assessment process. The assessment should include information on cumulative impacts on Indigenous interests. For example, Indigenous nations have communicated interest in long-term plans to assess cumulative impacts from increased ship traffic;
- incorporation of Indigenous knowledge of all past and present development to inform the assessment. Indigenous nations have identified that there is a lack of an appropriate baseline consideration from which to measure existing cumulative effects. There is a need for a holistic cumulative effects assessment;
- recognize that Indigenous nations have identified concerns with the current approach of only requiring residual effects to be considered in the proponent's cumulative effects assessment. This approach can lead to assumptions that mitigation will be effective as described and fails to account for what may happen if the mitigation is not as effective as the proponent predicts. Indigenous nations suggest that cumulative effects assessment should be based on unmitigated impacts unless the Indigenous nation consents to a mitigation measure being applied to an impact so as to remove the impact from the cumulative effects analysis; and
- clarity and further detail regarding the need for Roberts Bank Terminal 2 Project (RBT2) and GCT Deltaport Expansion – Berth Four Project (DP4). Specifically, how DP4 will consider RBT2 in its alternative assessment should RBT2 be approved. Indigenous nations have participated extensively within the RBT2 environmental assessment process, and have communicated concerns over consultation fatigue and duplication of efforts.

4. Indigenous Nations

The Crown has identified the following lists of Indigenous nations that may be potentially impacted by the project. This includes Indigenous nations where the project may adversely impact the exercise of Aboriginal or Treaty rights of Indigenous peoples of Canada recognized and affirmed in Section 35 of the *Constitution Act, 1982*, and Indigenous peoples with asserted, but unrecognized, rights where an assessment of effects under Section 22 of the B.C. Act may be required. This list is based on information available in the Government of Canada’s Aboriginal and Treaty Rights Information System, as well as information shared by Indigenous nations during initial meetings and throughout the Early Engagement and Planning phases.

The Governments of Canada and British Columbia are committed to renewing their relationship with Indigenous nations, which is based on the recognition of rights, respect, cooperation and partnership. Through this JIEPP, the Crown supports this commitment.

4.1 Crown Consultation List of Indigenous Nations

The Crown will consult with the Indigenous nations listed² below to understand the potential impacts of the project on their interests. These consultations will comprise an integral part of the work that will support the assessment of the project. Figure 1 is a map of the listed Indigenous nations.

* Participating Indigenous nations under B.C. Act.

Cowichan Tribes*	Popkum First Nation
Ditidaht First Nation*	Scia’new First Nation*
Esquimalt First Nation*	Seabird Island First Nation
First Nations of the Maa-nulth Treaty Society, which represents: Huu-ay-aht First Nation, Ka:’yu:’k’t’h/Che:k’tles7et’h’ First Nations, Toquaht Nation, Uchucklesaht Tribe, and Yuulu?i?ath Government*	S’ólh Téméxw Stewardship Alliance, which includes member nations Aitchelitz First Nation, Chawathil First Nation, Cheam First Nation, Kwaw-kwaw-Apilt First Nation, Sumas (Semá:th) First Nation, Shxwhá:y Village, Skowkale First Nation, Skwah First Nation, Soowahlie First Nation, Skawahlook (Sq’ewá:lwx) First Nation, Sq’ewlets First Nation, Squiala First Nation, Tzeachten First Nation, Yakweakwioose First Nation, and Yale First Nation*
Halalt First Nation*	Semiahmoo First Nation
Katzie First Nation	Shxw’owhamel First Nation
Kwantlen First Nation	Songhees First Nation

² The list of Indigenous nations identified here may change as knowledge of the effects and potential impacts of the project is gained, or if the project or its components are modified during the assessment. The Crown reserves the right to modify this list based on additional information gathered during the assessment.

Kwikwetlem First Nation	Squamish Nation
Leq'á:mél First Nation	Stz'uminus First Nation*
Lyackson First Nation*	Tsartlip First Nation
Malahat First Nation*	Tsawout First Nation
Matsqui First Nation	Tsawwassen First Nation*
Métis Nation British Columbia	Tseycum First Nation
Musqueam Indian Band*	Tsleil-Waututh Nation*
Pacheedaht First Nation*	T'Sou-ke First Nation*
Pauquachin First Nation*	Ts'uubaa-asatx (Lake Cowichan) Nation*
Penelakut Tribe	

