

# GCT Deltaport Expansion – Berth Four Project

VIRTUAL INFORMATION SESSION  
DECEMBER 2021



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# Session overview

Topic	Presenter
<b>Welcome</b>	Agency/EAO
<b>Project Overview</b>	GCT
<b>Assessment Overview</b>	Agency/EAO
<b>Working with Indigenous Nations</b> <ul style="list-style-type: none"><li>- Engagement with Indigenous nations</li><li>- <i>Joint Indigenous Engagement and Partnership Plan</i></li><li>- <i>Joint Assessment plan</i></li></ul>	Agency/EAO
<b>Key sections of the <i>draft Joint Guidelines</i></b> <ul style="list-style-type: none"><li>- Indigenous Interests</li><li>- Indigenous Nation Sections</li><li>- Incidental activities and geographic extent</li></ul>	Agency/EAO
<b>Next steps</b>	Agency/EAO



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# Housekeeping Rules

- Please keep your microphone muted and video turned off during the presentation.
- Questions can be asked at any time in the Zoom chat
- Questions can also be asked out loud by using the "raise your hand" function in Zoom and waiting to be called on.
- Anonymous questions can be sent to the "Questions Keeper" via chat or if you would like to follow up after the session.
- Notes will be taken during this session and circulated to participants for verification and then posted to the registry. Please let us know if you do not want your question or comment captured in the notes.
- Please be courteous and respectful!



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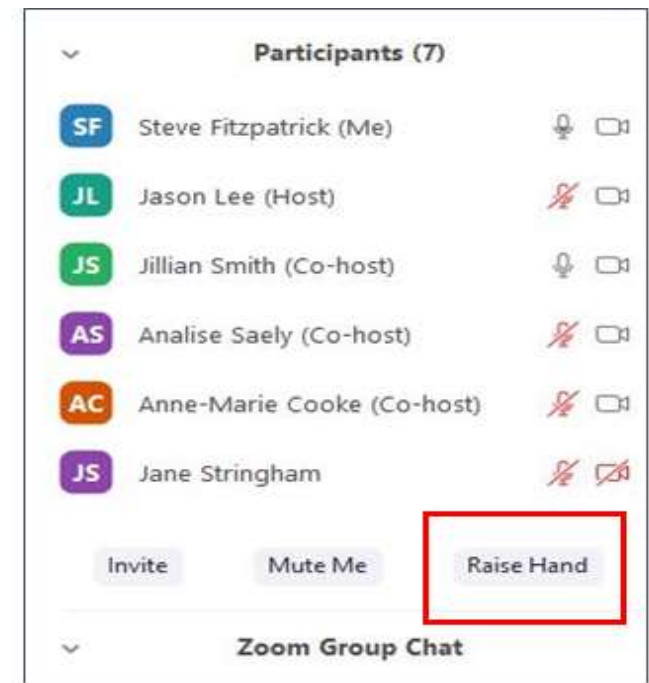


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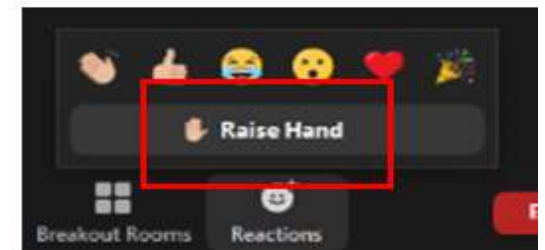
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# To Ask a Question Using the Microphone

- Click the “raise hand” function, or type the question into the chat
- If you are on the phone, press \*9 to ask a question
- Please mute your microphone unless speaking
- \*6 - Toggle mute/unmute.
- \*9 - Raise hand.



