



Seabird Island
Inter-Government Affairs - Referrals

P.O. Box 650 | 2895 Chowat Rd. | Agassiz, BC | V0M 1A2
Phone: 604-796-2177 | Fax: 604-796-3729
referrals@seabirdisland.ca

Date: March 27, 2023

Referral: 2023 GCT

Minister of Environment and Climate Change
PO Box 9360 Stn Prov Govt
Victoria, BC V8W 9M2

Attn: Steven Guilbeault, Minister of Environment and Climate Change

Re: GCT Deltaport Expansion - Berth Four Project

Dear Minister,

Seabird Island Band understands that you will establish the Terms of Reference for the Review Panel for the GCT Deltaport Expansion - Berth Four Project in accordance with Section 41 of *the Impact Assessment Act* (IAA). Accordingly, we want to provide you with our comments on the Draft Review panel Terms of Reference.

On the whole we feel that these terms of reference are comprehensive and will, with the appropriate edits, serve the intended purpose. We do, however, require clarification on a couple of items.

1. The Description of the Project, 2nd paragraph, states “Marine shipping and rail transportation are incidental to the Project and considered part of the designated project” and that “These activities form part of the description of the Project for the purposes of the assessment, to the geographic extent described below.” The geographic extent of rail transportation incidental to the Project is then described as including “the rail lines that would be used by project-related rail traffic between the Deltaport terminal and Spuzzum, British Columbia, at the northern boundary of S’olh Temexw or “Sto:lo Territory.”

The rail transportation for the Project may be incidental to the Project, but the rail line runs through 8 kilometers of our small reserve and negatively impacts our community in many ways including our health and safety. Seabird Island Band would like you to confirm that the wording in the Description of the Project means that the impact assessment, in accordance with Section 22(1) of the IAA:

- (a) will fully assess any changes to the environment on our reserve and to the health, social economic conditions of our community that the additional rail traffic may have, including the effects of malfunctions or accidents, any cumulative effects, and the result of any interaction between those effects.
- (b) will require mitigation of these effects.

DISCLAIMER: This response is not a legal document therefore any and all of the previous mentioned information shall only be used in an informative manner. This document is also a guideline for the client(s) and the Tiyt Tribe to take further action or make recommendations if necessary.

Without Prejudice Clause: This response has been prepared and submitted without prejudice to Aboriginal Title or Rights issues. It does not attempt to define or limit the Aboriginal Title or Rights of any First Nation. This report is not considered consultation for the purpose of defining or limiting the Aboriginal Title and Rights of any First Nation (Band). This report does not relinquish any part of its current or future claims to Aboriginal Title or Rights and is submitted on behalf of Seabird Island Band.

2. The Scope of the Assessment by the Review Panel, Section 3.14 a, states “In conducting the assessment, the Review Panel must take into account the following list of relevant matters in accordance with subsection 21(1)(t) of the IAA: (a) Road transportation associated with the Project to the geographic extent and within the scope identified in Section 18 of the Joint Guidelines.” Section 18.1 of the Joint Guidelines states that the Impact Statement must: “describe the expected truck transportation, including number of trucks and truck movements, type, size, destination (imports/exports), and capacity of trucks, approximate timing of arrivals and departures, and increases relative to existing traffic volumes along various segments of highway in the road transportation area.”

As with the Project’s rail transportation, its truck transportation on Highway 7 runs through 8 kilometers of our reserve and also impacts our community in many ways including health and safety. Seabird Island Band would like you to confirm that:

- (a) the section of Highway 7 that runs through our reserve will be one of the “various segments of highway in the road transportation area” for which the requirements of Section 18.1 of the Joint Guidelines apply.
- (b) the impact assessment, in accordance with Section 22(1) of the IAA, will:
 - fully assess any changes to the environment on our reserve and to the health, social economic conditions of our community, including the effects of malfunctions or accidents, any cumulative effects, and the result of any interaction between those effects, that the additional Highway 7 truck traffic may have.
 - Will require mitigation of these effects.

In our comments on the Draft Terms of Reference for the Review Panel, Seabird Island Band has focused on road and rail transportation because our community experiences daily the effects of ever-increasing industrial, commercial and other traffic on these transportation corridors. Highway 7 and the CP rail line physically divide our community, and we want to ensure that the cumulative effects of the increases to traffic as well as interactions between effects are going to be addressed with the same rigor that the core items are dealt with. At present extremely long, frequent trains and the high-speed busy highway prevent safe access to and from our community, farmlands, industrial lands, and commercial facilities.

Seabird Island Band is actively working to plan its community’s future in a way that will make it more livable, and if this Project is to proceed you will need to work with us to mitigate the effects of increased road and rail traffic. A good first step would be to provide Seabird Island Band with the resources required to complete an integrated community and transportation study, followed by implementation of some if not all recommendations that will result in a cleaner, safer and quieter community.



Finally, Seabird Island Band's Council and administrative staff would like to have an opportunity to speak one on one with the federal and provincial staff that are carrying out this impact assessment to ensure that the Terms of Reference adequately reflect our concerns.


If you have any questions please contact Janice Parsey, Director Intergovernmental Affairs, Seabird Island Band.

Adhere to terms and conditions of other First Nations. Please continue to keep Seabird Island band informed of any changes or concerns regarding this referral.

We reserve the right to address the issue of infringement and compensation with the governments of British Columbia and Canada. We reserve the right to raise objections if any unforeseen cultural or heritage sites are identified during this work or any future development.

Kind Regards,

<Signature removed>

Janice Parsey 
Director of Inter-Governmental Affairs
Seabird Island Band