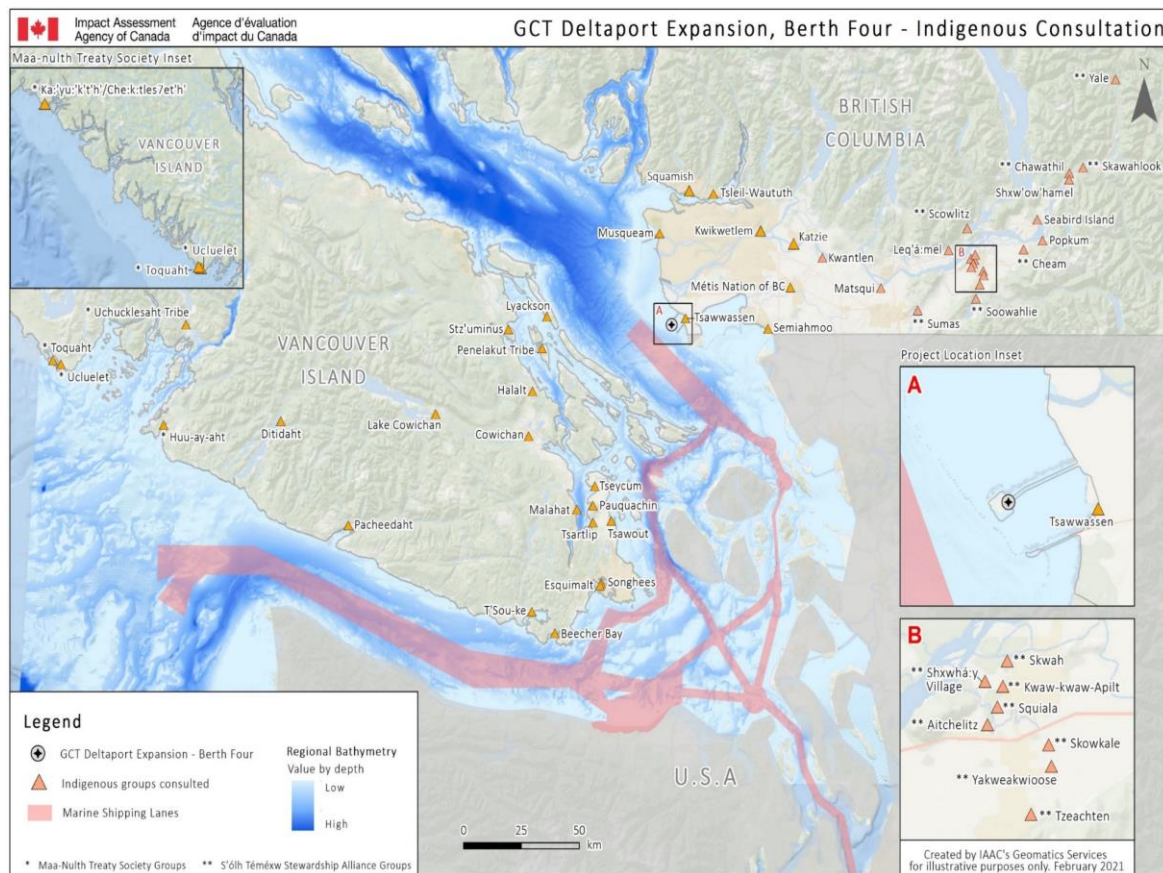


FIGURE 1 GCT DELTAPORT EXPANSION - BERTH FOUR PROJECT – INDIGENOUS CONSULTATION

5. Engagement and Consultation Tools, and Methods

Due to consideration around the COVID-19 pandemic, the Crown intends to use virtual meetings until in-person meetings are deemed appropriate. Any in-person meetings would happen in accordance with local and provincial health guidelines, and would only occur with consent from the Indigenous nation.

The following is a list of tools and methods identified by the Crown and Indigenous nations during the Planning phase to ensure meaningful consultation in the assessment process, including:

- providing funding under the Agency's [Participant Funding Program](#) to support Indigenous nations in participating in the assessment process;
- providing clear information on available funding, assessment process timelines, and the workload expected of Indigenous nations to ensure meaningful participation and consultation;
- communicating with Indigenous nations in an ongoing, open, and transparent manner;
- considering cultural needs including seasonal issues (e.g. harvesting, hunting) and cultural protocols and spirituality (e.g. openings and closings);
- following Indigenous nation consultation policies or protocols in consultation activities, to the extent possible;
- establishing clear processes for identifying and designing accommodation measures, as applicable;
- holding meetings with Indigenous nations and the proponent and/or expert federal and provincial authorities to support assessment of impacts on Indigenous interests or other matters within the assessment process;
- providing reasonable time for in-community meetings, as appropriate;
- establishing requirements for diverse participation (e.g. accessibility of meeting locations, timing of meetings, transportation);
- providing individualized and/or group training on the assessment process and how to effectively participate in the process;
- providing translators and/or interpreters to support meetings between Indigenous nations and the Crown; and
- providing summaries of key documents, fact sheets, infographics, PowerPoint tools, booklets, and audio-visual materials in plain language and in an accessible format.