OR



# INTRODUCTION TO FEDERAL IMPACT ASSESSMENTS AND PROVINCIAL ENVIRONMENTAL ASSESSMENTS



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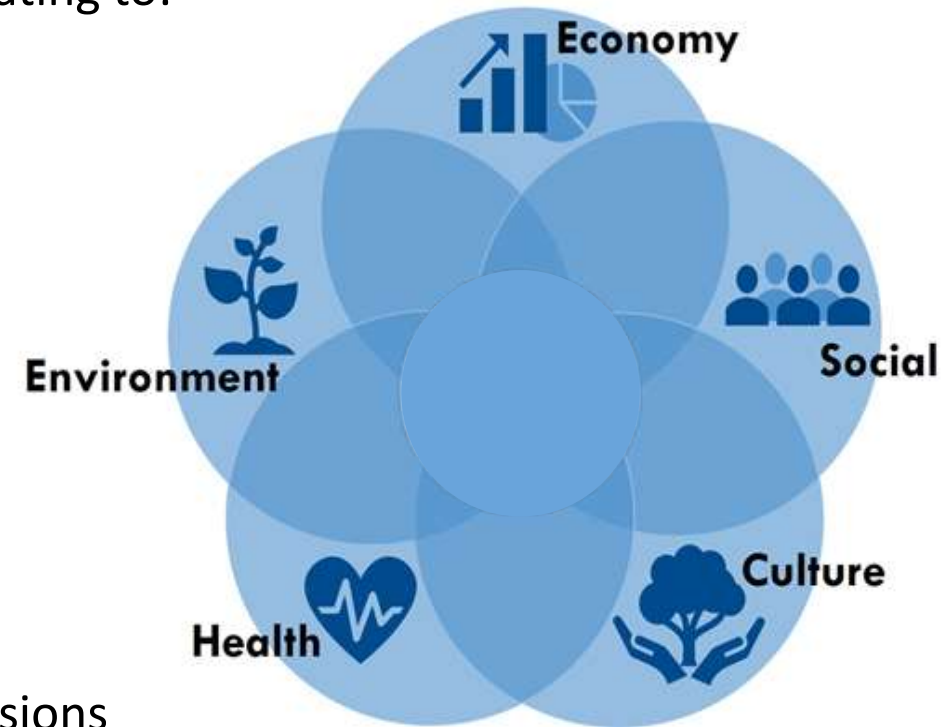
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# Cooperation between the Agency and EAO

In accordance with the *Impact Assessment Cooperation Agreement Between Canada and British Columbia*, the Agency and EAO have been cooperating to:

- Coordinate timelines, including joint comment periods
- Engage with Indigenous nations and the public
- Develop joint products, including the:
  - *Joint Guidelines,*
  - *Joint Assessment Plan,*
  - *Joint Indigenous Engagement and Partnership Plan, and*
  - *Joint Permitting / Regulatory Coordination Plan*
- Provide joint feedback to the proponent on documents
- Each government will retain the power to make their own decisions regarding the project



## PROJECT OVERVIEW



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# GCT Presentation of Project Overview

- Link to GCT Video [GCT Deltaport Expansion Berth Four Project - November 2021 Project Update – YouTube](#)



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## ASSESSMENT OVERVIEW



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# Assessment Process



The Agency and EAO conduct Indigenous consultations throughout the process.



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## WORKING WITH INDIGENOUS NATIONS



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# IMPACT ASSESSMENT

## Process Engagement

### Deltaport Expansion Berth 4



**WEAVE TOGETHER INDIGENOUS KNOWLEDGE & SCIENCE IN EVERY STEP**

early engagement    consensus    self determination    economic inclusion

## Engagement with Indigenous nations

During the planning phase, the BCEAO will work with the Agency and participating Indigenous nations through a consensus seeking process on:

- The procedural requirements of the assessment;
- The scope of project;
- The methods used to assess impacts on Indigenous interests; and
- The information requirements including any requirements for Indigenous knowledge and any requirements to support Indigenous-led assessments.

The main purpose is for the BCEAO, the Agency and participating Indigenous nations to have **mutual understanding of how comments and concerns might be addressed during the planning phase or subsequent assessment phases.**

Nations self-identify as participating Indigenous nations with broad procedural rights under the BC EA Act.



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## Joint Indigenous Engagement and Partnership Plan / Joint Assessment Plan

- The Joint Indigenous Engagement and Partnership Plan outlines opportunities and methods for meaningful engagement and consultation with potentially affected Indigenous nations throughout the coordinated assessment process for the project.
- The purpose of the Joint Assessment Plan is to outline for each phase of the assessment:
  - How the federal and provincial governments will cooperate;
  - The assessment process, participation opportunities and general timelines; and
  - Roles and responsibilities of assessment participants.
- The Agency and EAO are **seeking comments from Indigenous nations** on both these plans.



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## KEY SECTIONS OF JOINT GUIDELINES



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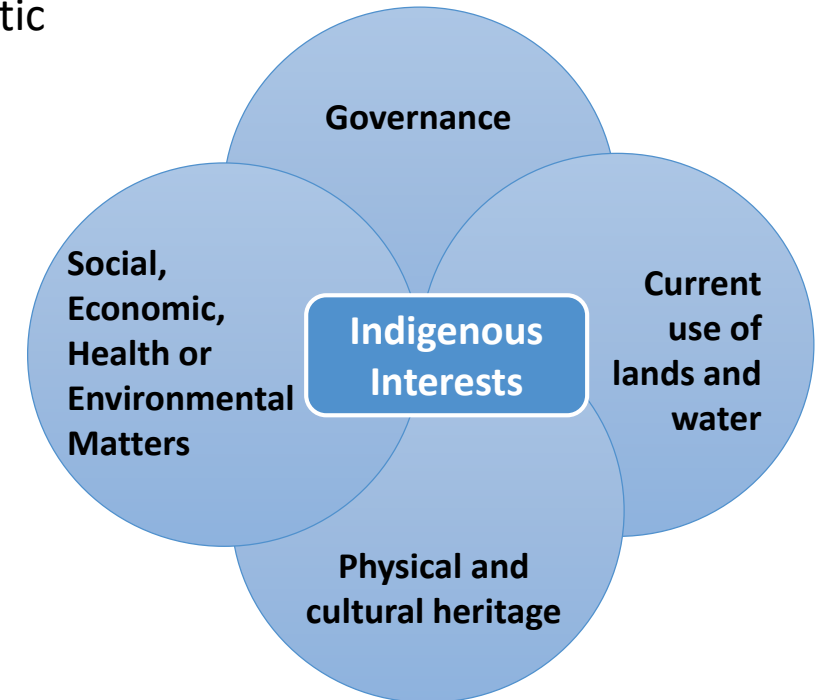
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# What are Indigenous Interests for the purpose of the Impact Assessment?

*INTERESTS RELATED TO AN INDIGENOUS NATION INCLUDING RIGHTS RECOGNIZED AND AFFIRMED BY SECTION 35 OF THE CONSTITUTION ACT, 1982.*

The term Indigenous interests responds to nations' request to apply a holistic approach to assess how the project interacts with Indigenous nations

- Refers to all the requirements relating to Indigenous peoples required by both federal and provincial Acts.
- Matters that are of central importance to the Indigenous nation that could be impacted by the project
- Includes but is not limited to Aboriginal and/or Treaty rights.
- May include, but are not limited to: biophysical, environmental, social, economic, health, cultural, spiritual, current use and governance matters.





# Joint Guidelines

- Drafted and tailored for the project jointly by the Agency and the EAO
- The purpose of the Joint Guidelines is to identify for the proponent the minimum information requirements for the impact statement
- A final version of these Joint Guidelines which reflects the input received and will be issued to the proponent at the end of the Planning Phase.
- Comment period on the draft joint guidelines ends on January 7, 2022
- Final Joint Guidelines and plans are expected to be issued by April 16, 2022



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# Indigenous Nation Sections in the Draft Joint Guidelines

FOR INDIGENOUS NATIONS COMMENTS

## • Key Draft Joint Guidelines Sections

- Section 5 - Description of Engagement with Indigenous Nations
- Section 8.8 - Cumulative Effects Assessment
- Section 9.9 - Marine Fish and Fish Habitat
- Section 9.10 - Marine Mammals
- Section 11 - Human Health
- Section 12 - Assessment of Impacts on Indigenous Interests
- Section 12.2 - Cumulative Impacts on Indigenous Interests
- Section 13 - Nation-specific Assessment



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# Indigenous Nation Sections in the Draft Joint Guidelines

## SECTION 5 – DESCRIPTION OF ENGAGEMENT WITH INDIGENOUS NATIONS

For the purposes of the Impact Statement, the proponent must:

- collect available Indigenous knowledge and expertise and integrate it into its Impact Statement,
- share project information frequently and transparently with Indigenous nations;
- support the participation of Indigenous nations in the development of the Impact Statement, and
- cooperate with Indigenous nations to identify preferred mitigation measures

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# Indigenous Nation Sections in the Draft Joint Guidelines

## SECTION 12 – ASSESSMENT OF IMPACTS ON INDIGENOUS NATIONS

- The Impact Statement must provide information on how the project may affect Indigenous nations, as informed by the Indigenous nations involved in the assessment.