In addition, the Crown will explore opportunities for:

- translating into an Indigenous nation's language important high-level summary documents whenever requested and reasonably possible;
- facilitating discussions about issues related to areas of provincial and federal interests in the assessment;
- accommodating communication and consultation processes according to the Indigenous nations' schedules, where possible; and

- organizing workshop formats to discuss key documents through the coordinated assessment process, where appropriate.

The Crown will work bilaterally with individual Indigenous nations, on items not listed above, in the development of an Indigenous nation-specific consultation work plan as appropriate.

Under the B.C. Act, the EAO will work with participating Indigenous nations to customize consensus-seeking approaches with each community throughout the assessment process. Alternatively, Indigenous nations may choose to refrain from identifying as participating Indigenous nations under the B.C. Act. In these cases, the EAO must still fulfill its constitutional obligations to consult these Indigenous nations and will continue to engage with the Indigenous nations according to these obligations.

Consensus-seeking activities are undertaken through cooperation between the EAO and representatives of a participating Indigenous nation in an effort to achieve consensus on process decisions or recommendations. Seeking consensus throughout the assessment is foundational to free, prior, and informed consent. See the [Guide to Consensus-Seeking under the Environmental Assessment Act, 2018](#) for more information regarding consensus-seeking obligations during the assessment process.

Other tools for participating Indigenous nations include:

- opportunities to communicate consent or lack of consent to issuing the environmental assessment certificate;
- an opportunity for the Indigenous nation to carry out the components of the effects assessment that pertain to their Indigenous nation and its rights (Section 19(4) of the B.C. Act);
- access to facilitated dispute resolution (following applicable consensus-seeking efforts); and
- representation on Technical or Community Advisory Committee(s).

Guidance material for the roles of participation Indigenous nations is available at: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/indigenous-nation-guidance-material>.

6. Distinction Between the Review Panel and the Joint Federal and Provincial Crown Consultation Team

In an assessment by a review panel, the Crown conducts its consultation activities in parallel to the review panel process. For assessments by review panel, the Crown supports and facilitates the integration of consultation into the review panel process to the extent possible, to ensure best use of the information provided to the review panel and an understanding of potential impacts of a designated project on Indigenous interests. Once the review panel is established:

- the review panel and Crown Consultation team will invite Indigenous nations to participate in the review panel and consultation processes, which are conducted in parallel. The Crown

Consultation team will make efforts to avoid duplication and have an efficient process while ensuring that the review panel receives the necessary information from each party to allow the review panel to meet its mandate; and

- the Crown Consultation team can only exchange information with the review panel on the public record, in a manner consistent with all other participants. As a result, it is important for Indigenous nations to submit information directly to the review panel throughout the panel process, even if the Crown is already in possession of that information.

7. Engagement and Consultation Approach

The information in the section below provides a general description of the phases in the assessment process and an explanation as to how the Crown proposes to engage and consult with Indigenous nations during each phase. This section describes objectives of each phase and anticipated engagement activities by the Crown, review panel and Indigenous nations throughout the assessment process.

Prior to the issuance of the EA readiness decision under B.C.'s Act and the determination that an assessment was required under the IAA, the Crown consulted with Indigenous nations on the Initial Project Description and prepared the Joint Summary of Issues and Engagement ([JJOIE](#)). Subsequently, the Crown provided the JJOIE to the proponent for the preparation of the Detailed Project Description, including a response to the JJOIE. The Crown included the key issues identified by Indigenous nations in the JJOIE and directed the proponent to refer to the Indigenous nations' submissions to ensure it used the appropriate context and intent of the comments in their response.