<b>12.</b>	<b>Assessment of Impacts on Indigenous Interests</b>	<b>118</b>
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# Indigenous Nation Sections in the Draft Joint Guidelines

## SECTION 13 – NATION-SPECIFIC ASSESSMENT

- Section 13 includes information **requirements that are specific to each Indigenous nation** based on the preliminary understanding of Indigenous interests identified thus far for this project, including, but not limited to:
  - how the nation would like to participate in the assessment process;
  - nation-specific interests and values that the nation specified to include in the assessment; and
  - relevant information (such as policies, guidelines, and methodologies) that the nation has provided thus far for assessing effects on their interests and values.
- The proponent, in collaboration with the nation, should customize section 13, as appropriate.



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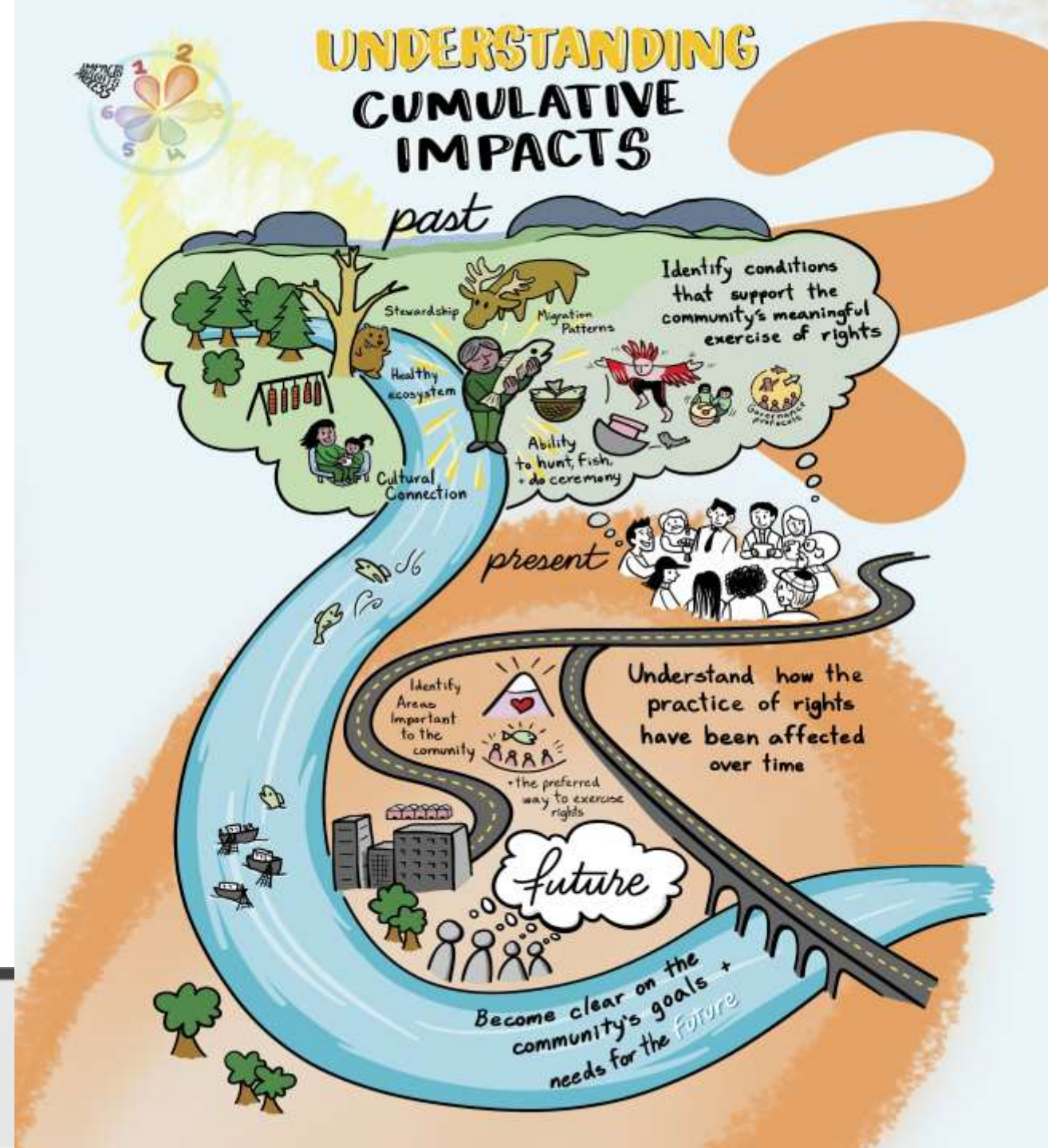
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# Indigenous Nation Sections in the Draft Joint Guidelines

KEY SECTIONS OF THE GUIDELINES BASED ON CONCERNS RAISED TO DATE BY INDIGENOUS NATIONS

- Section 8.8 - Cumulative Effects Assessment, and
- Section 12.2 - Cumulative Impacts on Indigenous Interests
  - Outline numerous requirements for the Proponent's impact statement.
- Section 11 - Human Health
  - **Are there any VCs or related determinants of health and well-being relevant to consider in this section of the guidelines?**



# Indigenous Nation Sections in the Draft Joint Guidelines

KEY SECTIONS OF THE GUIDELINES BASED ON CONCERNS RAISED TO DATE BY INDIGENOUS NATIONS

- Section 9.9 - Marine Fish and Fish Habitat
  - Outlines the boundaries, existing conditions, potential effects, mitigation and enhancement measures for several fish species and subcomponents.
  - **Given your nation's particular interest and concerns regarding impacts to fish and fish habitat, are there elements and/or species of fish to be added or adjusted in this section?**
  
- Section 9.10 - Marine Mammals
  - Outlines the boundaries, potential effects, mitigation, and enhancement measures required in the Proponent's assessment.
  - **Are there elements to be added or adjusted in this section, notably from the lens of the cultural importance of Southern Resident Killer Whales?**



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## INCIDENTAL ACTIVITIES AND GEOGRAPHIC EXTENT



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## Incidental Activities and Geographic Extent

- The Agency and EAO are also **seeking comments on the geographic extent** of the following activities related to the project:
  - Marine shipping incidental to the project beyond the 12 nautical mile limit of the territorial sea of Canada
  - Road transportation beyond the proponent's lease boundary
  - Rail transportation beyond the proponent's lease boundary
- The final determination of the geographic extent of these activities will be reflected in the final Joint Guidelines in consideration of the comments received.



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# SECTION 16 - MARINE SHIPPING



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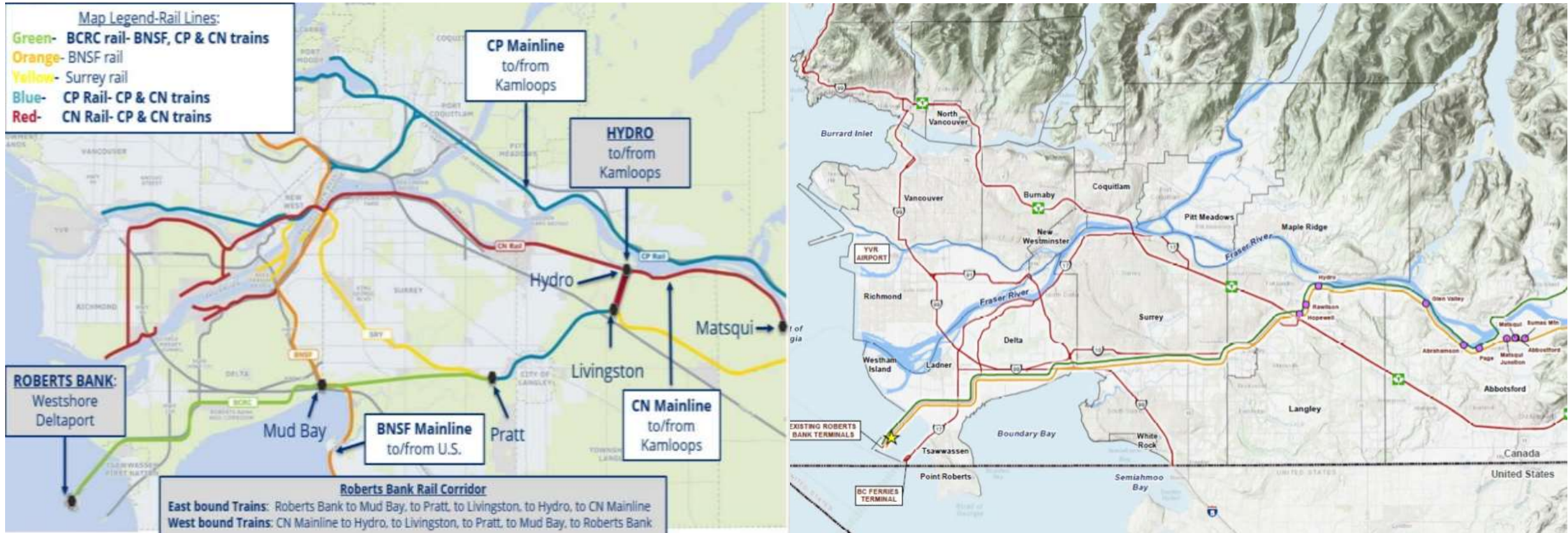
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## SECTION 17 - ROAD AND RAIL ACTIVITIES