Specific Indigenous nations to whom the Crown owes a duty to consult and who wish to work with the Crown to identify consultation activities beyond those included within this JIEPP, are welcome to express their interest in an Indigenous nation-specific consultation work plan during the Impact Statement phase. The Crown will work with Indigenous nations to develop community-specific consultation work plans, as needed. The following section provides a high-level list of the proposed approaches and activities.

Figure 2 provides an overview of the process and key points for engagement and consultation with Indigenous nations.



FIGURE 2 GCT DELTAPORT EXPANSION - BERTH FOUR PROJECT - PROCESS ENGAGEMENT DURING THE IMPACT ASSESSMENT

7.1 Crown and Indigenous Nations' Roles and Responsibilities

A general description of participation opportunities for each phase of the assessment is provided in the following sections. The actions in the boxes for Indigenous nations describe the key opportunities available, and it is up to each Indigenous nation to decide whether to participate in those opportunities. Please see the [Joint Assessment Plan](#) for more details on the assessment process and the roles and responsibilities of other participants.

The main phases of the assessment process are:

1. Impact statement development and review phase
2. Impact assessment phase (part 1) led by the review panel
3. Impact assessment phase (part 2) led by the Government of Canada and British Columbia
4. Decision-making phase
5. Post-decision phase (*if the project is approved*)

7.1.1 Impact Statement Development and Review Phase

Time limit: The federal legislated timeline for this phase is up to three years, from posting of the notice of commencement to posting of the notice that all required information has been provided by the proponent. This timeline can vary if an extension is requested by the proponent and granted by the Agency. Under the provincial legislated timeline, the proponent has up to three years following the issuance of the process order to submit the impact statement and an additional year to provide a revised document. Where necessary, the EAO may vary provincial timelines to enable this cooperative assessment and maintain alignment with the federal process, in accordance with the *B.C. Act*.

The objectives of this phase with respect to Indigenous nation engagement are to:

- increase Indigenous nations’ awareness of the assessment process and ensure they are provided the opportunity for meaningful participation;
- engage Indigenous nations in conducting an assessment of impacts on Indigenous interests;
- engage Indigenous nations in the development of the impact statement;
- obtain comments and views on the impact statement, the review panel terms of reference, and any other relevant assessment documents; and
- identify potential impacts on Indigenous interests and avoidance, mitigation, or accommodation measures in collaboration with Indigenous nations. Seek consensus with participating Indigenous nations with respect to the provincial sufficiency of the impact statement.

7.1.1.1 Roles and Responsibilities

Crown	Indigenous nations	Review panel
<ul style="list-style-type: none"> • Work with Indigenous nations to implement the JIEPP, to develop and implement Indigenous nation-specific consultation plans, and to collaborate on an impact on Indigenous interests assessment. • Notify Indigenous nations of key steps in the process and opportunities to participate. • Increase Indigenous nations’ awareness of the assessment process and facilitate meaningful participation in the review panel process. • Engage with Indigenous nations on the review of the impact statement and any 	<ul style="list-style-type: none"> • Identify partnership possibilities and the ways Indigenous nations prefer to participate in the assessment process to inform the drafting, and implementation of community-specific consultation plans. • Share Indigenous knowledge, as desired by the Indigenous nation, to inform the proponent’s development of the impact statement. • Collaborate with the proponent, and Crown as requested, to assess project impacts on Indigenous interests. • Participate in the review of relevant parts of the impact 	<ul style="list-style-type: none"> • Conduct a sufficiency review of the impact statement and provide input to the Agency, including engaging with Indigenous nations during this review. • May be directed to lead the engagement period on the impact statement, including engaging with Indigenous nations.

<p>potential consideration of required information.</p> <ul style="list-style-type: none"> Engage with Indigenous nations on the review of the draft terms of reference for the review panel. Begin discussions on the suitability of proponent's mitigation measures and potential gaps with participating Indigenous nations on provincial sufficiency. 	<p>statement. Review and provide feedback on impact statement, including participating in the public comment period, and reviewing the adequacy of proponent responses, as applicable</p> <ul style="list-style-type: none"> Participate in the review of the draft terms of reference for the review panel. Participate in consensus seeking with the EAO on the sufficiency of the revised impact statement. 	
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7.1.2 Impact Assessment Phase Part 1 (Led by the Review Panel)

Time limit: The first part of the Impact Assessment Phase is led by the review panel. It commences when the Agency posts the notice that all required studies and information have been provided by the proponent, which would be informed by EAO's notice that the application is accepted. The phase ends when the review panel submits its report to the federal Minister. The federal legislated timeline for both parts of the Impact Assessment Phase (Part 1 and Part 2) is up to 600 days. The timeline can be extended if the Agency is of the opinion that more time is required to cooperate with the provincial process or to take into account circumstances specific to the project. The specific timeline for this phase will be established in the project-specific cooperation agreement.