## NEXT STEPS



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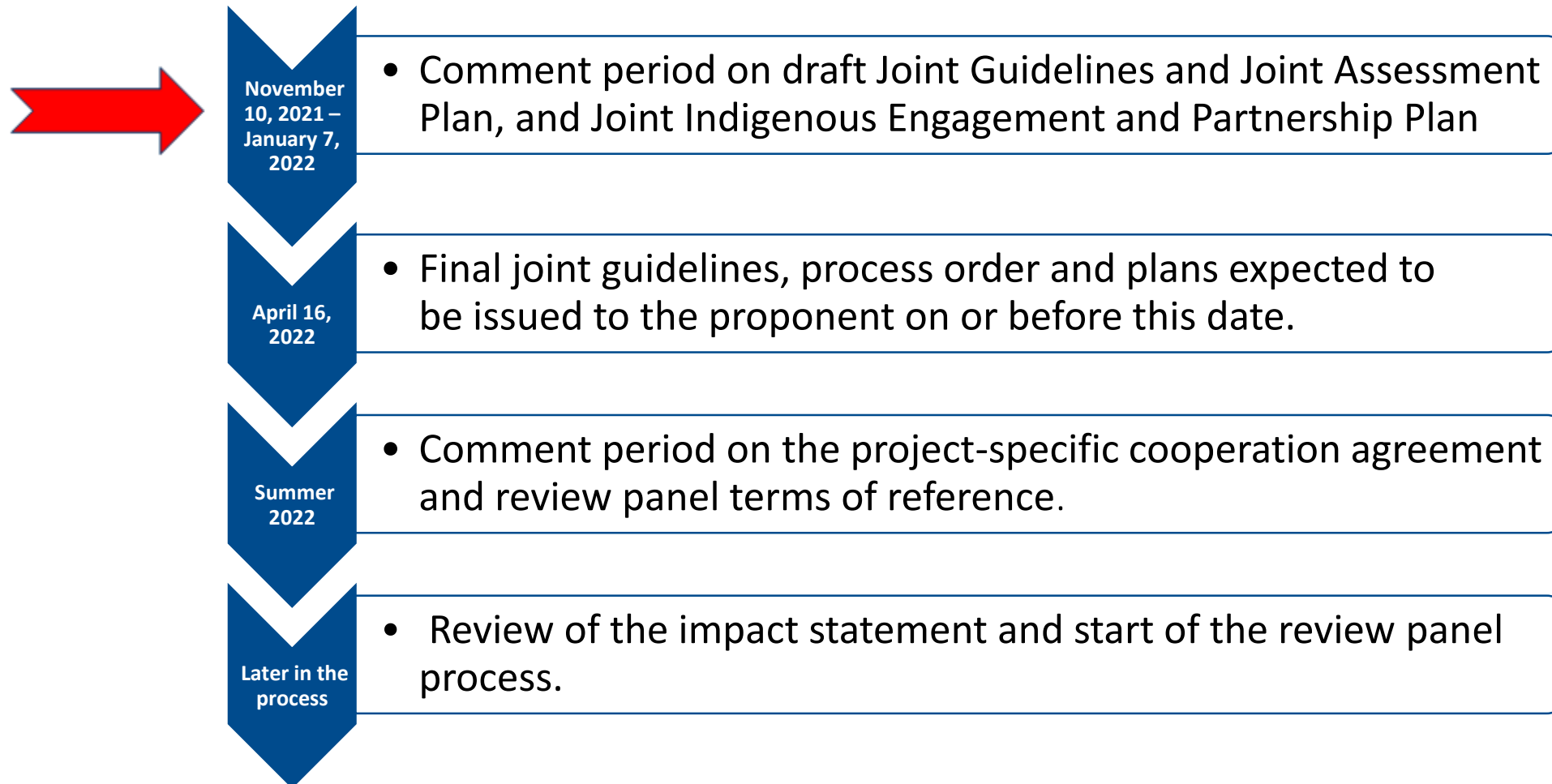
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# Next Steps



## Next Steps

- Comments by January 7, 2022 to [deltaport@iaac-aeic.gc.ca](mailto:deltaport@iaac-aeic.gc.ca)
- Follow up questions, 1:1 meetings, please email:
  - [Jane.Stringham@iaac-aeic.gc.ca](mailto:Jane.Stringham@iaac-aeic.gc.ca)
  - [Mabel.MartinezDussan@gov.bc.ca](mailto:Mabel.MartinezDussan@gov.bc.ca)



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Thank you!

Questions?



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## Meeting Notes

### Indigenous Nations Virtual Information Session – Global Container Terminals Deltaport Expansion - Berth Four Project

December 2, 2021 and December 15, 2021

#### Information Session Description:

The Impact Assessment Agency of Canada (IAAC) and the British Columbia Environmental Assessment Office (BCEAO) held a virtual information session on the Global Container Terminals (GCT) Deltaport Expansion – Berth Four, specifically for Indigenous nations.

The information session was given on two separate dates:

- **Thursday December 2<sup>nd</sup>: 10 AM – 12PM PST.**
- **Wednesday December 15<sup>th</sup>: 10 AM – 12PM PST.**

The information session focused on two draft documents currently open for public comment:

1. the [draft Joint Guidelines](#); and
2. the [draft Joint Indigenous Engagement and Partnership Plan](#).

#### Presenters:

Impact Assessment Agency of Canada	Analise Saely, Charles Gauthier, Audrey Rooney, Celine Monfils, Jane Stringham, Finn Macdonald
British Columbia Environmental Assessment Office	Carly Greene Hill, Jessie Hannigan, Mabel Martinez-Dussan, Brendan Mather
Global Container Terminals	Marko Dekovic



## Indigenous participants:

Indigenous representation from	<ul style="list-style-type: none"><li>• Cowichan Tribes</li><li>• Esquimalt First Nation</li><li>• Katzie First Nation</li><li>• Kwikwetlem First Nation</li><li>• Kwantlen First Nation</li><li>• Leq'a'mel First Nation</li><li>• Maa-nulth First Nation</li><li>• Malahat First Nation</li><li>• Matsqui First Nation</li><li>• Métis Nation of British Columbia</li><li>• Musqueam First Nation</li><li>• Pacheedaht First Nation</li><li>• Sc'ianew First Nation</li><li>• Seabird Island First Nation</li><li>• Semiahmoo First Nation</li><li>• S'ólh Téméxw Stewardship Alliance</li><li>• Tsartlip First Nation</li><li>• Tsawwassen First Nation</li><li>• Tsawout First Nation</li><li>• Tsleil-Waututh First Nation</li><li>• Ts'uubaa-asatx Nation</li></ul>
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## Information sessions Q&As

### 1. Who is attending this information session?

This meeting is for Indigenous nations, the proponent and the provincial and federal government impact assessment leads. The media has not been invited to this meeting.