The objectives of Indigenous engagement for part 1 of this phase are to:

- increase Indigenous nations' awareness of and involvement in the review panel process;
- promote participation in the review panel process and hearings; and
- gather views on potential project's impacts on Indigenous interests and proposed mitigation and accommodation measures.

7.1.2.1 Roles and Responsibilities

Crown	Indigenous nations	Review panel
<ul style="list-style-type: none"> Participate in meetings with Indigenous nations, including meetings requested by Indigenous nations. Collaborate with Indigenous nations to 	<ul style="list-style-type: none"> Participate in the hearings and additional opportunities organized by the review panel. Provide any written or oral submissions to 	<ul style="list-style-type: none"> Lead this phase of the assessment. Post updates and information on the Public Registry and maintain an email distribution list to keep participants informed. May request additional information from any participant, including the proponent, if required.

<p>submit preliminary analysis, recommendations and conclusions related to potential project impacts on Indigenous interests to the review panel.</p>	<p>inform the review panel process.</p> <ul style="list-style-type: none"> • Collaborate with the Crown to submit preliminary analysis and conclusions related to potential project impacts on Indigenous interests to the review panel. 	<ul style="list-style-type: none"> • May organize additional engagement opportunities in order to fulfill its terms of reference, including with Indigenous nations. • May organize information sessions to explain hearings procedures and timelines for submissions to the review panel, including with Indigenous nations. • Engage with Indigenous nations to collect information on the potential impacts of the project on Indigenous interests. • Will hold hearings. • May be directed to draft conditions and consult on them. • Draft an impact assessment report containing its rationale, conclusions, and recommendations regarding the project, as set out in its terms of reference.
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7.1.3 Impact Assessment Phase Part 2 (Led by the Government of Canada and British Columbia)

Time limit: The second part of the federal impact assessment phase is led by the Government of Canada and British Columbia. It begins when the review panel submits its report to the federal Minister and the report is made public. The second part of the phase ends when the Agency provides its recommendations on potential conditions to the federal Minister. At the provincial level, once the report is submitted to the federal Minister and it is available publicly. The EAO prepares a referral package and refers to provincial Ministers for decision on whether to grant a provincial EAC. The federal legislated timeline for both parts of the impact assessment phase is up to 600 days. The specific timeline for this phase will be established in the project-specific cooperation agreement. Where necessary, the EAO may vary provincial timelines to enable this cooperative assessment plan and maintain alignment with the federal process, in accordance with the B.C. Act.

The objectives of Indigenous engagement for part 2 of this phase are to:

- obtain comments from Indigenous nations on the characterization, analysis, conclusions, and recommendations contained in the review panel impact assessment report in relation to the impacts on Indigenous interests, and to identify any outstanding impacts on Indigenous interests and to ask for proposed solutions from the Indigenous nations;
- obtain comments from Indigenous nations on the Agency’s recommendations regarding potential federal conditions and on the EAO’s draft referral package;
- understand a participating Indigenous nation’s consent or lack of consent in advance of decision-making; and

- seek consensus with participating Indigenous nations with respect to the provincial referral package.

7.1.3.1 Roles and Responsibilities

Crown	Indigenous nations
<ul style="list-style-type: none"> • Consult on any outstanding impacts on Indigenous interests. • Work with Indigenous nations towards the resolution of outstanding issues. • Provide advice to decision makers on whether consultation for the purposes of the IA/EA decision was adequate. • Seek consensus with participating Indigenous nations on the draft provincial referral package. • Seek consensus with participating Indigenous nations on the recommendation to provincial Ministers. 	<ul style="list-style-type: none"> • Provide comments on the review panel report in relation to the impacts on Indigenous interests, and identify any outstanding impacts on Indigenous interests and identify possible solutions to the outstanding issues. • Provide comments on the potential federal conditions. • Provide comments on EAO's draft referral package. • Present their points of view to the Crown concerning the adequacy of the consultation throughout the assessment process. • Facilitate the consideration of the referral package by Indigenous decision makers to inform whether or not they would like to provide a notice of consent or lack of consent. • May provide a notice of consent or lack of consent.