### 2. What is the deadline to apply for designation as a “participating Indigenous nation” under the BCEAO process?

The deadline is January 26, 2022, or 90 days following the EAO’s Readiness Decision. Please contact Mabel Martinez-Dussan at BCEAO should you wish to participate in the assessment for DP4 as a participating Indigenous nation:

[Mabel.MartinezDussan@gov.bc.ca](mailto:Mabel.MartinezDussan@gov.bc.ca)

### 3. Can you clarify the term “current use” within the draft joint guidelines? This term could be misleading.

As per the *Impact Assessment Act* (IAA), this speaks to Indigenous nations’ current use of the area. There is flexibility around this term. It does not imply that you have to regularly conduct an activity or use at a place all the time. Please refer to the Agency

guidance on current use: [Technical Guidance for Assessing the Current Use of Lands and Resources for Traditional Purposes under CEAA 2012 - Canada.ca](#)

#### 4. What happens if a particular impact passes a threshold of significance?

Firstly, note that under the new IAA (2019) – ‘significance’ is different, with new factors for consideration including the ‘[public interest](#)’. Please refer to the Agency guidance on public interest- notably factor 2 which is about extent of significance [Policy Context: Public Interest Determination under the Impact Assessment Act - Canada.ca](#)

Consider providing your Indigenous nation’s input early on in the process about what needs to be monitored (especially related to Indigenous interests). This is a key piece that we encourage Indigenous nations to think about now, so that monitoring can be considered throughout the process. This allows for plans to be adapted based on improved understanding and changing conditions should the project proceed and unanticipated impacts occur.

#### 5. Is there an intention to conduct a regional assessment of the Salish Sea?

Many government initiatives are not aligned and are not delivering on what they are intended to.

There are currently many initiatives being undertaken in the Salish Sea, at different stages of implementation. There is currently not a plan to undertake a regional assessment under the Impact Assessment Act at this time in the Salish Sea.

#### 6. Road and rail was not scoped in a previous GCT project (Deltaport Berth 3), correct?

The scope and approach proposed for the DP4 assessment differs significantly from that of DP3. DP4 is being assessed under the 2019 IAA and reflects the current context. The details on scope are currently open for input as part of the public comment period.

**Katzie First Nation requested a follow up meeting with Global Container Terminals to understand further, potentially including BCEAO and IAAC.**

#### 7. *Road and Rail comment:*

Matsqui First Nation highlighted concerns with the monitoring and cumulative effects of road and rail in the area now and in the future. Matsqui First Nation highlighted how, in light of the current flood situation, there have been a lot of observed trucks on alternative roads that were not designed to carry such traffic. Matsqui noted the additional truck traffic is having an adverse impact on cliffs and the immediate environment.

Matsqui First Nation also highlighted how there has been numerous train activity of the last few years. Over the summer months community members experience train traffic every 15 minutes. Matsqui First Nation want to make sure that rail is covered for this assessment going forward.

**8. *Marine shipping scope comment:***

A representative for Maa-nulth First Nations, Esquimalt Nation and Sci'aneew First Nation highlighted that they will be seeking a broader geographic scope for marine shipping to the outer limits of the Exclusive Economic Zone.

It was also noted, by another representative, that transportation effects are not 'incidental' to the project, but are a required part of the project as more freight movement is the project purpose.

**9. How does the comment period extension account for state of emergency and the Christmas break? If we require additional time beyond January 7, 2022, will this be considered?**

IAAC and BCEAO are open to additional opportunities for input beyond the comment period. Connect with [Jane.stringham@iaac-aeic.gc.ca](mailto:Jane.stringham@iaac-aeic.gc.ca) and [Mabel.MartinezDussan@gov.bc.ca](mailto:Mabel.MartinezDussan@gov.bc.ca) about options or additional time.

**10. Will the proposed changes to scope and impact assessment design be shared before the final joint guidelines are issued in April 2022?**

The BCEAO and IAAC plan to discuss changes in the follow-up meetings after the public comment period closes and all comments received have been considered. We may also organize group sessions to share key changes to the documents for Indigenous nations. We invite Indigenous nations to share perspectives about scope and impact assessment design in the comments that are submitted to the BCEAO and/or IAAC.

**11. Are there updated records of accidents and environmental reports about cumulative effects and impacts available?**

IAAC committed to follow up with Matsqui First Nation's questions one-on-one to understand the types of records being sought specifically and provide available records.

**12. Are there any examples of a First Nation cumulative effects policy that anyone is willing to share for the benefit of other First Nations?**

IAAC committed to follow up on this request (from Leq'a'mel First Nation) to see if Indigenous Nations who have an example of a cumulative effects policy would be open to share.

Also please note these resources: [Metlakatla CEM](#) and [ICCE - CAEC](#)