7.1.4 Decision-making

Timeline: For the federal process, 90 days from the posting of the potential federal conditions and on the EAO's draft referral package until the issuance of the decision statement. For the provincial process, 30 days from when the EAO's referral package is provided to provincial Ministers. The EAO might alter timelines to support cooperation.

The objective of Indigenous engagement for the decision-making phase is to inform Indigenous nations about the federal and provincial decisions.

7.1.4.1 Roles and Responsibilities

Crown	Indigenous nations
<ul style="list-style-type: none"> • Continue ongoing dialogue with Indigenous nations, brief them on the federal decision statement and provincial referral package and provide them with opportunities to learn about next steps post-assessment decision. • Support participating Indigenous nations' meetings with provincial Ministers, if needed. 	<ul style="list-style-type: none"> • Continued dialogue with the Crown and proponent if there are remaining outstanding issues.

7.1.5 Post-decision

If the project is approved, the objective of Indigenous engagement for the Post-Decision phase is to inform Indigenous nations about the federal and provincial post-decision activities (such as compliance and enforcement, and measures effectiveness monitoring), proponent's requests for certificate's amendments and applicable procedures and consultation requirements.

7.1.5.1 Roles and Responsibilities

Crown	Indigenous nations
<ul style="list-style-type: none"> • Conduct compliance and enforcement activities and post information consistent with the IAA and on EPIC. • Consult on potential amendments to the Decision Statement, should the proponent submit a project change. • Conduct inspections of regulated parties and the project. • Use enforcement to ensure that the project is designed, built, operated, and decommissioned or reclaimed in compliance with the legally binding requirements, where required. 	<ul style="list-style-type: none"> • May participate in follow-up and monitoring activities. • May participate in compliance and enforcement activities. • Be consulted on any project amendment requests with respect to amendment impacts on Indigenous interests.

8. Participant Funding

8.1 Federal

During the Planning phase, grant funding was made available to Indigenous nations to support comment on the Initial Project Description, the draft Detailed Project Description, the draft [Joint Guidelines](#), the draft [Joint Assessment Plan](#) and the draft JIEPP. Funding will also be made available to support Indigenous nations to participate throughout the assessment process. The opportunity to submit applications to the Agency for funding will be made available to the Indigenous nations during the Impact Statement phase. These participant-funding opportunities will support the Indigenous nations to comment on the proponent's impact statement and the review panel's impact assessment report, including the draft Consultation and Accommodation Report and potential conditions.

For information about the activities that are eligible for funding or to apply for funding, see the National Program Guidelines and application on the following page: <https://www.canada.ca/en/impact-assessment-agency/services/public-participation/funding-programs.html>.

8.2 Provincial

During the early engagement phase, the EAO provided participating Indigenous nations capacity funding to support their consideration of the Initial Project Description, JSIOE, and the Detailed Project Description. Consistent with the B.C. Act, the EAO expects the proponent to provide appropriate capacity resourcing to participating Indigenous nations following early engagement, including the process planning phase and the phases covered by this plan.

9. Federal and Provincial Authorities' Roles and Responsibilities

Throughout the assessment process, both federal and provincial authorities will engage as needed with the Crown, the proponent, Indigenous nations and other parties. The federal and provincial authorities will:

- contribute their specialist or expert information and knowledge into the assessment process;
- review and analyze the proponent's impact statement;
- provide expert advice to the review panel;
- review and analyze the review panel report;
- support and participate in Crown consultation activities; and
- support the Crown and Indigenous nations in understanding, assessing and addressing impacts on Indigenous interests.

The federal authorities that may participate in the assessment include:

- Crown-Indigenous Relations and Northern Affairs;
- Environment and Climate Change Canada;
- Fisheries and Oceans Canada;
- Natural Resources Canada;
- Transport Canada;
- Canadian Coast Guard;
- Employment and Social Development Canada;
- Parks Canada;
- Health Canada;
- Indigenous Services Canada;
- Infrastructure Canada;
- Innovation, Science and Economic Development Canada; and
- Women and Gender Equality Canada.

The provincial authorities that may participate in the assessment include:

- Ministry of Health;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- Ministry of Environment and Climate Change Strategy;
- Ministry of Indigenous Relations and Reconciliation; and
- Ministry of Municipal Affairs and Housing.

The [Joint Permitting Plan / Regulatory Coordination Plan](#) issued at the end of the Planning phase will describe the permits, licenses and authorizations that may be required for the project to proceed.